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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JONATHAN CREEK WATER DISTRICT )  
AND ITS INDIVIDUAL COMMISSIONERS, )  
JIMMY TUBBS, BARRY HILL, JOSH )  
MEDLEY, MARK HOLT, AND KARA )  
WILSON )

CASE NO.  
2017-00469

\_\_\_\_\_  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.300 )

**MOTION TO DISMISS KARA WILSON AND JOSH MEDLEY**  
**AS PARTIES TO THIS PROCEEDING**

Respondents Kara Wilson and Josh Medley (collectively “Respondents”) by and through counsel, individually and jointly move for an Order dismissing each as a party to this proceeding on the grounds that they were not commissioners of the Jonathan Creek Water District (“District”) on the date of the alleged violation of KRS 278.300 set forth in the Commission’s Order dated January 11, 2018 (“Commission’s Order”).

The Commission joined the Respondents in this proceeding because it found that a *prima facie* case existed against Respondents “acting in their respective individual capacities as members of Jonathan Creek’s Board of Commissioners, willfully aided and abetted in the above violation.”<sup>1</sup> However, the Respondents were not members of the District’s Board of Commissioner’s on the date of the violation. Therefore, they could not have willfully aided and abetted in the violation alleged in the Commission’s Order as commissioners of the District.

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<sup>1</sup> (Commission’s Order, p. 2).

Under KRS 278.300, no utility shall issue evidences of indebtedness until it has been authorized to do so by order of the commission. The Commission's Order alleges that the District violated KRS 278.300 by issuing a promissory note to Community Financial Services Bank on May 3, 2016, without the Commission's authorization.

As set forth in their respective Responses to the Commission's Order herein, which are incorporated by reference, Respondents were not members of the District's Board of Commissioners on the date of the alleged violation. Kara Wilson did not join the District's Board of Commissioners until February 7, 2017.<sup>2</sup> Josh Medley did not join the District's Board of Commissioners until July 1, 2016.<sup>3</sup> Accordingly, the Respondents could not have willfully aided and abetted in the violation of KRS 278.300 as alleged in the Commission's Order.

WHEREFORE, the Respondents Kara Wilson, respectfully request that they be dismissed as parties to this proceeding.

Respectfully submitted,



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*Counsel for Respondents, Kara Wilson and  
Josh Medley – Current Commissioners*

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<sup>2</sup> See, Minutes of the Marshall County Fiscal Court dated February 7, 2017, attached as Exhibit B to Kara Wilson's Response to the Commission's Order herein.

<sup>3</sup> See, Minutes of the Marshall County Fiscal Court dated June 21, 2016, attached as Exhibit B to Josh Medley's Response to the Commission's Order herein.

**CERTIFICATE OF MAILING**

I certify that the original and ten copies of the foregoing were sent to the following for filing by U.S. first class mail, postage prepaid, on this 12<sup>th</sup> day of February, 2018:

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615

  
\_\_\_\_\_  
MARTIN W. JOHNSON  
KIP C. MATHIS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the following on this 12<sup>th</sup> day of February, 2018:

*By U.S. first class mail, postage prepaid to:*

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