

CARROLL COUNTY WATER DISTRICT #1

PO BOX 350
Ghent KY 41045

Phone (502) 347-9500
Fax (502) 347-9333

October 1, 2004

Beth O' Donnell
Executive Director
Public Service Commission
P.O. Box 615
211 Sower Blvd
Frankfort, KY 40602

Ref: Case No. 2004-00348

Dear Ms. O'Donnell,

This letter is the response of Carroll County Water District #1 to the Commission's Order concerning the referenced case.

Background:

After engineering was completed on the Fairview Road pipeline, a public meeting was scheduled early in 2003 at the Fitzgerald Restaurant on Hwy 255 near Fairview. This meeting was to answer questions and request easements from property owners. Present at this meeting were myself, Fred Marsh of Sieco-Strand Engineers and several residents on the road including Mr. Keen. Several folks focused their attention and questions toward me while Mr. Keen cornered Mr. Marsh of Sieco. After the meeting Mr. Marsh questioned whether Mr. Keen would allow access to his property. Several days after this meeting Mr. Keen sent an easement (undated) to the District along with a letter (handwritten) making it clear that we were to be on the opposite side of the road. Prior to the construction of this pipeline several contacts were made to Mr. Keen by myself, one of our employees, and Fred Marsh of Sieco. I personally explained possible additional costs to him if we later had to bore back to his property. He said that he guessed he would just have to pay additional costs if that was required. He said he was afraid we would damage an old cistern located on his property. We then decided to go down the other side of the road at additional cost to the District due to driveways, parking lot, and terrain differences. This project was finished and placed in service the week of 2-22-04. Mr. Keen wrote the District a check for \$465.00 on Feb. 26, which we received sometime in March. (Copy of Mr. Keen's easement and note attached)

RECEIVED
OCT 4 2004
PUBLIC SERVICE
COMMISSION

Page 2

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October 1, 2004

Complaint:

Items 1-5

Acknowledged

Item – 6

The petitioner claims the regulation in the tariff does not apply since we did not have to specifically bore back across Clay Lick Road. Instead we had to bore Fairview Road at a different place and proceed along a much more expensive side of the road until we got past Mr. Keen's property. The only reason we didn't have to bore Clay Lick is because the Keen property just happened to be a corner property to Fairview Road. (See attached map)

Items 7-8

In failing to make a prompt response to petitioner's April 13, 2004 letter the petitioner asserts that the District has violated its own regulations. This is not the case, as the district had not accepted Mr. Keen as a customer. His application to become a customer of the District was conditional and inconsistent with District's tariffed rule Section AE No. 6.

Sincerely,



James L. Smith, Manager
Carroll County Water District #1

cc: Hon. Gerald Wuetcher

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration paid to Howard B. Reed Marital Status: Single
Address: 12 Goodridge Ave. Florence, Ky 410

Howard B. Reed Kentucky, hereinafter referred to as GRANTOR(S), by Florence hereinafter referred to as GRANTEE, its successors and assigns, the receipt of which is hereby acknowledged, GRANTOR(S) do hereby grant, bargain, sell, transfer and convey unto the GRANTEE, its successors and assigns, a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove water mains, service lines, hydrants, valves, controls and appurtenances thereto over, across and through the land of the GRANTOR(S) situated in Union County, Kentucky, said land being more particularly described by Deed Book _____, Page _____, in the Office of the Union County Court Clerk, together with the right of ingress and egress over the adjacent lands of the GRANTOR(S), his or her heirs and assigns, for the purposes of this easement.

parallel with the centerline of the water line as finally laid and constructed across the lands of the above GRANTOR(S).

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR(S), his or her heirs and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR(S), his or her heirs and assigns. The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns. The GRANTOR(S) covenant that they are the owners of the above-described land and that said lands are free and clear of any liens and claims.

IN WITNESS WHEREOF, the GRANTOR(S) have executed this instrument this _____ day of _____, 20____.

Howard B. Reed
GRANTOR

GRANTOR/GRANTOR'S SPOUSE

STATE OF KENTUCKY)
COUNTY OF Boone)

I, Michele Dunn, Notary Public, within and for the State and County aforesaid, do hereby certify that on this date the foregoing EASEMENT was produced to me in my County by the GRANTOR(S), parties hereto, and was by them signed, acknowledged and delivered as and for their free act and deed.

My Commission Expires: 07/21/05
MICHELE DUNN
NOTARY PUBLIC, KENTUCKY, STATE AT LARGE
MY COMMISSION EXPIRES JULY 21, 2005

Michele Dunn
NOTARY PUBLIC, KY., STATE AT LARGE

THIS INSTRUMENT PREPARED BY:
CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
523 Highland Avenue, P.O. Box 353
Carrollton, Kentucky 41008

Phone No. (859) 371-9171

BY: [Signature]
Ruth H. Baxter

CRAWFORD & BAXTER, P.S.C.
ATTORNEYS-AT-LAW
CARROLLTON, KY

March 12, 2003

Dear Sirs,

It is my understanding after speaking with Mr. Marsh, of Seico Engineers, that the main water line will come across Fairview Road and down the left side of Clay Lick Road. My property lies on the right side of Clay Lick Road. According to the maps, my

and other good and valuable _____, Marital Status: Glennice R. No 41045 referred to as GRANIOR(S), by _____ 41045, hereinafter referred to as GRANIOR(S) do hereby acknowledged, GRANIOR(S) do hereby covenants and assigns, a perpetual easement to use, operate, inspect, repair, maintain, control and appurtenances in _____ County, _____, Page _____, in the Office of the Clerk of the Court to egress over the adjacent lands for the purpose of the easement. _____ (40) feet on each side of and _____ feet across the lands of the above

grantor shall be held liable in full for any damages to the adjacent land caused by the installation, operation, and maintenance of the easement. NTEE covenants to maintain the easement for the use to the adjacent land of the grantor. The terms of this easement shall constitute the entire agreement between the grantor and successors and assigns. The land and that said lands are free and

Witness my hand and seal of this instrument this _____ day

B. Reed

GRANIOR(S) SPOUSE

Notary Public, within and for the State of _____ the foregoing EASEMENT was produced to me, read, acknowledged and delivered

STATE AT LARGE

CRAWFORD & BAXTER
ATTORNEYS AT LAW
CARROLLTON

THIS INSTRUMENT PREPARED BY:
CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
523 Highland Avenue, P.O. Box 353
Carrollton, Kentucky 41008

BY: Ruth H. Baxter
Ruth H. Baxter

Phone No. - (859) 371-9171

property lies on the west side of Clay Lick Road.

I would like a meter hook-up from main water line on other side of Clay Lick Road to my property on opposite side of Clay Lick Road, when main water line is installed.

I would like a meter hook-up from main water line to come across Clay Lick Road to right

and other good and valuable _____, Marital Status:

Grace, Ky. # 41045
red to as GRANIOR(S), by 41045, hereinafter referred to as GRANIOR(S) do ssors and assigns, a perpetual use, operate, inspect, repair, , controls and appurtenances Crown County, Page _____, in the Office of egress over the adjacent lands isement.

across the lands of the above

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s instrument this _____ day

B. Reed

POUSE

y Public, within and for the SEMENT was produced to :knnowledged and delivered

William J
NOTARY PUBLIC, KY., STATE AT LARGE

THIS INSTRUMENT PREPARED BY:
CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
523 Highland Avenue, P.O. Box 353
Carrollton, Kentucky 41008

BY: Ruth H. Baxler
Ruth H. Baxler

Phone No. - (859) 371-9171

CRAWFORD & BAXTER
ATTORNEYS AT LAW
CARROLLTON, KY.

front side of house.

If there is an additional charge, besides the meter hook-up fee of \$465.00, please notify me before installation.

Phone No. - (859) 371-9171

Thank You,
Howard B. Reed

and other good and valuable
Marital Status: Glennice, Wife #41045
referred to as GRANTOR(S), by
KY 41045, hereinafter referred to
acknowledged, GRANIOR(S) do
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use, operate, inspect, repair,
controls and appurtenances
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Page _____, in the Office of
adjacent lands
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NTEE covenants to maintain the
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of this easement shall constitute
successors and assigns. The
land and that said lands are free and

I this instrument this _____ day

Howard B. Reed

GRANTOR'S SPOUSE

Notary Public, within and for the
EASEMENT was produced to
ed, acknowledged and delivered

[Signature]

NOTARY PUBLIC, N.T., STATE AT LARGE

CRAWFORD & BAXTER
ATTORNEYS AT LAW
CARROLLTON, KENTUCKY

THIS INSTRUMENT PREPARED BY:
CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
523 Highland Avenue, P.O. Box 353
Carrollton, Kentucky 41008

BY: [Signature]
Ruth H. Baxter

Phone No. - (859) 371-9171

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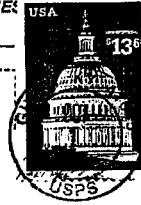


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Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM 4 PM	Military <input type="checkbox"/> 1st Day <input type="checkbox"/> 3rd Day	Ins't Alpha Country Code	COO Fee Insurance Fee
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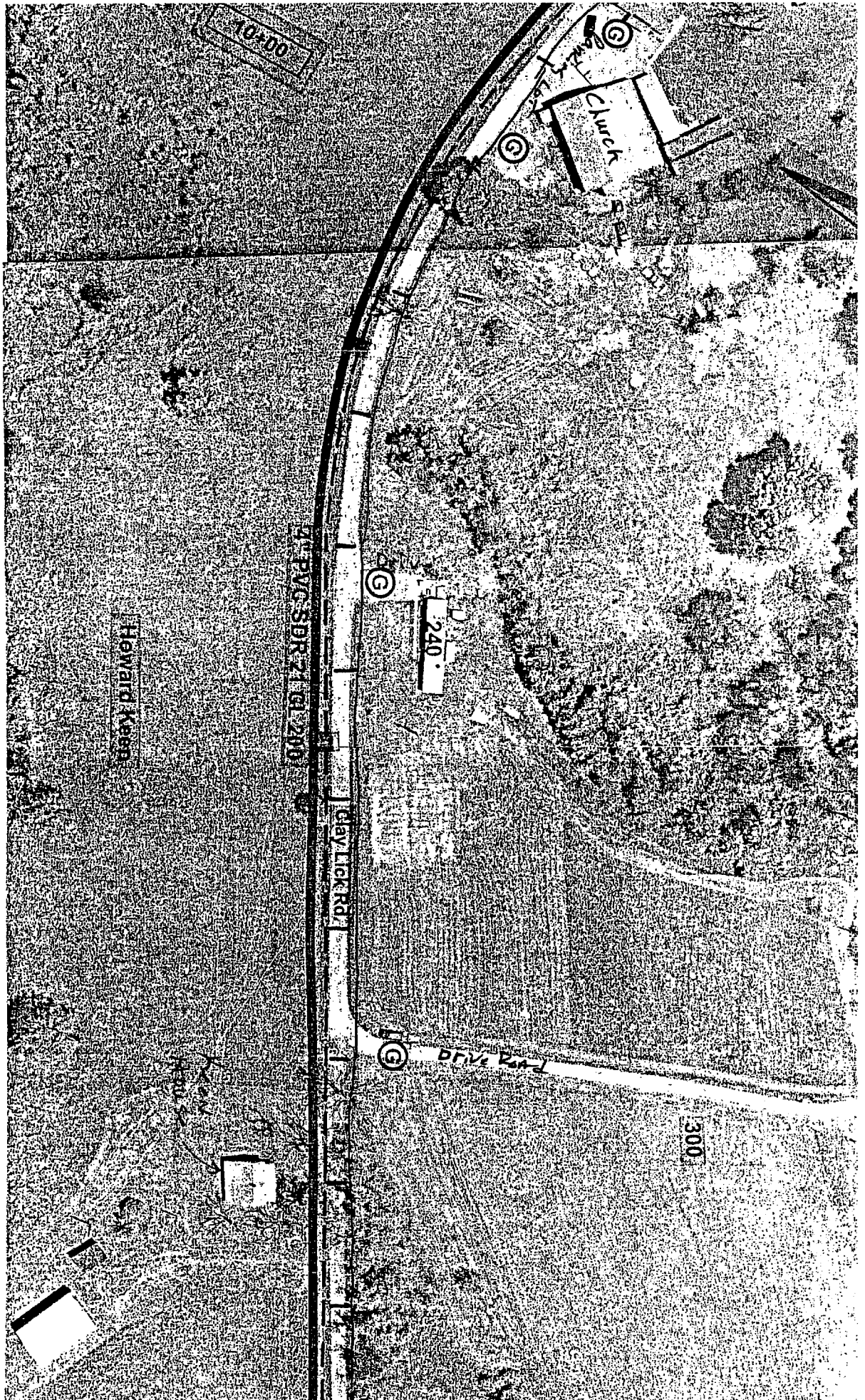
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Beah O'Donnell
Exec Dir, PSC
PO Box 615
Franklin, KY 40602

40602 + [] [] [] [] [] []



10+00

Church

Howard Keep

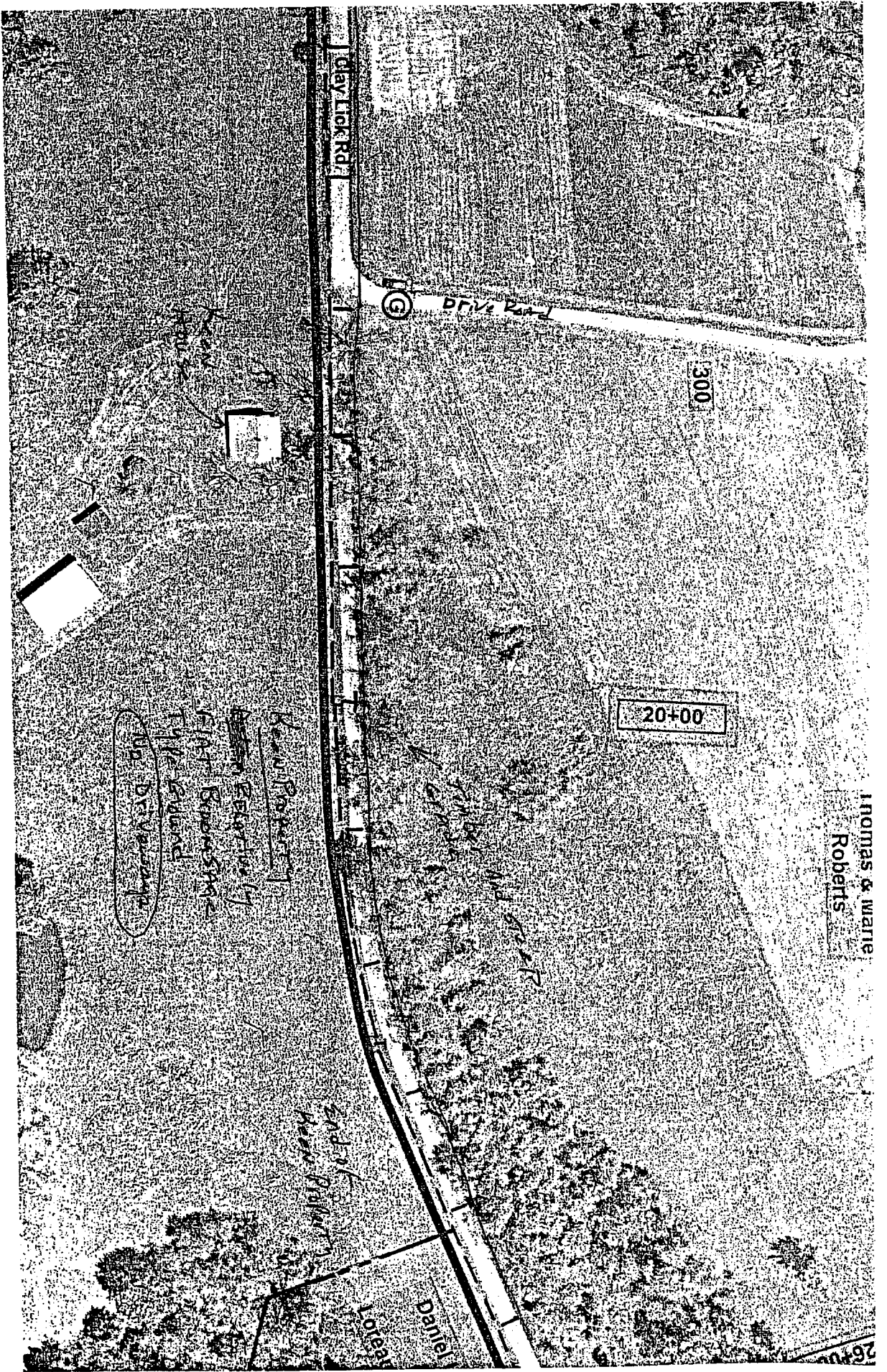
DRIVE SDR-21 EL 200

240

Day Lick Rd

DRIVE Rm-1

300



Thomas & Marie
Roberts

Clay Lick Rd

Drive Rd

300

20+00

26+00

Kevin Property

East Boundary

Type Boundary

Old Boundary

Daniel

Tobey