

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 11 2010

PUBLIC SERVICE  
COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE CONDITION )  
AND MANAGEMENT OF BIG VALLEY )  
SANITATION, INC. AND WOODLAND ) Case No. 2009-00378  
ACRES SANITATION, INC. SEWAGE )  
TREATMENT FACILITIES )

**POST-HEARING BRIEF OF JOSEPH MURPHY**

Comes Joseph Murphy, by counsel, and hereby files his Brief in the above styled action.

A review of the testimony and the exhibits filed in this action reflects that the Woodland Acres Wastewater Treatment Plant and collection system (hereinafter "Woodland Acres WWTP") has not been abandoned.

1. The testimony of the witnesses established that the Estate of John Ford conveyed any and all interest it had in the Woodland Acres WWTP to Joseph Murphy on or about July 2, 2009. The exhibits introduced into the record also established that the Estate of John Ford conveyed any and all interest it had in the Woodland Acres WWTP to Joseph Murphy on or about July 2, 2009. Of course, since Woodland Acres Sanitation, Inc., was administratively dissolved on November 1, 2000, and Mr. Ford was the sole owner of its shares at that time, he would have been the owner of the Woodland Acres WWTP prior to his death. (See Exhibit B to Application For Approval of Transfer in Case No. 2010-00191). Additionally, Mr. Murphy testified that he has purchased the Woodland Acres WWTP site from its prior owner.

2. Joseph Murphy testified that he has been operating the Woodland Acres WWTP since it was conveyed to him by the Estate of John Ford. Brad Trivette, the Inspector from the

Kentucky Division of Water, testified that the Woodland Acres WWTP is up and running and in pretty good shape.

3. Joseph Murphy has filed the Application For Approval of Transfer in Case No. 2010-00191 requesting the approval of the transfer of the Woodland Acres WWTP to Woodland Acres Utilities, LLC, a limited liability company that he formed in order to take ownership of the subject WWTP.

For the above-stated reasons, Joseph Murphy requests the Public Service Commission to determine that the Woodland Acres WWTP has not been abandoned and to approve its transfer to Woodland Acres Utilities, LLC.

Respectfully Submitted,

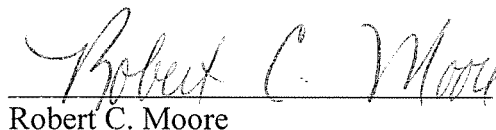


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*for Robert Moore  
by Cathy Feltner*

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail on this the 11<sup>th</sup> day of June, 2010, on Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602, Josh W. Nacey, Office of General Counsel, 200 Fair Oaks, 1<sup>st</sup> Floor, Frankfort, Kentucky 40601, Robert J. Bohnert, 1500 Kentucky Home Life Building, Louisville, Kentucky 40202, Charles Gibbons, Receiver, Big Valley Sanitation, Inc., and Woodland Acres Sanitation, Inc., 772 Heights Drive, Louisville, Kentucky 40291, Sandy Gruzsky, Director, Division of Water, 200 Fair Oaks Lane, 4<sup>th</sup> Floor, Frankfort, Kentucky 40601 and Walter Sholar, Sholar, Miller & Assoc., 129 W. 4<sup>th</sup> Street, P. O. Box 6539, Shepherdsville, Kentucky 40165, William Wilson, City of Shepherdsville, 235 S. Buckman Street, Shepherdsville, Kentucky 40165 and David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.



Robert C. Moore

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