

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WALTER CALLIHAN	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CSE NO. 2006-00495
	)	
GRAYSON RURAL ELECTRIC	)	
COOPERATIVE CORPORATION	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER


Grayson Rural Electric Cooperative Corporation ("Grayson") is hereby notified that it has been named as defendant in a formal complaint filed on November 17, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Grayson is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 29th day of November, 2006.

ATTEST:



Executive Director

By the Commission

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NOV 17 2006

PUBLIC SERVICE  
COMMISSION

Case No. 2006-00495

Commonwealth of Kentucky  
Before the Public Service Commission

Walter Callihan

Complainant

vs.

Grayson Rural Electric Cooperative Defendant

### Complaint

Comes now Walter Callihan and hereby <sup>his</sup> files Complaint before the Kentucky Public Service Commission of Frankfort, Kentucky as set out here-in as follows:

Walter Callihan referred to here and after as Callihan falls under the jurisdiction of Grayson Rural Electric, allotted jurisdiction territory, allotted by the Kentucky Public Service Commission.

Approximately, 3 week ago Callihan

Made a request for Electric Service at Grayson Rural Electric. Referred to here and after as Grayson. Grayson refused to sell Callihan Electric Service.

Grayson alleged that Callihan owed them \$707.26 for electric service that Grayson provided to Callihan approx. 5 years ago. Which Callihan denies having owed; however, whether or not Callihan owed Grayson \$707.26 is now mute. Grayson never brought an action in the District Court or <sup>made</sup> any other effort to collect the amount they alleged Callihan owed.

Since Grayson failed to bring an action within the proper statute of limitation that bars all action for goods delivered under the statute. Grayson is barred by the statute of limitations KRS. 355.2-105 (2) the sale of electricity was a sale of goods governed by the provisions of KRS. Chapter 355; and (3) any action involving the sale of ~~the~~ electricity was governed by the 4-year statute of limitations contained in KRS. 355.2-705. According to the Ky Court of Appeals rulings

in Anderson v Berea and other appellate rulings.

The decision is in accord with neighboring jurisdiction. See, e.g. Helvey v. Wabash County Remc 278 N.E. 2d. 608 (Ind. Ct. App., 1972); Cincinnati Gas & Electric Co. v. Goebel, 502 N.E. 2d 713 (Ohio Mun. 1986). Based upon the holding in Anderson, supra, the Commission concludes that any legal proceedings to collect the Callihans' debt are barred by KRS. 355.2-725.

It is clear by evidence where by the appellant courts have spoken and mandated. and honored the statute of limitations on goods and services delivered in the great Commonwealth of Kentucky. Therefore, it is crystal clear that no debt is owed to Grayson by Callihan. The statute of limitations bars all argument that Callihan clearly does not owe Grayson "one red cent."

This Plaintiff moves this Commission for an ordering Grayson Rural Electric to commence selling water Callihan electricity to his Meat Packing Plant,

His Water Pumping Velocity and also  
his residence

Respectfully,  
~~Walter Callihan~~  
Walter Callihan  
P.O. Box 17  
Coryville, Ky 41121