

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PROPOSED ADJUSTMENT OF THE)	CASE NO.
WHOLESALEWATER SERVICE RATES OF)	2017-00417
LEBANON WATER WORKS)	

**MOTION FOR LEAVE TO FILE A
SUR-REPLY IN OPPOSITION TO MOTION FOR AN ORDER ESTABLISHING
A PROCEDURAL SCHEDULE AND ASSIGNING BURDEN OF PROOF**

Comes now Marion County Water District (“Marion District”), by counsel, and tenders its Motion for Leave to file a Sur-Reply in opposition to the Motion for an Order Establishing a Procedural Schedule and Assigning Burden of Proof filed by the Lebanon Water Works Company (“Company”) on January 31, 2018, respectfully stating as follows:

The Company’s Motion asks the Commission to re-assign the burden of proof in this case to Marion District, notwithstanding the fact that the Company is the applicant in this proceeding. On February 7, 2018, Marion District filed a response in opposition to the Company’s motion. The Company filed its reply on February 12, 2018. However, the reply raised new arguments regarding the nature and importance of certain provisions in the 1988 Water Purchase Agreement between the Company and Marion District (the “Master Agreement”). These additional arguments have been raised for the first time. Although 807 KAR 5:001 Section 5 contemplates the filing of a motion, a response and a reply, the Commission certainly has the discretion to allow a sur-reply

to be filed in appropriate circumstances. *See* 807 KAR 5:001, Section 22. A copy of the sur-reply that Marion District would file is attached hereto and incorporated herein as Exhibit 1.

Wherefore, on the basis of the foregoing, Marion District respectfully requests that the Commission grant its motion for leave to file a sur-reply and that that the sur-reply tendered herewith be accepted for filing.

This 16th day of February, 2018.

Respectfully submitted,



David S. Samford
L. Allyson Honaker
GOSS SAMFORD, PLLC
2365 Harrodsburg Road, Suite B-325
Lexington, Kentucky 40504
(859) 368-7740
david@gosssamfordlaw.com
allyson@gosssamfordlaw.com

and

Kaelin G. Reed
The Law Office of Mattingly & Nally-Martin, PLLC
P.O. Box 678
104 West Main Street
Lebanon, Kentucky 40033
(270) 692-1249
kaelin@mattinglylawoffices.com

Counsel for Marion County Water District

CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on February 16, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a copy of the filing in paper medium is being hand delivered to the Commission on this the 16th day of February.



Counsel for Marion County Water District