

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of: )  
)  
APPLICATION OF RED BARN WASTE ) CASE NO.  
MANAGEMENT, LLC FOR THE APPROVAL OF ) 2006-00051  
THE TRANSFER OF OWNERSHIP AND )  
OPERATING INTERESTS OF CHIMNEY ROCK )  
WASTE MANAGEMENT, LLC )

**NOTICE OF WITHDRAWAL**

Comes the Applicant, Red Barn Waste Management, LLC, and notifies the Kentucky Public Service Commission that it is withdrawing its current application to transfer the authority granted to Chimney Rock Waste Management, LLC to operate a waste treatment facility in Mercer County, Kentucky.

As grounds for this motion, the Applicant states that it has been notified that there are additional matters which the Commission's staff needs to have resolved prior to making a final recommendation to the Commission concerning the viability of this application. As will be noted from the record, through an administrative oversight, counsel for the applicant was not provided the first inquiry of staff until after the deadline for response to those inquiries had been passed and therefore staff has not had sufficient time to review the information submitted and provide a recommendation to the Commission within the statutorily required time periods.

THEREFORE, it is the intent of the Applicant to withdraw this current application prior to the expiration of the statutory time period within which the Public Service Commission must act, obtain the necessary information requested by staff, and reapply for the transfer in order to expeditiously obtain the transfer of ownership of the facility and the operation of that facility for the benefit of the users of the waste treatment facility at this location.

THEREFORE, the Applicant, Red Barn Waste Management, LLC hereby respectfully withdraws its application in the above referenced matter and reserves its right to refile for subsequent, and hopefully expeditious, review and determination by this Commission.

This Notice is given this 26<sup>th</sup> day of May, 2006.

Respectfully submitted,

  
George I. Seay, Jr.

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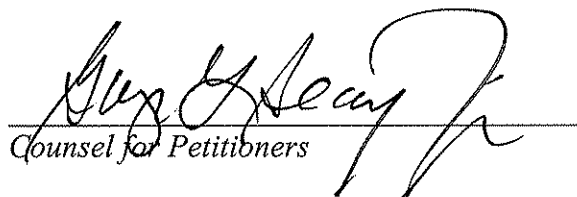
*Counsel for Applicant Red Barn Waste  
Management, LLC, and Jeffrey C.  
Ruttenburg*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served upon the following, by U.S. Mail, on this the 26<sup>th</sup> day of May, 2006:

Hon. David Spenard  
Assistant Attorney General  
Office of the Attorney General  
Utility & Rate Intervention Division  
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