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FEB 16 2009

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2008-00488

IN THE MATTER OF:

	GERALD E. BRIFFA)	
)	
	COMPLAINANT)	CASE NO.
)	2008-00488
)	
V.)	
)	
	BLUE GRASS ENERGY COOPERATIVE)	
	CORPORATION)	
)	
	DEFENDANT)	

RENEWAL OF MOTION TO DISMISS

By Order dated January 16, 2009, the Complainant was ordered to submit a written response to Defendant's Motion To Dismiss within 20 days of the date of that Order. Not counting the day of the Order (January 16) the 20 days expired for the Complainant to submit his written response on February 5, 2009.

The undersigned attorney for the Defendant, Blue Grass Energy, has learned by telephone call to the Commission today, February 16, that the Complainant tendered a response to the Commission on February 6, a day late. The Complainant failed to provide counsel for Blue Grass with a copy of his tendered response, by mail or otherwise.

Blue Grass Energy therefore moves the honorable Commission to dismiss the Complainant's complaint for the reason that he failed to comply with the Commission's

Order of January 16 by timely filing a response, and further for the reason that the Complainant failed to timely provide a copy of his response to counsel for Defendant.

COMBS & HOFFMAN

By: 

CASSIE G. WELLS

RALPH K. COMBS

100 United Drive, Suite 4B

Versailles, Kentucky 40383

(859) 873-5427

ATTORNEYS FOR BLUE GRASS ENERGY

COOPERATIVE CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Renewal of Motion to Dismiss was served on Gerald E. Briffa, Esq., 4301 Ravens Crest Lane, Lexington, Kentucky 40515, by United States First Class Mail.

All this the 16th day of February, 2009.


CASSIE G. WELLS

RALPH K. COMBS