

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

APPLICATION OF JESSAMINE-SOUTH )  
ELKHORN WATER DISTRICT FOR A )  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
CONSTRUCT AND FINANCE A )  
WATERWORKS IMPROVEMENT )  
PROJECT PURSUANT TO KRS 278.020 )  
AND 278.300 )

CASE NO. 2012-00470

**FOREST HILLS RESIDENTS' ASSOCIATION, INC.'S AND WILLIAM BATES' FIRST SET OF DATA REQUESTS TO JESSAMINE-SOUTH ELKHORN WATER DISTRICT**

Forest Hills Residents' Association, Inc. and William Bates (collectively, "Intervenors") respectfully submit the following data requests to the Jessamine-South Elkhorn Water District ("District"), to be answered by the date specified in the procedural schedule established by the Kentucky Public Service Commission ("Commission") in this matter on November 27, 2012.

**Instructions**

1. As used herein, "Documents" include all correspondence, memoranda, notes, e-mail, maps, drawings, surveys or other written or recorded materials, whether external or internal, of every kind or description in the possession of, or accessible to, the District, its witnesses, or its counsel.
2. Please identify by name, title, position, and responsibility the person or persons answering each of these data requests.
3. These requests shall be deemed continuing so as to require further and supplemental responses if the District receives or generates additional information within the

scope of these requests between the time of the response and the time of any hearing conducted herein.

4. To the extent that the specific document, work paper, or information as requested does not exist, but a similar document, work paper, or information does exist, provide the similar document, work paper, or information.

5. To the extent that any request may be answered by a computer printout, spreadsheet, or other form of electronic media, please identify each variable contained in the document or file that would not be self-evident to a person not familiar with the document or file.

6. If the District objects to any request on the ground that the requested information is proprietary in nature, or for any other reason, please notify the undersigned counsel as soon as possible.

7. For any document withheld on the ground of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown or explained; and the nature and legal basis for the privilege asserted.

8. In the event any document requested has been destroyed or transferred beyond the control of the District, its counsel, or its witnesses, state: the identity of the person by whom it was destroyed or transferred and the person authorizing the destruction or transfer; the time, place and method of destruction or transfer; and the reason(s) for its destruction or transfer. If such a document was destroyed or transferred by reason of a document retention policy, describe in detail the document retention policy.

9. If a document responsive to a request is a matter of public record, please produce a copy of the document rather than a reference to the record where the document is located.

### Data Requests

1. Please list each and every potential site the District considered and rejected for the water tank proposed in this proceeding. For each site, please provide:

(a) A map showing the location of the potential site. If a map is unavailable, provide the address of the site or other description so as to permit reasonable identification of the location;

(b) All documents on which the District relied in evaluating and/or considering each site; and

(c) All documents the District provided to Horne Engineering, Inc. or any other person or entity providing engineering or consulting services with regard to each site.

2. For each potential site identified in response to Data Request No. 1, please provide a detailed explanation as to why it was not selected and/or deemed unacceptable.

3. Please identify, describe in detail and provide all facts and documents regarding any cost analyses performed by or on behalf of the District for any alternative site considered for the construction of the water tank proposed in this proceeding. Each analysis should include all cost estimates, identify the sources of the cost information, describe all assumptions used to develop the analysis and include any supporting documentation.

4. Please provide and explain the logic the District used in making the selection of the site for the water tank proposed in this proceeding.

5. Please provide and explain the District's engineering criteria in making the selection of the site for the water tank proposed in this proceeding.

6. Please provide and explain the District's engineering criteria in making the selection of an alternate site for the water tank proposed in this proceeding.

7. Please produce all documents containing or relating to communications by representatives of the District with property owners affected by the water tank proposed in this proceeding.

8. Please produce all documents containing or relating to studies, evaluations, discussions and/or communications, including any environmental impact statement or environmental assessment, produced by or on behalf of the District or by any federal or state agency evaluating the environmental impact of the water tank proposed in this proceeding at the site described in the Application and at all alternative sites considered.

9. Please produce all documents containing or relating to studies, evaluations, discussions and/or communications produced by or on behalf of the District concerning historical and cultural resources that may be affected by the water tank proposed in this proceeding at the site described in the Application and at all alternative sites considered.

10. Please produce all documents containing or relating to studies, evaluations, discussions and/or communications, including bid tabulations, prepared by or on behalf of the District with regard to the site selection of the water tank proposed in this proceeding.

11. Please provide a copy of each geotechnical analysis that was performed on a potential site for the water tank proposed in this proceeding.

12. Please list each person that participated in the selection of the site for the water tank proposed in this proceeding. For each person identified, please list his/her prior experience and/or expertise in the site selection of water tanks.

13. Please produce all photographs, diagrams, drawings, renderings or other depictions of the water tank proposed in this proceeding.

14. Please produce all surveys, plats, or similar documents pertaining to the water tank proposed in this proceeding.

15. Please produce statistics regarding the size of the water tank proposed in this proceeding, including the capacity, height, width of the legs and the diameter of the tank.

16. Please describe the efforts of the District, if any, to minimize the size of the water tank proposed in this proceeding.

17. Please explain how the District determined that one million gallons was the appropriate capacity for the water tank proposed in this proceeding.

18. Did the District consider capacities other than one million gallons for the water tank proposed in this proceeding? If yes, please provide the capacities and the expected construction costs.

19. Please describe all steps taken by the District to reduce the visual impact of the water tank proposed in this proceeding.

20. Please explain how the District will access the water tank and the property on which the tank is located? Specifically, will the District access the water tank through the Forest Hills Estates subdivision?

21. Other than the water tank proposed in this proceeding, please explain whether the District plans to utilize the selected site for any other purpose, such as for the storage of pipe or equipment?

22. Please produce all documents containing or relating to studies, reports or other written documentation of any problems supplying customers of the District with water since January 1, 2006.

23. Please identify, explain in detail and provide all facts and documents that record, describe, support, refer to or relate to the District's best estimate of the annual cost it will incur to operate the water tank proposed in this proceeding and describe any problems it will experience if this proposed water tank is not constructed at the proposed site.

24. Please identify, explain in detail and provide all facts and documents that record, describe, support, refer to or relate to the District's determination that it needs to construct a one million gallon above-ground water tank at the site proposed in this proceeding.

25. Please list the number of meters each month on the District's system from January 1, 2006, to date, setting forth the meters in the Southeast Service Area and the Northwest Service Area.

26. Please set forth the average usage of water by the District's customers per day for each month from January 1, 2006, to date, setting forth the usage in the Southeast Service Area and the Northwest Service Area.

27. Please produce any and all studies, analyses, projections and forecasts of the future demand for water by customers of the District prepared after 2001.

28. Please produce all documents containing or relating to communications with the City of Nicholasville relating to the provision of storage of water for the District by the City.

29. Please produce all documents containing or relating to communications with Kentucky-American Water Company ("KAWC") relating to the provision of storage of water for the District by KAWC.

30. Please provide the period(s) during which the District utilized KAWC for the provision of storage of water for the District.

31. Are the District's Southeast Service Area and Northwest Service Area interconnected?

32. Will the water tank proposed in this proceeding be utilized to serve customers in the District's Southeast Service Area, Northwest Service Area or both?

33. Please describe in detail the ratemaking treatment the District proposes to recover funds to repay the loan that is described in the Application in this proceeding.

34. Please produce all documents prepared after January 1, 2006, containing or relating to the District's Capital Improvement Programs.

35. Please provide a map(s) of the District's distribution system that includes the size of the waterlines. The Intervenors will enter into a reasonable confidentiality agreement with the District to protect the confidentiality of this information if so requested by the District.

36. Please provide the pressure gradient of the waterlines in the area of the selected site for the water tank proposed in this proceeding.

37. Refer to Exhibit A of the District's Application. Please provide the number and location of all "major branches" of the District's distribution system.

38. Please provide all documents the District submitted to the United States Department of Agriculture – Rural Development with regard to loans and/or funding for the project proposed in this proceeding.

39. Please provide all documents the District submitted to the Kentucky Rural Water Association with regard to loans and/or funding for the project proposed in this proceeding.

40. Please provide all documents the District submitted to the Kentucky Rural Water Finance Corporation with regard to loans and/or funding for the project proposed in this proceeding.

41. Has the District made any applications to any federal or state agency for any permits, licenses, authorizations or other approvals necessary for the construction of, or payment for, the water tank proposed in this proceeding (other than the Application in this proceeding)? If so, please produce all documents containing or relating to same.

42. Please provide the minutes and attendance logs from any and all meetings of District representatives in which the water tank proposed in this proceeding was mentioned or discussed.

43. Please produce all documents containing or relating to discussions by representatives of the District, whether at formal meetings or otherwise, in which the water tank proposed in this proceeding was mentioned or discussed.

44. Please provide all documents prepared on the District's behalf by Horne Engineering, Inc. and/or John Horne pertaining to the water tank proposed in this proceeding.

45. Please explain why the proposed tank must be at an elevation of at least 950 feet.

46. Refer to the District's Answer in Case No. 2011-00138. Please explain why the Brown site was "seriously flawed from a legal standpoint."

47. Refer to Exhibit F of the District's Answer in Case No. 2011-00138. Please explain the status of the additional legislative grant referred to in the Memorandum prepared by Horne Engineering, Inc.

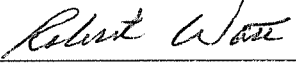
48. Please identify each witness the District intends to call at the hearing in this proceeding by stating each witness' full name, home address and business address and a summary of the substance of each witness' expected testimony.

Dated: December 4, 2012



Respectfully submitted,

Robert M. Watt, III  
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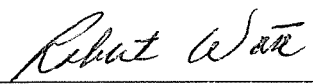
By:   
Counsel for Intervenors

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing pleading has been served by e-mail and by mailing a copy of same, postage prepaid, to the following person on this 4th day of December 2012:

Bruce E. Smith, Esq.  
Bruce E. Smith Law Offices, PLLC  
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December 4, 2012

**VIA HAND DELIVERY**

Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

***RE: In the Matter of: Application of Jessamine-South Elkhorn Water District for a Certificate of Public Convenience and Necessity to Construct and Finance a Waterworks Improvement Project Pursuant to KRS 278.020 and 278.300 – Case No. 2012-00470***

Dear Mr. Derouen:

Enclosed please find and accept the original and ten copies of Forest Hills Residents' Association, Inc.'s and William Bates' First Set of Data Requests to Jessamine-South Elkhorn Water District.

Please acknowledge receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copy and return them to me. Should you have any questions please contact me at your convenience.

Sincerely,

Stoll Keenon Ogden PLLC

Monica H. Braun

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