

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAR 13 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

LISA MICHELLE JACKSON)
)
COMPLAINANT)
)
v.)
)
APPALACHIAN WASTE CONTROL)
)
DEFENDANT)

CASE NO. 2008-00078

ANSWER

Comes the Defendant, Appalachian Waste Control, by and through its temporary Receiver, Squire N. Williams III, and for its Answer to the Plaintiff's Complaint in the proceeding, respectfully states:

1. That this Defendant admits that the Complainant's address is 14 N. Travis Drive, Thelma, Kentucky 41260.
2. That this Defendant affirmatively states that Appalachian Waste Control is currently in the care of a temporary receiver, with the address of P.O. Box 676, Frankfort, Kentucky 40602.
3. That this Defendant admits so much of the allegation contained in Paragraph (c) of the Complainant's Complaint that allege that 10 day's notice was given to the Complainant that her water service would be turned off unless the amount of \$530.48 was paid. The Defendant further states that the notice, which is attached to the Complaint, also gave the Complainant the opportunity to enter into a payment agreement. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the

allegations contained in Paragraph (c), and therefore denies same.

4. Further this Defendant states that, to date, the Complainant has paid nothing (\$0) for sewer services since Appalachian Waste Control, Inc. was placed in receivership in December, 2006.

5. That this Defendant denies each and every allegation contained in the Plaintiff's Complaint not specifically responded to above.

FIRST DEFENSE

The Complainant's Complaint fails to state a claim for which relief can be granted by this Commission, and must be dismissed.

SECOND DEFENSE

The Complainant's Complaint fails to state fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference to any law, order, section, or subsection which she claims has been violated, as required by 807 KAR 5:001 §12(1)(c), and therefore, the Plaintiff's Complaint must be dismissed.

THIRD DEFENSE

The Complainant's Complaint fails to set forth definitively the exact relief which is desired, as required under the provisions of 807 KAR 5:001 §12(1)(c), and therefore must be dismissed.

FOURTH DEFENSE

At the time of the service of this Answer, the Defendant has agreed not to shut off water service to the Complainant's residence as long as the Complainant and her spouse, with whom Defendant has communicated, comply with a proposed plan to pay the Complainant's current and

delinquent sewer charges in installments. Accordingly, the Complainant's Complaint is moot and should be dismissed.

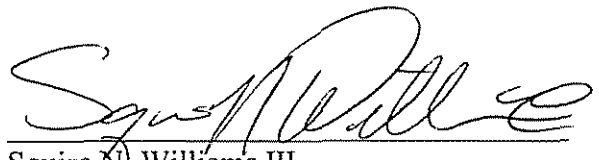
FIFTH DEFENSE

The Defendant herein and the Kentucky Environmental and Public Protection Cabinet are currently negotiating with adjacent landowners and the Johnson County Fiscal Court to obtain permits and easements to connect the customers of the Neil Price wastewater treatment plant, including the Complainant herein, to the nearby Thelma No. 2 wastewater treatment plant, thus eliminating the non-functioning Neil Price plant. To date, such negotiations have been unsuccessful.

WHEREFORE the Defendant prays as follows:

1. That the Plaintiff's Complaint be dismissed.
2. That the Defendant be awarded its costs and fees incurred in defending against the Plaintiff's Complaint.
3. For any and all other relief to which the Defendant may appear entitled.


Respectfully submitted,



Squire N. Williams III
Temporary Receiver for
Appalachian Waste Control
P.O. Box 676
Frankfort, Kentucky 40602
(502) 227-2271

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Answer was mailed via U.S. Mail, first class to Lisa Michelle Jackson, 14 N. Travis Drive, Thelma, Kentucky 41260 on this the 13 day of March, 2008.



Squire N. Williams III