

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO, 2021-00307

LARRY RAYOMND BAILEY

COMPLAINANT

V. **REPLY TO WEST LAUREL'S RESPONSE**

WEST LAUREL WATER ASSOCIATION, INC.

DEFENDANT

I Come Now, in reply to West Laurel's response to my motion to deny their motion to dismiss.

HISTORY

On September 23, 2021 I filed an amended complaint. In that amended complaint I changed my request from refunding late fees to all West Laurel's customers and reconnecting service to all customers who were improperly disconnected, to a request to refund my late fees. In that amended complaint I also discussed my intent to refer to all customers as evidence supporting my complaint stating, "I will reference West Laurel's customers as a matter of supporting evidence in my complaint." On September 23, 2021 West Laurel filed its motion to dismissed based on economic reasons. On September 30, 2021 I filed a motion to deny West Laurel's motion to dismiss. On October 1, 2021 West Laurel filed its response to my motion.

REPLY

In its response West Laurel asserts that the PSC ruled on my language referring to all customers. However, West Laurel conflates referring to all customers with requesting relief for all customers. In my amended complaint I addressed the difference and stated that I would refer to all customers for supporting evidence. West Laurel had an opportunity to address that statement when it filed to dismiss, but it did not respond. Neither did it deny any assertions I made in the amended complaint. Nonetheless, West Laurel now contends that I am ignoring the PSC's order that I cannot legally represent other customers. It was West Laurel's policy to reinstate late fees to **all customers** without notification, **not just me**. It supports my contention that I was assessed a late fee as a matter of public policy, and for no other reason. Therefore, discussing their policy relating to all customers is relevant to my complaint even if I do not request relief for all customers. West Laurel wants to eliminate any conversation of its public policy, or use of its public record, unless it supports their own defense.

West Laurel also contends that another suspension of late fees is not possible due to a change in Kentucky law limiting EO's to thirty days. Pursuant to KRS § 39A.090, cited by West Laurel, an EO can be extended by the general assembly. West Laurel asserts that KRS § 39A.100 somehow eliminates any chance of this matter being repeated in the future. Again, the language in § 39A.100 requires the involvement of the general assembly to continue an EO. West Laurel assumes the general assembly would never extend an EO suspending late fees for their customers. Whether the courts support those new statutes is irrelevant to the general assembly's power to extend an EO suspending

late fees. The governor can still issue EO's, and the general assembly can later extend them. Therefore, West Laurel's argument rests on its own legal theory.

Despite the request in my motion to deny West Laurel's motion to dismiss, they claim not to understand what I want or expect to happen. Notwithstanding West Laurel's contention that my complaint is "senseless" it is based on legal authority and should be considered by the PSC as such evidence.

CONCLUSION

As I have mentioned before, there is a real possibility that another EO may be issued, and I could face the same matter again in the future. New law does not eliminate that possibility, in fact it supports it. Since the issue relates to public policy it is a matter of public interest. Therefore, the PSC should rule on the matter and deny West Laurel's motion to dismiss.

Respectfully Submitted:

Larry Bailey
181 Ben Bailey Road
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CERTIFICATE OF SERVICE:

I certify that a copy of this pleading was sent on October 4, 2021 to,

The Kentucky Public Service Commission
psced@ky.gov

And

USPS to

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