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December 18, 2012

**RECEIVED**

DEC 18 2012

**PUBLIC SERVICE  
COMMISSION**

**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' Supplemental 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*

Monica H. Braun

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

DEC 18 2012

In the Matter of:

PUBLIC SERVICE  
COMMISSION

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'**  
**SUPPLEMENTAL 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 ("JSEWD"), 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, JSEWD, 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 JSEWD 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 JSEWD 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 JSEWD, 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 refer to the second grammatical paragraph on page 1 of JSEWD's Responses to the Intervenor's First Set of Requests for Information. Please confirm that JSEWD will supplement and/or correct its Responses if JSEWD receives or generates additional information within the scope of the Requests for Information propounded by the Intervenor and the Commission Staff between the time of the Responses and the time of the hearing.

2. Refer to JSEWD's response to Information Request Nos. 1(a) and 2 of the Intervenor's First Set of Requests for Information. There are several properties listed in the response to Information Request No. 2 for which neither a map nor address is provided. As requested in Information Request No. 1(a), for all potential sites considered by JSEWD for the water tank proposed in this proceeding, provide a map, or if unavailable, the address of the site or other description so as to permit reasonable identification of the location.

3. Refer to JSEWD's response to Information Request No. 2 of the Intervenor's First Set of Requests for Information. For each of the eleven properties listed in the response, please provide:

- (a) The dates during which the potential site was being considered;
- (b) The name of the person(s) with whom JSEWD communicated; and
- (c) To the extent not already provided, copies of all documents pertaining to the sites, including, but not limited to, documents exchanged between JSEWD or its agents and the owners of the properties or their agents.

4. Refer to JSEWD's response to Information Request No. 4 of the Intervenor's First Set of Requests for Information. Please produce the maps referenced in the response.

5. Refer to JSEWD's response to Information Request No. 5 of the Intervenor's First Set of Requests for Information. What are JSEWD's criteria for "[s]ufficiency of site for intended use"?

6. Refer to JSEWD's response to Information Request No. 13 of the First Set of Requests for Information. The construction plans filed in this proceeding do not contain the information requested. Please produce the requested information.

7. Refer to JSEWD's response to Information Request No. 15 of the Intervenor's First Set of Requests for Information. The construction plans filed in this proceeding do not contain the information requested. Please produce the requested information.

8. Refer to JSEWD's response to Information Request No. 16 of the First Set of Requests for Information. Please confirm that JSEWD did not take any steps to minimize the size of the water tank proposed in this proceeding.

9. Refer to JSEWD's response to Information Request No. 17 of the First Set of Requests for Information. Please provide all calculations, studies, or other documents that relate to the capacity of the water tank proposed in this proceeding.

10. Refer to JSEWD's response to Information Request No. 18 of the Intervenor's First Set of Requests for Information. Please provide the expected or estimated construction costs associated with a 500,000 gallon tank.

11. Refer to JSEWD's response to Information Request No. 23 of the Intervenor's First Set of Requests for Information. For items (f), (g), and (h), please provide

- (a) Invoices or comparable documentation supporting the costs;
- (b) The date(s) in which the costs were incurred; and

(c) A detailed explanation of why the costs were incurred before obtaining a certificate of public convenience and necessity to construct the water tank.

12. Please refer to JSEWD's response to Information Request No. 30 of the Intervenor's First Set of Requests for Information and the contract between JSEWD and Kentucky-American Water Company ("KAWC") attached to JSEWD's Motion for Full Disclosure.

(a) Please produce all contracts or agreements between JSEWD (or its predecessor) and KAWC (or its predecessors) for the sale and/or purchase and/or storage of water dated prior to February 25, 1986.

(b) Please provide the dates that JSEWD's 500,000 gallon water tank and 50,000 gallon water storage tank were placed in service.

(c) Please describe in detail the manner in which storage of water was carried out in the JSEWD Northwest Service Area from the formation of JSEWD and its predecessor, Lexington South Elkhorn Water District, to date.

13. Refer to the September 23, 2003, Letter from Horne Engineering to Ben Hammack produced at tab 1 of JSEWD's Exhibit Volume. The letter states that JSEWD sought to obtain an acre of property in the "northwesterly" part of Mrs. Switzer's farm. Please explain why an acre of property was instead purchased in the northeast corner of the property.

14. Please explain fully why JSEWD decided it needed the one million gallon water tank proposed in this proceeding, instead of the 500,000 gallon tank initially planned, as noted in several of the documents produced in response to the Intervenor's First Set of Requests for Information.

15. Refer to the Report of Geotechnical Exploration prepared by QORE, Inc. on March 11, 2004, produced at tab 11 of JSEWD's Exhibit Volume. Please explain fully:

(a) How JSEWD will address the weathered bedrock zone above auger refusal; and

(b) The expected cost of addressing the issue.

16. Refer to the customer information and usage produced at tab 26 of JSEWD's Exhibit Volume. For every year covered by the pages produced, please provide the unit of measure on which the total usage and average usage is based.

17. Refer to the April 22, 2011 letter from L. Nicholas Strong to John E. Johnson produced at tab 38 of JSEWD's Exhibit Volume. Please explain fully the "extenuating circumstances" that caused JSEWD to pursue funding through a bond issue instead of the United States Department of Agriculture.

18. Refer to the July 7, 2010 minutes produced at tab 42 of JSEWD's Exhibit Volume.

(a) Provide a description of the "12" Catnip Hill loop," including its purpose;

(b) Explain if this loop is related to the water tank proposed in this proceeding; and

(c) Provide the status of the loop project, specifically if and when it was completed.

19. Refer to the November 4, 2009 minutes produced at tab 42 of JSEWD's Exhibit Volume.

(a) Explain the circumstances through which JSEWD acquired 12" pipe that was recommended to be used at the "new tank site project";

- (b) Explain if and when the pipe was installed; and
- (c) Provide a map, diagram, or other illustration denoting where the pipe was installed.

20. Please identify all pipelines installed or modified in connection with or related to the water tank proposed in this proceeding and produce:

- (a) Invoices or comparable documentation that set forth the costs of installation or modification;
- (b) The name of the persons or entities that performed the installation or modification;
- (c) The date(s) on which the installation or modification occurred; and
- (d) A map, diagram, or other illustration denoting where the pipe was installed or modified.

21. Please refer to the Capital Improvement Program-System Storage filed in Case No. 2006-00156 (the "CIP"). At page 6, the following sentence appears: "This position was also supported in the 1980's during a period of high drought where the demand within the District was far in excess of the delivery capability at the interconnection, and demonstrated that in-system storage was not only desirable, but required, if the District was to maintain its self-imposed criteria of service delivery."

- (a) Please describe in detail JSEWD's "self-imposed criteria of service delivery" as used in the foregoing sentence.
- (b) Does JSEWD still use the same criteria? If not, please describe in detail the criteria of service delivery currently utilized by JSEWD.



22. Please refer to Table 1 in the CIP. Please update the table with the same data for each year beginning in 2006 to date.

23. Please refer to page 14 of the CIP. The following sentence appears: "Based on an analysis of the Jessamine County Joint Planning Commission, Comprehensive Plan, as well as current in house inquiries regarding availability, one is to suspect that even this high rate of development will substantially increase within the next 5-10 years."

(a) Please produce all documents containing or relating to the "analysis of the Jessamine County Joint Planning Commission, Comprehensive Plan." Please describe in detail the analysis to which the CIP refers.

(b) Please produce all documents containing or relating to "current in house inquiries regarding availability." Please describe in detail the inquiries to which the CIP refers and the responses thereto.

24. Please refer to Table 10 in the CIP. What are the units of measure represented by the numbers in the columns for "Monthly Totals 2004" and "Monthly Totals 2005?"

25. Please refer to Table 10 in the CIP. Please provide a similar comparison for the years 2011 and 2012 or, if the data is not available, for the two most recent years the data is available.

26. Please refer to Table 12 in the CIP. Please update the table with the same data for each month beginning January 2006 to date.

27. Please refer to page 65 of the CIP. The following sentence appears: "Based on the overall District peak use, and the indicative high demand peak use of the selected subdivisions, it would seem reasonable to establish a figure of 400 GPD as the expected storage design demand of the per household requirement in the Northwest Service area."

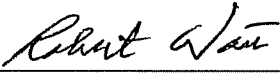
(a) Please produce all documents containing or relating to any calculations by which the author of the CIP concluded that “it would seem reasonable to establish a figure of 400 GPD as the expected storage design demand of the per household requirement in the Northwest Service area.”

(b) Please explain in detail the reasoning of the author of the CIP in reaching the conclusion that “it would seem reasonable to establish a figure of 400 GPD as the expected storage design demand of the per household requirement in the Northwest Service area.”

Dated: December 18, 2012

Respectfully submitted,

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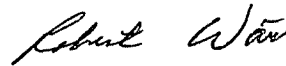
By:   
Counsel for Intervenors

**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 18th day of December 2012:

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