

**HAZELRIGG & COX, LLP**

ATTORNEYS AT LAW

415 WEST MAIN STREET, SUITE 1

P.O. Box 676

FRANKFORT, KENTUCKY 40602-0676

JOHN B. BAUGHMAN  
ROBERT C. MOORE  
THOMAS J. HELLMANN

DYKE L. HAZELRIGG (1891-1970)  
LOUIS COX (1907-1971)

FAX: (502) 875-7158  
TELEPHONE: (502) 227-2271

September 1, 2011

**Via Facsimile: 564-3460**

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

**RECEIVED**

SEP 01 2011

PUBLIC SERVICE  
COMMISSION

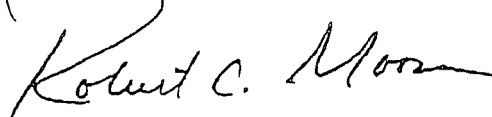
Re: Forest Creek vs. Jessamine - South Elkhorn Water District,  
Public Service Commission Case No. 2011-00297

Dear Executive Director Derouen:

Please find attached Forest Creek's Response to Motion for Extension of Time. The original and ten (10) copies of same will be hand-delivered to the Commission later today.

Please contact me if you would like to discuss this matter, or need any further information concerning same.

Respectfully,

  
Robert C. Moore

RCM/neb  
cc: James Kelley

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

FOREST CREEK, LLC )

COMPLAINANT )

vs. )

JESSAMINE- SOUTH ELKHORN WATER DISTRICT )

DEFENDANT )

Case No. 2011-00297

**FOREST CREEK’S RESPONSE TO MOTION FOR EXTENSION OF TIME**

Comes the Complainant, Forest Creek, LLC (“Forest Creek”), by counsel, and for its response to the Motion For Extension of Time submitted by the Defendant, Jessamine - South Elkhorn Water District (“Water District”), states as follows:

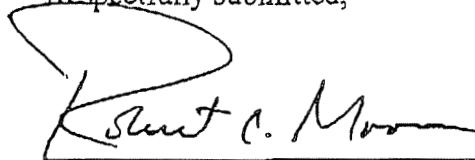
1. The Complaint of Forest Creek, LLC, initiating the above-styled matter was filed on August 5, 2011. The Commission’s Order to Satisfy or Answer Complaint was issued on August 17, 2011. The Water District was given ten (10) days to file a written answer to Forest Creek’s Complaint or to satisfy the matters complained of. The Water District now requests an extension of time through and including September 26, 2011, within which to file its response to the Complaint.
2. The basis for the Water District’s Motion for Extension of Time is its statement that the Water District’s Board does not meet again until September 12, 2011, and the statement made in open court by the Jessamine Circuit Court on August 11, 2011, that the then pending case styled Jessamine-South Elkhorn Water District vs. Forest Creek, LLC, Civil

Action No. 10-CI-1394 would be dismissed because the Commission has sole jurisdiction over this dispute.

3. In light of the Water District's admission that it received notice of the above-styled proceeding on or about August 9, 2011, and that it was informed by the Jessamine Circuit Court of the dismissal of the Circuit Court matter concerning this dispute, Forest Creek does not object to the Water District's Motion for Extension of Time, but requests that the extension of time be limited to September 16, 2011.

Dated: September 1, 2011

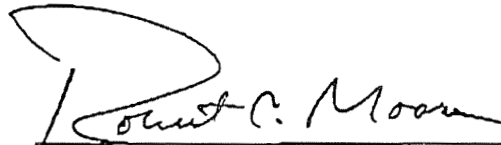
Respectfully submitted,



Robert C. Moore  
Hazelrigg & Cox, LLP  
415 West Main Street, 1<sup>st</sup> Floor  
P. O. Box 676  
Frankfort, KY 40602-0676  
Counsel for Forest Creek, LLP

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served by first class mail, postage prepaid, this the 1<sup>st</sup> day of September, 2011, to, Hon. Bruce E. Smith, **BRUCE E. SMITH LAW OFFICES, PLLC**, 201 South Main Street, Nicholasville, Kentucky 40356.



Robert C. Moore