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JUN 08 2009

PUBLIC SERVICE  
COMMISSION

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June 5, 2009

**VIA OVERNIGHT DELIVERY**

FRANK R. GOAD  
(1915-2005)

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

**RE: *Roy G. Cooksey, M.D. v. Bowling Green Municipal Utilities Board, et al.***  
**PSC Case No. 2009-00190**

Dear Mr. Derouen:

Enclosed please find the original and one copy of an Answer to Complaint on behalf of Defendant, Warren County Water District, in the above-referenced matter. Please file the original answer and provide me a file-stamped copy in the enclosed envelope. Thank you for your assistance in this regard. Please call with any questions.

Very truly yours,

COLE & MOORE, P.S.C.



Frank Hampton Moore, Jr.  
Matthew P. Cook

MPC/bwv  
Enclosures  
xc: Alan H. Vilines, P.E. (w/ *encl.*)

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF

ROY G. COOKSEY, M.D.,

COMPLAINANT

V.

BOWLING GREEN MUNICIPAL UTILITIES BOARD and  
WARREN COUNTY WATER DISTRICT,

DEFENDANTS

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COMMISSION

CASE NO. 2009-00190

**ANSWER TO COMPLAINT ON BEHALF OF DEFENDANT,**  
**WARREN COUNTY WATER DISTRICT**

Defendant, Warren County Water District, by counsel, for its answer to the verified complaint and petition filed herein by Roy G. Cooksey, M.D., states as follows:

**FIRST DEFENSE**

1. The Complainant's verified complaint and petition fails to state a claim against the Answering Defendant upon which relief may be granted.
2. Any allegation in the Complainant's verified complaint and petition not specifically admitted herein by the Answering Defendant is denied.

**SECOND DEFENSE**

1. The Answering Defendant admits the factual allegations set forth in paragraph 1 of the Complainant's verified complaint and petition except for the allegations that the Complainant's predecessor provider was the Northside Water District and that the Warren County Water District provided the Complainant's farm an 8-inch water main. In fact, the

predecessor provider was the Westside Water District and the Warren County Water District provided the Complainant's farm with a 10-inch water main.

2. The Answering Defendant admits the factual allegations set forth in paragraph 2 of the Complainant's verified complaint and petition except for the allegation that the sewer service presently available on the Complainant's farm is a 12-inch sewer line. In fact, the sewer service presently available is an 8-inch sewer line.

3. Concerning the factual allegations set forth in paragraph 3 of the Complainant's verified complaint and petition, the Answering Defendant admits that Bowling Green Municipal Utilities ("BGMU") is asserting the right to provide water and sewer service to the rear 70 acres of the Complainant's farm described in the complaint. The Answering Defendant admits that it entered into an agreement with BGMU establishing their respective service boundaries in a manner that has divided the Complainant's farm into two separate service areas. The Answering Defendant further admits the existence of the Agreed Order entered by the Public Service Commission in Case No. 95-044, which required BGMU and the Answering Defendant to create a Joint Engineering, Planning and Finance Committee to address a long-range plan for development and expansion of services and the accompanying resolutions of both Boards that followed. The Answering Defendant denies the remaining factual allegations set forth in paragraph 3 of the Complainant's verified complaint and petition.

4. Concerning the factual allegations set forth in paragraph 4 of the Complainant's verified complaint and petition, the Answering Defendant admits the existence of the amended service boundaries which were agreed to by BGMU and the Warren County Water District. The Answering Defendant denies the remaining factual allegations set forth in paragraph 4 of the Complainant's verified complaint and petition.

5. Concerning the factual allegations set forth in paragraph 5 of the Complainant's verified complaint and petition, the Answering Defendant does not contest that the Public

Service Commission has jurisdiction over the dispute referenced in the verified complaint and petition.

6. Concerning the factual allegations set forth in paragraph 6 of the Complainant's verified complaint and petition, the Answering Defendant denies that it has violated any statute or regulation or otherwise harmed the Complainant in any way. With that said, the Answering Defendant is willing to be the provider of water and sewer service to the Complainant's entire farm through an adjustment of the service area boundaries of BGMU and the Warren County Water District.

7. Concerning the factual allegations in paragraph 7 of the Complainant's verified complaint and petition, the Answering Defendant denies that it has violated any statute or regulation or otherwise harmed the Complainant in any way. With that said, the Answering Defendant does not object to a declaration that it shall be the sole provider of water and sewer service to the Complainant's entire farm through an adjustment of the service area boundaries of BGMU and the Warren County Water District.

8. The Answering Defendant denies that the Complainant is entitled to any damages from it as a result of any allegation made in the verified complaint and petition.

WHEREFORE, Defendant, Warren County Water District, prays for the following relief:


1. That the Complainant's verified complaint and petition be dismissed with prejudice against it, the Complainant to take nothing by way of relief from it thereunder;

2. Alternatively, for a declaration or order from the Public Service Commission that the Warren County Water District shall be the sole provider of water and sewer service to the Complainant's entire farm referenced in the verified complaint and petition; and

3. For any and all other relief to which it may be deemed entitled.

This 5<sup>th</sup> day of June, 2009.

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Frank Hampton Moore, Jr.  
Matthew P. Cook  
*Counsel for Warren County Water District*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has this 5<sup>th</sup> day of June, 2009, forwarded to the following:


**Original by FedEx:**

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

**Copies by U.S. Mail to:**

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