

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2005-00235

RECEIVED

JUN 14 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:
Alternative Rate Filing Adjustment
of Mallard Point Disposal Systems, Inc.

**RESPONSE TO OBJECTION FOR FULL INTERVENTION BY PEGGY and
JEROEN van der GAAG**

In its objection to Peggy and Jeroen van der Gaag's motion to intervene to the fullest extend, Mallard Point Disposal Systems, Inc (MPDS) gives the following grounds:

That I, Jeroen van der Gaag have published defamatory statements and documents about Mark Smith and that I'm also a Defendant in the action styled Mark Smith v. Jeroen van der Gaag

While I admit that I'm the Defendant in the above-mentioned action presently pending in the Scott Circuit Court, I deny Mr. Smith's allegations that I have published defamatory statements about him to other members of the Mallard Point Owners Association, Inc., to various members of law enforcement agencies, and/or to regulatory bodies. At this point in the Scott Circuit Court litigation, Mr. Smith has failed to provide any specifics as to the alleged defamatory statements he claims I have made. Presumably, his assertion in his Complaint as to my publication of defamatory statements about him to various unspecified regulatory bodies relates to my previous intervention in MPDS's last application for a sewer rate increase before this Public Service Commission. As the PSC may recall, the concerns I raised during this previous MPDS rate increase request were for the most part the very same concerns raised by several other interveners, including the Attorney General and the PSC's own staff.

Mr. Smith was, and apparently still is, unhappy that the PSC denied the full amount of his company's previous rate increase request. Indeed, I believe that he filed the defamation lawsuit precisely because he wanted to attempt to utilize same to prevent me (and others) from intervening in the current proceeding and from raising appropriate questions and/or objections to MPDS's new request. However I fully intend to vigorously defend Mr. Smith's claims against me, and to prosecute my own claims against Mr. Smith in the Scott Circuit Court proceeding. Towards that end, my legal counsel has already filed on my behalf an Answer and Counterclaim, along with written discovery requests to MR. Smith, seeking more specific information as to the purported basis of his claims. It is my opinion that the present rate increase proceeding before the PSC should be an entirely separate matter from the Scott Circuit Court civil action filed by Mr. Smith. However, to the extent that Mr. Smith and MPDS wish to inject those proceedings into these proceedings, I will be happy to provide copies of the pleadings and/or discovery requests and responses thereto should the PSC determine that it wishes to review it.

Obviously my wife and I agree that the PSC's proceeding should remain focused on MPDS's Application and any infirmities.

Peggy and I are residents of Mallard Point and as such rate paying customers of MPDS, we therefore respectfully request that the objection of MPDS to our motion to intervene to the fullest extent permitted by law will be denied.

Respectfully

A handwritten signature in black ink, appearing to read 'J. van der Gaag', written over a horizontal line.

Jeroen van der Gaag
113 Shoveler Court
Georgetown, KY 40324

CERTIFICATE OF SERVICE

I hereby certify that the original was mailed, postage prepaid, to the following:

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

And that a copy of the foregoing was mailed, postage prepaid, to the following:

Robert Warhus
130 Greenwing Court
Georgetown, KY 40324

Honorable David Edward Spenard
Office of the Attorney General
1024 Capital Center Drive, #200
Frankfort, KY 40601-8204

Honorable James M. Mooney
Mooney, Mooney & Mooney
208 South Limestone Street
Lexington, KY 40508-2502

On this day the 13th day of July, 2005

A handwritten signature in black ink, appearing to read 'Jeroen van der Gaag', written over a horizontal line.

Jeroen van der Gaag