



Lexington Financial Center
250 West Main Street, Suite 1600
Lexington, Kentucky 40507-1746
859.233.2012
Fax: 859.259.0649

James H. Newberry, Jr.
859.288.7621
jnewberry@wyattfirm.com

RECEIVED

OCT 14 2004

PUBLIC SERVICE
COMMISSION
FD

6:00 PM

PLS
COM

October 13, 2004

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: In the matter of the Joint Applicants' Response to Southern Madison
Water District's Motion to Intervene
Case No. 2004-00331

Dear Ms. O'Donnell:

Enclosed for filing please find the original and ten (10) copies of the Joint Applicants' Response to Madison Water District's Motion to Intervene.

Please return a date-stamped copy to me. If you have any questions, please call me.

Sincerely yours,

James H. Newberry, Jr.

JHN/sc

Enclosures

cc: David Spenard, Esq.
Anita Mitchell, Esq.
J.T. Gilbert, Esq.
C. Michael Weldon, Esq.
Judge B. Wilson, II, Esq.
Noelle M. Holladay, Esq.

30336740 2

www.wyattfirm.com

250 West Main Street, Suite 1600
Lexington, KY 40507-1746
859 233 2012

918 State Street
Bowling Green, KY 42101
270 842 1050

1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
901 537 1000

500 West Jefferson Street, Suite 2800
Louisville, KY 40202-2898
502 589 5235

311 West Main Street
Frankfort, KY 40601-1807
502 223 2104

2525 West End Avenue, Suite 1500
Nashville, TN 37203-1423
615 244 0020

101 West Spring Street, Suite 500
New Albany, IN 47150-3610
812 945 3561

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

OCT 14 2004

PUBLIC SERVICE
COMMISSION

In the Matter of:

NOTICE OF INTENT OF BEREA COLLEGE)
TO FILE AND APPLICATION FOR THE) **Case No. 2004-00331**
TRANSFER OF UTILITY ASSETS TO)
THE CITY OF BEREA)

**JOINT APPLICANTS' RESPONSE TO SOUTHERN MADISON
WATER DISTRICT'S MOTION TO INTERVENE**

** ** ** ** ** ** ** ** ** ** ** **

The Joint Applicants, through counsel, state that they have no objection to Southern Madison Water District's proposed intervention in this case, provided that such intervention does not delay the November 23, 2004 hearing. Any delay in that hearing or in the subsequent entry of an order by the Commission may jeopardize the City's bond financing. Thus, so long as the hearing can proceed as scheduled, the Joint Applicants have no objection. If the intervention results in any delay, the Joint Applicants object because of the potential harm that may result from the inability to close the purchase prior to the middle of December.

Respectfully submitted,

James H. Newberry, Jr.
Noelle M. Holladay
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, KY 40507
859.233.2012

and

Judge B. Wilson, II
General Counsel
Berea College
CPO 2211
Berea, KY 40404
859.985.3131

By: James H. Newberry, Jr.
ATTORNEYS FOR BERA COLLEGE

James T. Gilbert/JHW
James T. Gilbert, Esq.
Coy, Gilbert & Gilbert
212 North Second Street
Richmond, KY 40475

ATTORNEY FOR CITY OF BERA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Joint Applicants' Response to Motion to Intervene was served via regular mail, upon the following:

Anita Mitchell, Esq.
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

David Spenard, Esq.
Elizabeth Blackford, Esq.
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

C. Michael Weldon, Esq.
250 Delido Court
Punta Gorda, FL 33950

This the 13th day of October, 2004.

James H. Newberry, Jr.
James H. Newberry, Jr.

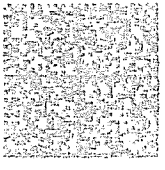


Lexington Financial Center
 250 West Main Street, Suite 1600
 Lexington, Kentucky 40507-1746

WYATT, TARRANT & COMBS, LLP

First Class Mail

Ms. Elizabeth O'Donnell
 Executive Director
 Public Service Commission
 211 Sower Boulevard
 P.O. Box 615
 Frankfort, KY 40602
 |||||



POSTAGE WILL BE PAID BY ADDRESSEE
 \$01.20
 PERMIT NO. 3075
 FRANKFORT, KY 40602
 MAIL PERMIT ZIP CODE ONLY