

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
OCT 23 2007  
PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

CARROLL COUNTY WATER DISTRICT NO.1 )

COMPLAINANT )

VS. )

WHITEHORSE DEVELOPMENT CO. )

INTERVENING COMPLAINANT )

VS. )

CASE NO. 2007-00202

GALLATIN COUNTY WATER DISTRICT )

DEFENDANT )

**COMPLAINANT CARROLL COUNTY WATER DISTRICT NO.1'S**  
**NOTICE OF FILING**

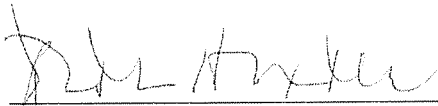
\*\* \*\* \* \* \* \* \*

Comes now the Complainant Carroll County Water District No. 1, and gives notice of its filing of the attached Exhibit 1 and Exhibit 2 to the Affidavit of James L. Smith which was filed with the Motion to Show Cause previously filed with this Commission.

CRAWFORD & BAXTER, P.S.C.  
ATTORNEYS AT LAW  
523 Highland Avenue  
P.O. Box 353  
Carrollton, Kentucky 41008  
Phone: (502) 732-6688  
Facsimile: (502) 732-6920  
E-mail Address: CBJ523@aol.com

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

Attorneys for Complainant  
Carroll County Water District No. 1

By:   
Ruth H. Baxter

CERTIFICATE OF SERVICE


This is to certify that a true and correct copy of the foregoing Notice of Filing was mailed postage prepaid, on this the 22nd day of October, 2007, to:

Hon. Stephen P. Huddleston  
P.O. Box 807  
Warsaw, Kentucky 41095  
Attorney for Defendant

Hon. Dennis R. Williams  
Adams, Stepner, Woltermann & Dusing, P.L.L.C.  
40 West Pike Street  
P.O. Box 861  
Covington, Kentucky 41012-0861  
Attorneys for Intervenor

and the original to:

Commonwealth of Kentucky  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

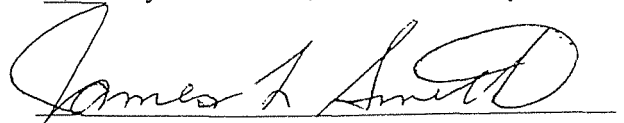
By:   
Ruth H. Baxter  
Attorney for the Complainant  
Carroll County Water District No. #1

AFFIDAVIT

The affiant, James L. Smith, after first being duly sworn, states and deposes as follows;

1. He is the manager of the carroll County Water District No. 1;
2. By the terms of this Commission's Order dated August 1, 2007, which was an agreement by and between the parties to this proceeding, Gallatin County was not to construct any water lines within the territory of Carroll County, and was not to allow a third party to connect to its existing water line within the territory of Carroll County;
3. On September 18, 2007, he was on Highway 1039 and observed construction equipment extending the water line from the area where the disputed service is to be located, parallel and along Highway 1039 nearing the connection point of the existing water line of Gallatin County Water District;
4. That the only entity who is authorized by the Kentucky Division of Water to construct a water line in this area is the Gallatin County Water District in accordance with a permit it obtained from the Division of Water on April 10, 2007. A copy of that Permit is attached hereto as Exhibit 1;
5. That the affiant took a photograph of the construction in process on September 18, 2007, and a true and correct copy of that photograph is attached as Exhibit 2;
6. That Joe Greenwell, a representative from the Kentucky Public Service Commission, is also believed to have witnessed the construction in progress, and can verify the construction of the water line by the District in violation of the Commission's Order.

Further the affiant sayeth not, this the 8 day of October, 2007.

  
James L. Smith

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

EXHIBIT 1

STATE OF KENTUCKY )

COUNTY OF CARROLL )

Subscribed and sworn to before me by James L. Smith on this the 8 day of  
October, 2007.

My commission expires: 8-1-2011

  
NOTARY PUBLIC, KY STATE AT LARGE

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



## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher  
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
14 REILLY ROAD  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-2150  
FAX (502) 564-4245  
www.dep.ky.gov

Teresa J. Hill  
Secretary

Cheryl A. Taylor  
Commissioner

April 10, 2007

Mr. Morris R. Courtney, Manager  
Gallatin Co Water District  
4500 HWY 455  
Sparta, KY 41086

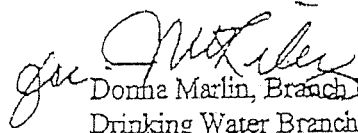
RE: Gallatin Co Water District, PWS-33880  
DW #0390130-07-002  
KY 1039 Extension  
Activity ID # APE20070002  
Gallatin County, KY

Dear Mr. Courtney :

We have reviewed the plans and specifications for the above referenced project. The plans include the construction of approximately 3,970 feet of 8-inch PVC water line. This is to advise that plans and specifications for the above referenced project are APPROVED with respect to sanitary features of design, as of this date with the requirements contained in the enclosed waterline extension construction permit.

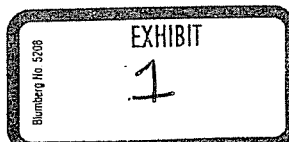
If you have any questions regarding this decision, please contact Sarah Tucker at 502/564-2225, extension 482.

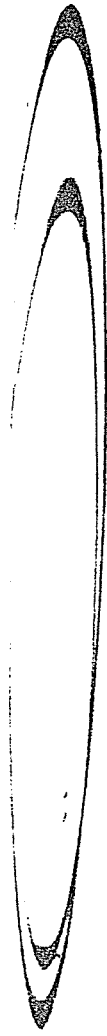
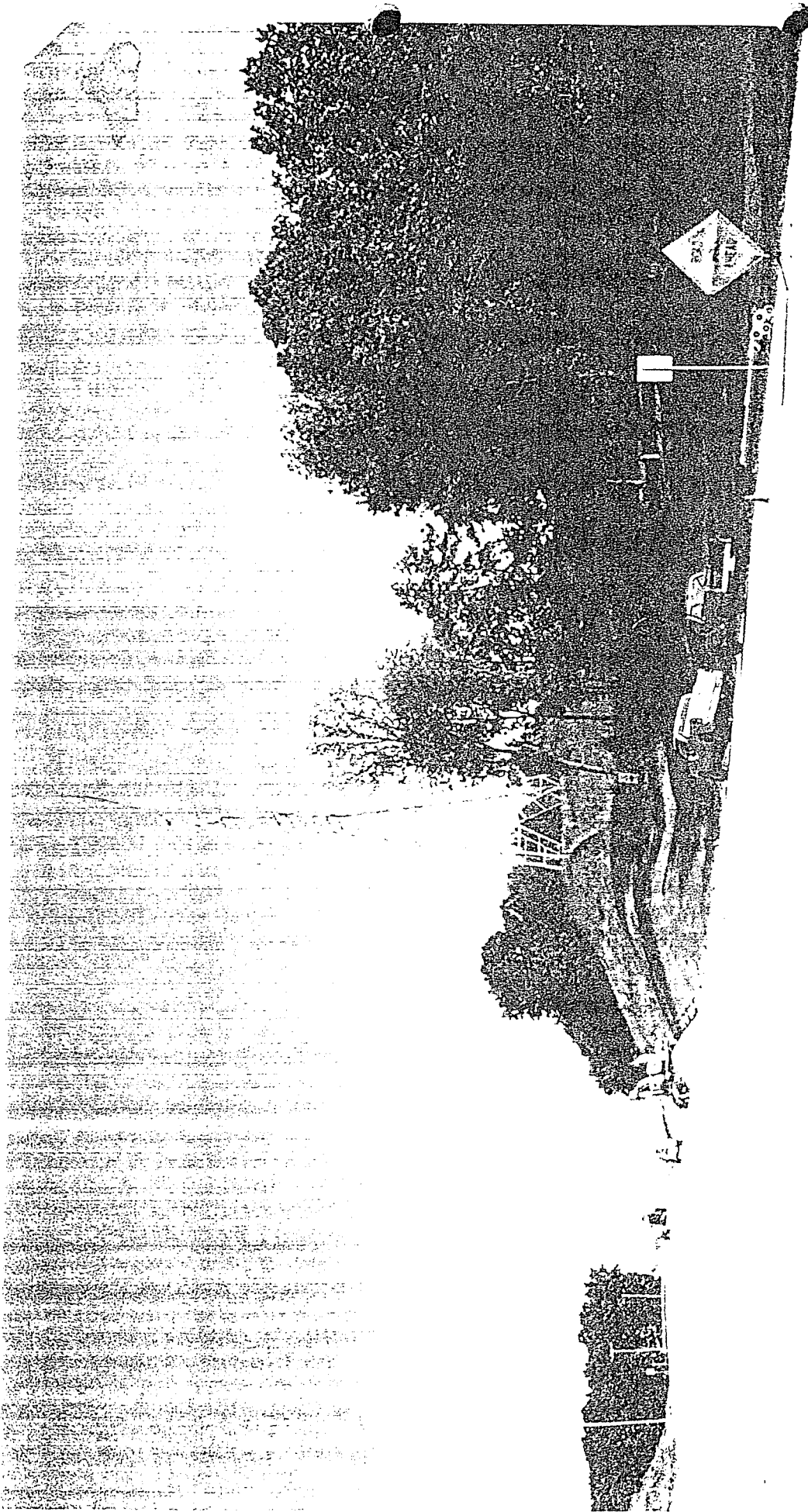
Sincerely,

  
Donna Marlin, Branch Manager  
Drinking Water Branch  
Division of Water

DSM: SAT

C: Gastineau and Associates, Inc.  
Gallatin County H.D.  
Public Service Commission





10/27/2011 10:10 AM

EXHIBIT 2

7-40 5206