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June 17, 2009

FRANK R. GOAD  
(1915-2005)

RECEIVED

JUN 19 2009

PUBLIC SERVICE  
COMMISSION

Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

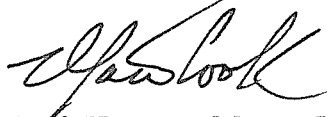
**RE: *Roy G. Cooksey, M.D. v. Bowling Green Municipal Utilities Board, et al.***  
**PSC Case No. 2009-00190**

Dear Mr. Derouen:

Enclosed please find the original and one copy of a Response to the Motion to Dismiss Filed by Bowling Green Municipal Utilities Board on behalf of Defendant, Warren County Water District, in the above-referenced matter. Please file the original answer and provide me a file-stamped copy in the enclosed envelope. Thank you for your assistance in this regard. Please call with any questions.

Very truly yours,

COLE & MOORE, P.S.C.



Frank Hampton Moore, Jr.  
Matthew P. Cook

MPC/bwv  
Enclosures  
xc: Alan H. Vilines, P.E. (w/ *encl.*)

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF  
ROY G. COOKSEY, M.D.,  
COMPLAINANT

RECEIVED  
JUN 19 2009  
PUBLIC SERVICE  
COMMISSION

V.

CASE NO. 2009-00190

BOWLING GREEN MUNICIPAL UTILITIES BOARD and  
WARREN COUNTY WATER DISTRICT,

DEFENDANTS

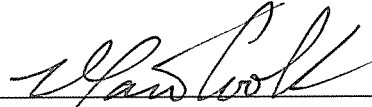
**RESPONSE TO THE MOTION TO DISMISS FILED BY**  
**BOWLING GREEN MUNICIPAL UTILITIES BOARD**

Defendant, Warren County Water District, by counsel, for its response to the motion to dismiss filed by Defendant, Bowling Green Municipal Utilities Board, states as follows:

The Warren County Water District adopts, reiterates and incorporates by reference its previously-filed answer to the complaint filed herein as if set forth in full. The Warren County Water District takes no position on the motion to dismiss filed by Bowling Green Municipal Utilities Board. However, it is submitted that there can be no relief granted under the complaint herein if each of the Defendants is not before this Commission and subject to an order of this Commission. Therefore, should the Commission elect to grant the motion to dismiss, then the Warren County Water District reserves the right to subsequently seek a dismissal based upon the failure to have all indispensable parties before the Commission.

This 17<sup>th</sup> day of June, 2009.

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Frank Hampton Moore, Jr.  
Matthew P. Cook  
*Counsel for Warren County Water District*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has this 17th day of June, 2009, been placed in the U.S. Mail, postage prepaid, addressed to the following:

Jeff Derouen  
Executive Director  
Public Service Commission  
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Frankfort, KY 40602-0615

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