

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

WALTER CALLIHAN,

COMPLAINANT)

Vs.)

) CASE NO. 2011-00351

GRAYSON RURAL ELECTRIC COOPERATIVE
CORPORATION,)

DEFENDANT.)

RESPONSE AND ANSWER OF
GRAYSON RURAL ELECTRIC COOPERATIVE CORPORATION

Comes now Grayson Rural Electric Cooperative Corporation (GRECC) and for its Response and Answer to the within complaint filed by Walter Callihan (CALLIHAN) states as follows:

1. The complaint should be dismissed for the reason that there is an insufficient showing set forth in the handwritten document forming the complaint, that there is any actionable conduct undertaken by GRECC.
2. The handwritten document makes no reference to any actual application filed by CALLIHAN to receive electrical service.
3. In point of fact, CALLIHAN has not applied for electrical service and has not complied with the adopted rules and regulations of GRECC nor the Public Service Commission in that he has failed to pay any deposit, execute any written application, execute any membership agreement, and has failed to pay an outstanding indebtedness owed to GRECC.

4. GRECC adopts, reiterates, and restates, all previous responses and defenses filed in exact similar proceedings initiated by CALLIHAN as its defense in the within action and incorporates same herein by reference the same as if set forth herein verbatim. It is unduly burdensome and cost prohibitive for GRECC to set forth all of those defenses specifically as they have been stated, restated, and multiply restated over the last several years in pleadings filed with the Commission.
5. GRECC asserts an indebtedness owed by CALLIHAN to GRECC for electrical service previously supplied for which payment was not made as has been found and determined to be in existence by earlier Orders in other proceedings before this Commission and in Circuit Court actions not the least of which is an action filed by CALLIHAN and ruled upon by Special Judge David Hagerman of the Boyd Circuit Court adjudicating the indebtedness, adjudicating an attorney fee to be paid by CALLIHAN to GRECC and other proceedings including actions in the United States District Court for the Eastern District of Kentucky where CALLIHAN was ordered to be enjoined from filing any further civil or administrative actions regarding this matter.
6. The allegations in the written document of CALLIHAN with respect to a Statute of Limitations is inapplicable, and is of no force and effect. The Statute of Limitations is nothing more than an affirmative defense to be asserted by a Defendant in a civil action. No action has been initiated by GRECC against CALLIHAN so therefore a reference to a Statute of Limitations is irrelevant.
7. CALLIHAN owes Grayson Rural Electric Cooperative Corporation for electric service received for which payment was not made dating back to 2003. Unless and until payment is made, application executed, membership agreement executed, and deposits

made, as well as the execution of a right-of-way easement, an agreement by CALLIHAN to allow GRECC employees on his property to install, erect and maintain electrical lines and facilities, then no service should be provided to CALLIHAN.

8. CALLIHAN has failed to follow the above mentioned rules and regulations, has not made proper application nor paid GRECC the outstanding indebtedness of which he is well aware.

WHEREFORE, GRECC having fully answered and responded herein prays that the complaint be dismissed, that CALLIHAN take nothing thereunder, that his continued actions in filing frivolous administrative and civil matters be appropriately sanctioned and that GRECC be awarded all other and appropriate relief.

RESPECTFULLY SUBMITTED,

W. JEFFREY SCOTT, PSC

BY: _____

W. JEFFREY SCOTT
P.O. BOX 608
GRAYSON, KY 41143
(606) 474-5194

This is to certify that the foregoing has been served upon the parties by mailing a true and correct copy of same to:

Mr. Walter Callihan
P.O. Box 17
Argillite, KY 41121

This the 16th day of September, 2011.

W. Jeffrey Scott