

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

LARRY RAYMOND BAILEY COMPLAINANT )
WEST LAUREL WATER ASSOCIATION, INC. DEFENDANT)

No. 2021-00307

Electronically Filed

WEST LAUREL WATER ASSOCIATION, INC.'S RESPONSE TO COMPLAINANT'S MOTION TO DENY DEFENDANT'S MOTION TO DISMISS

Comes the West Laurel Water Association, Inc. ("West Laurel"), by and through counsel, for its Response to Complainant's Motion to Deny Defendant's Motion to Dismiss, and states as follows:

Larry Raymond Bailey filed his original Complaint in this action on April 19, 2021, on September 23, 2021 he filed an Amended Complaint. His complaint is now, only on his own behalf and his only requested relief is "West Laurel refund my late fee." On September 23, 2021 West Laurel Water Association, Inc. issued a refund check to Larry Raymond Bailey for \$3.01 (Three dollars and one cent). Mr. Bailey requested no further relief and for such reasons, West Laurel Water Association, Inc. filed a Motion to Dismiss this action. Complainant has now filed a Motion to Deny the Defendant's Motion to Dismiss.

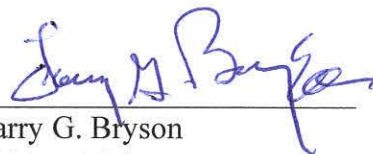
Complainant repeatedly discusses "all customers" in his Motion, this is ignoring that the Public Service Commission ("PSC") already ruled on the Complainant's issues on behalf of "all customers." Complainant can only bring issues on behalf of himself. (See Order from PSC dated August 18, 2021). The Order quotes 807 KAR 5:001 stating "A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)." The PSC issued another order, maintaining their position that the Complainant cannot bring issued on behalf of "all customers" after the Complainant filed a Motion to Reconsider. (See Order from PSC dated September 2, 2021). Complainant admits in his Motion that he "changed [his] request to refund late fees to all West Laurel's customer and reconnect services to customers who were

improperly disconnected, to a request [his] late fees.” It is still unclear exactly what Complainant wants or expects to happen, his late fee was refunded but he wants to continue this senseless legal issue.

Complainant states “public interest” in the event the Defendant repeats this same action, as a reason for the PSC to not dismiss this action, however the change of law during the Special Session limited the Governor’s Emergency Orders to 30 days (House Bill (H.B.) 1, Senate Bill (S.B.) 1, S.B. 2, and House Joint Resolution (H.J.R.) 1), the situation in which Complainant believes could happen again, could not, legally happen again. (See KRS 39A.090 and 39A.100). Complainant goes on to state “[s]ince the pandemic is at full force a very real possibility exists that another EO may be issued suspending late fees by West Laurel.” This is not a “very real possibility” as we previously stated, the Governor’s Executive Order powers were limited to thirty (30) days and he can no longer order the suspension of late fees for a lengthy period of time. (See KRS 39A.090). See also the recent Kentucky Supreme Court decision *Cameron v. Beshear*, No. 2021-SC-0107-I, 2021 WL 3730708, at \*9 (Ky. Aug. 21, 2021), holding that the Governor’s powers could be limited in such a way.

For these reasons and reasons stated in our Motion to Dismiss, Complainant’s Motion to Deny the Defendant’s Motion to Dismiss should be denied. The Defendant’s Motion to Dismiss should be granted and this claim be dismissed.

Respectfully submitted,



Larry G. Bryson  
318 W. Dixie Street  
London, KY 40741  
(606) 878-7123  
Email: [lgbryson@windstream.net](mailto:lgbryson@windstream.net)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail and/or U.S. Mail, postage paid to the following:

Original:

Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602  
[PSCED@ky.gov](mailto:PSCED@ky.gov)

Copy:

Larry Bailey  
181 Ben Bailey Road  
London, KY 40744

This the 1<sup>st</sup> day of October, 2021.

  
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Larry G. Bryson