

June 5, 2009

1010 College Street
P.O. Box 738
Bowling Green, KY 42102-0738
Telephone: 270.781.8111
Facsimile: 270.781.9027

Jeff Derouen, Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40602-0615

RECEIVED
JUN 08 2009
PUBLIC SERVICE
COMMISSION

IN RE: Cooksey v. Bowling Green Municipal Utilities Board
and Warren County Water District
Case No. 2009-00190

Dear Mr. Derouen:

On behalf of defendant, Bowling Green Municipal Utilities Board, I enclose six copies of BOWLING GREEN MUNICIPAL UTILITIES BOARD'S MOTION TO DISMISS, MEMORANDUM IN SUPPORT OF BOWLING GREEN MUNICIPAL UTILITIES BOARD'S MOTION TO DISMISS, and proposed ORDER OF DISMISSAL, which I would appreciate your filing in this action, in response to the Complaint filed by Cooksey.

This MOTION is filed within the time allowed by the Order entered May 29, 2009.

Please call if you have any questions.

Very truly yours,


Timothy L. Edelen

TLE/sml

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2009-00190

RECEIVED

JUN 08 2009

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

ROY G. COOKSEY

COMPLAINANT

v.

**BOWLING GREEN MUNICIPAL UTILITIES BOARD'S
MOTION TO DISMISS**

BOWLING GREEN MUNICIPAL UTILITIES BOARD and
WARREN COUNTY WATER DISTRICT

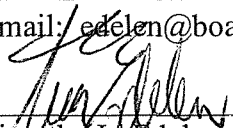
DEFENDANTS

Comes the defendant, Bowling Green Municipal Utilities Board ("BGMU"), by counsel, and hereby moves the Public Service Commission to dismiss the Verified Complaint and Petition filed by the complainant because the Commission lacks jurisdiction over this matter. In support of this motion, BGMU files contemporaneously herewith its memorandum of law.

In the alternative, should the Commission determine not to grant this Motion, BGMU respectfully requests that it be granted additional time in which to file an answer to the Verified Complaint and Petition.

This 5th day of June, 2009.

BELL, ORR, AYERS & MOORE, P.S.C.
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1010 College Street
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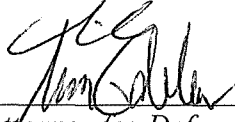
Timothy L. Edelen
*Attorney for Defendant,
Bowling Green Municipal Utilities Board*

This is to certify that a true and exact copy of the foregoing has this day been mailed to:

Keith M. Carwell
ENGLISH, LUCAS, PRIEST & OWSLEY, LLP
1101 College Street
P.O. Box 770
Bowling Green, KY 42102-0770
Attorney for Complainant, Roy G. Cooksey

Frank Hampton Moore, Jr.
Cole & Moore, PSC
921 College Street
P. O. Box 10240
Bowling Green, KY 42102-7240
Attorney for Defendant Warren County Water District

This 5th day of June, 2009.



*Attorney for Defendant,
Bowling Green Municipal Utilities Board*