



Ernie Fletcher  
Governor

Mark David Goss  
Chairman

Teresa J. Hill, Secretary  
Environmental and Public  
Protection Cabinet

Christopher L. Lilly  
Commissioner  
Department of Public Protection

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

October 6, 2006

John L. Smith  
Breathitt County Water District  
1137 Main Street  
Suite 305  
Jackson, KY 41339

RE: Case No 2006-00437  
Filing Deficiencies

The Commission staff has reviewed your application in the above case. This filing is rejected for the reasons set forth below.

1. Filing deficiencies pursuant to 807 KAR 5:001:

807 KAR 5:001: Section 8(2) At the time the original application is filed, ten (10) additional copies must also be filed; and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the Secretary.

807 KAR 5:001: Section 8(3) If applicant is a corporation, a certified copy of its Articles of Incorporation and all amendments thereto, if any, shall be annexed to the application. If applicant's Articles of Incorporation and amendments thereto, if any, have already been filed with the Commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

MB/MB

2. Filing deficiencies pursuant to 807 KAR 5:069:

807 KAR 5:069: Section 1(2) Copy of the documents from the U.S. Department of Agriculture or U.S. Department of Housing and Urban Development, as appropriate, stating approval of the project and including all terms and conditions to be met.

807 KAR 5:069: Section 1(3) Copy of the letter of concurrence in bid award.

807 KAR 5:069: Section 1(5)(a) Certified statement from an authorized utility official confirming: That the proposed plans and specifications for the project have been designed to meet the minimum construction and operating requirements set out in 807 KAR 5:066, Section 4(3) and (4), Section 5(1), Sections 6 and 7, Section 8(1) through (3), Section 9(1) and Section 10

807 KAR 5:069: Section 1(5)(b) Certified statement from an authorized utility official confirming: That all other state approvals or permits have already been obtained;

807 KAR 5:069: Section 1(5)(c) Certified statement from an authorized utility official confirming: That any proposed rates shall produce the total revenue requirements set out in the engineering reports; and

807 KAR 5:069: Section 1(5)(d) Certified statement from an authorized utility official confirming: Dates upon which construction will begin and end.

807 KAR 5:069: Section 1(6) That notice to the customers has been given in conformance with Section 2 of this regulation.\* A copy of the notice shall be included in the application.

3. Filing deficiencies pursuant to KRS 322.340

KRS 322.340 At least one copy of preliminary and final engineering report shall be signed, sealed, and dated by a registered professional engineer.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. If your filing contains a proposed effective date, the rejection of your filing for reasons of deficiencies voids that proposed effective date. When you file the required information to correct the deficiencies, you may refile your proposed tariff with a new proposed effective date that is at least 30 days from the date you file the required information. You are requested to file 10 copies of this information within 15 days of this letter. If you need further assistance, please contact George Wakim at 502/564-3940 ext. 409.

Sincerely,



Mike Burford  
Director Division of Filings

MB/MB