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January 11, 2013

VIA US MAIL, FIRST CLASS

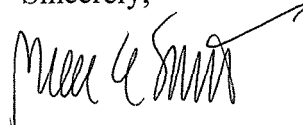
Mr. Jeff R. Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: **Case No. 2012-00470**

Dear Mr. Derouen:

Enclosed for filing are an original and five (5) copies of my client's **Amended Responses to Intervenors' First Set of Requests for Information.**

Sincerely,



Bruce E. Smith

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE 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) CASE NO 2012- 00470
IMPROVEMENTS PROJECT PURSUANT TO KRS)
278.020 AND 278.300)

JESSAMINE-SOUTH ELKHORN WATER DISTRICT’S AMENDED RESPONSES TO
FOREST HILLS RESIDENTS’ ASSOCIATION, INC. AND WILLIAM BATES’ FIRST SET
OF REQUESTS FOR INFORMATION

Comes the Jessamine-South Elkhorn Water District (“Water District”), by counsel, and for its **Amended** Responses to the First Set of Requests for Information from the Forest Hills Residents’ Association, Inc. and William Bates (collectively “Forest Hills”, or “Residents’ Association”), supplements its answer as follows:

The Water District has not completed its investigation, discovery or analysis of all the facts of this case and has not completed preparation for the hearing. Accordingly, all of the following responses are provided without prejudice to its right to introduce at the hearing any evidence that is subsequently discovered relating to the proof of subsequently discovered material facts. Moreover, facts, documents and things now known may be imperfectly understood and, accordingly, such facts, documents, and things may not be included in the following responses. The Water District reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents and things notwithstanding the initial responses and objections interposed herein. The Water District also reserves the right to

reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things that it does not presently recall but may recall at some time in the future.

GENERAL OBJECTIONS

1. The Water District objects to Forest Hills' Requests on the grounds that it seeks disclosure of information protected by the attorney-client, work product, and any other applicable privileges. To the extent that The Water District inadvertently discloses information that may arguably be protected from discovery under attorney-client privilege, the work product doctrine, or any other applicable privilege, such inadvertent disclosure does not constitute a waiver of any such privilege.

2. The Water District objects to Forest Hills' Requests insofar as they seek information concerning matters unrelated to the subject matter of this Proceeding, on the grounds that they are overly broad, unduly burdensome, and seek information that is neither relevant to the subject matter of this Complaint nor reasonably calculated to lead to discovery of admissible evidence.

3. The Water District objects to Forest Hills' Requests insofar as they seek confidential proprietary and/or trade secret information of The Water District that, if disclosed, could irreparably harm The Water District. Accordingly, The Water District objects to producing any such information absent entry of an appropriate Protective Order.

4. The Water District objects to Forest Hills' Requests on the grounds that they are not limited in time frame and are overly broad and unduly burdensome because they are more than inclusive of the time period at issue at this case.

5. The Water District objects to Forest Hills' Requests to the extent that they call for information or documents that are not currently in the Water District's possession, custody or

control.

6. The responses set forth below are made without in any manner waiving (1) the right to object to the use of any response for any purpose, in this proceeding or any other action, on the grounds of privilege, relevance, materiality, or any other appropriate grounds: (2) the right to object to any other documents requests involving or relating to the subject matter of the responses herein; and (3) the right to revise, correct, supplement or clarify any of the responses provided below, at any time.

The General Objections are applicable to each and every one of the following responses and objections, and failure to repeat an objection in response to a specific request shall not be deemed a waiver of the objection. Further, when The Water District specifically repeats one or more of these General Objections in response to a specific request, such specific request cannot be a waiver of these General Objections.

Subject to and without waiving these General Objections, and subject to and without waiving the specific objections noted below, The Water District responds as follows to Forest Hills' Requests for Information in accordance with the Water District's understanding of the fair meaning of those Requests. The respondent or witness for each Response will be shown in bold-faced type following the Response or that portion of the Response for which the individual is responsible.

REQUESTS FOLLOW ON NEXT PAGE

AMENDMENT

KPSC Case No. 2012 - 00470
Forest Hills' Requests for Information
Served December 4, 2012
Request No. 45
Page 4 of 8

Jessamine-South Elkhorn Water District

Information Request No. 45: Please explain why the proposed tank must be at an elevation of at least 950 feet.

Amended Answer: In response to a statement contained in the Water Tank Siting Study filed by Intervenors, and in the interest of avoiding confusion and clarifying JSEWD's filed Answer to Intervenors' Information Request No. 45, but without waiving JSEWD's objection to the introduction of such Study into evidence herein, JSEWD, by and through its witness, John G. Horne, answers as follows:

Initially, JSEWD considered dividing its Northwest Area into two (2) pressure zones, one encompassing the northern portion of this Area and the other including the southern portion of the Area. The approximate dividing line between these zones extended from the eastern edge of JSEWD's Northwest Area to the western edge at the Jessamine – Woodford County line and this line was determined by the location of the pressure reduction valve vaults located near KY 169 and Keene, KY.

AMENDMENT

KPSC Case No. 2012 - 00470
Forest Hills' Requests for Information
Served December 4, 2012
Request No. 45
Page 5 of 8

Preliminary evaluations indicated that an elevation of 950 feet would be required for a tank site in the southern portion in order for it to function efficiently in tandem with a tank site in the northern sector. It was also determined that a minimum elevation of 1,000 feet would be necessary for a potential site in the northern portion. Based on this criterion, potential sites in the southern portion were identified on the properties owned by Ichthus, R.J. Corman, the Dodd Estate, the Kelley Farm, the Cecil Johnson Estate and Cave Springs Farm. Potential sites located in the northern part were found on the properties of Henry Knight, Ramsey Farms, Barkley Woods, Barry Mangold and Sue Switzer.

Discussions were held with Mr. R.J. Corman and his staff to negotiate a purchase. During the same time period the other property owners in the southern part were contacted, but none were interested in offering a site for sale. Likewise, the property owners in the northern part were approached as to the sale of a site. Sometime after discussions were held with Mr. Corman, he decided that he was not interested in offering a site to JSEWD. Close in time to this refusal, only Sue Switzer indicated an interest in selling a site in the northern portion.

As a result of the almost unanimous refusal by property owners to sell a site with the exception of Ms. Switzer, JSEWD decided to abandon the two-pressure zone approach to its water storage shortage, and focus its efforts on a single storage tank in the northern part of the Northwest Area. The criteria for selecting a site with a minimum elevation of 1,000

AMENDMENT

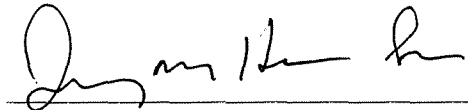
KPSC Case No. 2012 - 00470
Forest Hills' Requests for Information
Served December 4, 2012
Request No. 45
Page 6 of 8

feet was the overflow height of the proposed tank, which is required to match or nearly match the overflow height of JSEWD's existing 50,000 gallon and 500,000 gallon tanks (in order for the booster pumps to fill all of the tanks simultaneously) taking into consideration the construction cost of the tank along with engineering principles as to the maximum length of its supports (legs). As previously explained, a number of sites were identified, but only the owner of one of the sites (Sue Switzer) was willing to negotiate a sale to and purchase by JSEWD. The elevation of the top of footers at the proposed site is 1023 feet.

[Witness: John G. Horne]

VERIFICATION

The undersigned, Jerry M. Haws, Sr., being duly sworn, deposes and says he is the Vice Chairman of the Jessamine-South Elkhorn Water District, that he has personal knowledge of the matters set forth in the foregoing responses for which he is the identified witness and that the information contained therein is true and correct to the best of his information, knowledge and belief.



Jerry M. Haws, Sr. Vice Chairman

COMMONWEALTH OF KENTUCKY
COUNTY OF JESSAMINE, SCT...

Acknowledged, subscribed and sworn to me, a Notary Public in and before said County and State by Jerry M. Haws, Sr., Vice Chairman, this the 10 day of January, 2013.



NOTARY PUBLIC NO. 46 2930

Respectfully submitted,

W. Randall Jones, Esq.
Rubin & Hays
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wrjones@rubinhays.com

and

Bruce E. Smith
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201 South Main Street
Nicholasville, Kentucky 40356
CO-COUNSEL FOR WATER DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Jessamine-South Elkhorn Water District's **Amended Responses** to Forest Hills Residents' Association and William Bates' First Set of Requests for Information was served by first class mail, postage prepaid and e-mail, this the 11 day of January, 2013, to:

Robert M. Watt, III, Esq.
Stoll Keenon Ogden, PLLC
300 West Vine Street, Ste. 2100
Lexington, KY 40507-1801
robert.watt@skofirm.com



BRUCE E. SMITH

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