

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF BIG BEAR)
WASTEWATER, INC. FOR AN)
ADJUSTMENT OF RATES)
)
)

CASE NO. 2009-00171

**RESPONSE OF THE DENS CONDOMINIUM ASSOCIATION TO THE
COMMISSION'S ORDER OF JANUARY 22, 2010**

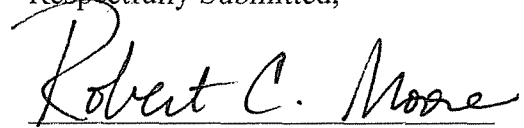
Comes the Intervener, the Dens Conodo Association ("The Dens") by counsel, and in response to the Public Service Commission's Order of January 22, 2010, states as follows:

The Dens may call Richard Schien and Don Zimmer to testify as witnesses at the hearing. The Dens may also call as witnesses Commission Staff and Big Bear personnel and may also cross-examine them.

The Dens incorporates as its objections to Big Bear's Application its Comments/Objections set forth in its Comments/Objections to the Commission Staff's Report, as well as the Attorney General's Comments. Specifically, The Dens objects to the expenses Big Bear seeks to recover as it failed to provide quotes or invoices to justify the expenses and to establish that they are reasonable and normal for such a utility. Additionally, The Dens objects to Big Bear's proposal to determine the rate using less than the entire number of units for the entire year. The Dens will present evidence through testimony and exhibits establishing that its use of the WWTP is from the spring through the fall and is less than Big Bear's use.

With respect to the costs of the rates case Big Bear seeks to recover, The Dens objects to the amount of same as Big Bear failed to provide an itemization of these costs to establish that they are reasonable.

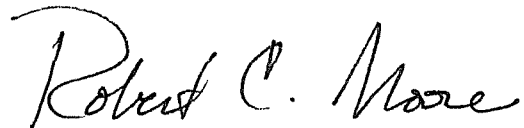
Respectfully Submitted,



Robert C. Moore
Hazelrigg & Cox, LLP
415 West Main Street, 1st Floor
P.O. Box 676
Frankfort, Kentucky 40602-0676
Counsel for The Dens Condominium
Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602-0615, David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, James R. Goff, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602-0615, and Deborah T. Eversole, Stoll Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, on this the 2nd day of February, 2010.



Robert C. Moore