

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2009-00247

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AUG 06 2009
PUBLIC SERVICE
COMMISSION

SOUTH SHORE WATERWORKS CO.

COMPLAINANT

VS.

CITY OF GREENUP, KENTUCKY

DEFENDANT

MOTION TO HOLD IN ABEYANCE FOR NINETY DAYS AND FOR OTHER RELIEF

Comes now the Defendant, City of Greenup, Kentucky, by and through counsel, and respectfully moves the Public Service Commission to hold this matter in abeyance for forty five (45) days to allow the parties to come to an agreement to resolve the matter. As grounds thereof, counsel would state as follows:

Counsel for the City and the corporation have been in communication since shortly after the Complaint was filed. Offers have been made and will be discussed at the next regularly scheduled Greenup City Council meeting of August 11, 2009 at 6:00 p.m.

It is hoped by counsel for both parties that an agreement can be reached on the matter so no further litigation is necessary.

Further, counsel for the City of Greenup will update the Commission every thirty (30) days of the progress of the negotiation, if so desired by the Commission.

It is the undersigned's sincere belief that it is possible to make an agreement in this situation that would save both the utility and the City significant sums of money in litigation. Counsel would also request that all pleadings be forwarded to him in the future.

Counsel for both utility and City have spoke on Sunday, August 2, 2009, about this matter and the undersigned anticipates no objection on the part of South Shore Waterworks.

Further, on Sunday, August 2, 2009, counsel herein became aware that the Commission had issued an Order to answer or comply. Previously, counsel was not aware of the Order but has now been forwarded a copy of it. As such, and in the event the motion to hold in abeyance is denied, counsel would request an additional ten (10) days to answer the Complaint.

According to the Order, the Order was mailed to no specific official of the City of Greenup. The Order, if received by the City, was not forwarded to counsel.

The Order, if received by the City, was not forwarded to counsel herein or an Answer would have been promptly filed. Further, the City does anticipate a defense as to jurisdiction, if no agreement can be worked out.

As such, in the event the Commission is not inclined to hold the case in abeyance, counsel would request on behalf of the City that it be given ten days in which to file an Answer to the Complaint filed by South Shore.

WHEREFORE, the Defendant prays for the above relief and for any and all other relief to which he may appear entitled.

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BY: _____

HON. R. STEPHEN MCGINNIS
Attorney for Defendant

I do hereby certify that a true and correct copy
of the foregoing has been mailed to:

Hon. R. Benjamin Crittenden
Stites & Harbison, PLLC
P. O. Box 634
Frankfort, KY 40602-0634

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

This 5 day of August 2009.



HON. R. STEPHEN MCGINNIS