### DAMON R. TALLEY, P.S.C.

112 N. LINCOLN BLVD. P.O. BOX 150 HODGENVILLE, KENTUCKY 42748

> Tel. (270) 358-3187 FAX (270) 358-9560 February 13, 2004

RECEIVED

FEB 1 8 2004

PUBLIC SERVICE COMMISSION

ATTORNEY AT LAW

Mr. Thomas M. Dorman Executive Director Public Service Commission P.O. Box 615 Frankfort, KY 40602

**DAMON R. TALLEY** 

RE: Case No. 2004-00027

City of Hawesville Complaint

East Daviess County Water Association, Inc.

Dear Mr. Dorman:

Enclosed for filing are the original and ten (10) copies of the Answer of East Daviess County Water Association, Inc.

Yours truly,

DAMON R. TALLEY, P.S.C.

DAMON R. TALLEY, ATTORNEY FOR EAST DAVIESS COUNTY WATER

ASSOCIATION, INC.

DRT:In

**Enclosures** 

cc: East Daviess County Water Association, Inc.

Charles C. Mattingly, III

FEB 1 8 2004

### PUBLIC SERVICE COMMISSION

# COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

CITY OF HAWESVILLE, KENTUCKY

VS. ) CASE NO. 2004-00027 ) EAST DAVIESS COUNTY WATER )

ASSOCIATION, INC.

DEFENDANT

)

COMPLAINANT

IN THE MATTER OF:

## **ANSWER TO COMPLAINT**

Comes the East Daviess County Water Association, Inc. ("East Daviess"), by Counsel, and for its Answer to the Complaint filed by City of Hawesville, Kentucky ("City"), states as follows:

1. East Daviess **denies** that it extended its water lines into an area already serviced by the City. East Daviess did not extend any water line in order to provide service to John H. Brickey.

2. On or about July 18, 2002, Mr. Brickey applied for water service from East Daviess and paid the required meter connection ("tap") fee. A few days later, East Daviess set a meter for Mr. Brickey. The meter was set at the end of East Daviess' existing water line (the water line was constructed in 1987). No line extension was made by East Daviess. Mr. Brickey installed a long service line (over 1,000 feet) from the meter to his residence.

3. East Daviess believed then, and still believes today, that it would have violated PSC regulations and state law if it had refused service to Mr. Brickey. If Mr. Brickey had filed a complaint with the PSC, the PSC would have ordered East Daviess to provide service to Mr. Brickey.

For the foregoing reasons, East Daviess respectfully requests the Public Service Commission to dismiss the Complaint filed by the City.

Respectfully Submitted,

DAMON R. TALLEY, P.S.C.

DAMON R. TALLEY

P. O. BOX 150

**HODGENVILLE KY 42748** 

(270) 358-3187

FAX (270) 358-9560

ATTORNEY FOR EAST DAVIESS

COUNTY WATER ASSOCIATION, INC.

## **CERTIFICATE OF SERVICE**

This is to certify that I have mailed a true copy of the foregoing Answer this

day of February, 2004, to the following:

Hon. Charles C. Mattingly, III 723 South Main Street P. O. Box 72 Hardinsburg, KY 40143

Thomas E. Payne, Manager East Daviess County Water Association, Inc. 9210 Highway 144 Philpot KY 42366

DAMOŇ R. TALLEY