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MAR 27 2014

PUBLIC SERVICE
COMMISSION

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March 27, 2014

HAND DELIVERED

Hon. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40601

Re: Jessamine-South Elkhorn Water District
Case No. 2014-00084

Dear Mr. Derouen:

Please find enclosed for filing an original and ten copies of the Motion of Forest Hills Residents' Association, Inc. and T. Logan Davis for Leave to Intervene in the above-captioned case. Thank you in advance for your assistance.

Sincerely,

Robert M. Watt, III

rmw:rmw
Enclosures
cc: Mr. T. Logan Davis (w/encl.)
Counsel of Record (w/encl.)

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 27 2014

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

**APPLICATION OF JESSAMINE-SOUTH)
ELKHORN WATER DISTRICT FOR A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) CASE NO. 2014-00084
CONSTRUCT AND FINANCE A)
WATERWORKS IMPROVEMENT)
PROJECT PURSUANT TO KRS 278.020)
AND 278.300)**

**MOTION OF FOREST HILLS RESIDENTS'
ASSOCIATION, INC. AND T. LOGAN DAVIS
FOR LEAVE TO INTERVENE**

Forest Hills Residents' Association, Inc. ("Forest Hills") and T. Logan Davis ("Mr. Davis") respectfully move the Commission for the entry of an order granting them leave to intervene in the within styled case pursuant to 807 KAR 5:001, Section 4(11). In support of the foregoing motion Forest Hills and Mr. Davis state as follows:

1. Forest Hills is a Kentucky corporation with its address at 704 Chinkapin Drive, Nicholasville, Kentucky 40356. Forest Hills is an association of homeowners in the Forest Hills subdivision in Jessamine County, Kentucky. There are 29 one acre lots and two five acre lots in Forest Hills subdivision.

2. Mr. Davis is a member of the Board of Directors of Forest Hills and owns a lot and home in Forest Hills subdivision. Mr. Davis' home address is 724 Chinkapin Drive, Nicholasville, Kentucky 40356.

3. On April 15, 2011, Forest Hills and William Bates, another resident of Forest Hills subdivision and President of Forest Hills ("Mr. Bates"), filed a complaint against

Jessamine-South Elkhorn Water District (the “Water District”) alleging, among other things, that the Water District had acted and was acting in an unreasonable manner in connection with the site selection for an above-ground water storage tank. Case No. 2011-00138, *In the Matter of: Forest Hills Residents’ Association, Inc. and William Bates v. Jessamine South Elkhorn Water District*. The complaint was dismissed after the Water District filed an application for a certificate of public convenience and necessity to construct the water tank, same being Case No. 2012-00470, *In the Matter of: Application of Jessamine-South Elkhorn Water District for a Certificate of Public Convenience and Necessity to Construct and Finance a Water works Improvement Pursuant to KRS 278.020 and 278.00470* (“2012 CPCN Case”). By order dated November 12, 2012, in the 2012 CPCN Case, the Commission incorporated the record of Case No. 2011-00138 into the 2012 CPCN Proceeding.

4. Forest Hills and Mr. Bates filed a motion for full intervention in the 2012 CPCN Case, which motion was granted by order dated November 5, 2012. Forest Hills and Messrs. Davis and Bates fully participated in the 2012 CPCN Case. Messrs. Davis and Bates both testified at the hearing in the 2012 CPCN Case. An order was issued on April 30, 2013, in the 2012 CPCN Case denying the Water District’s application for a CPCN. By order dated March 24, 2014, the Commission incorporated the record of the 2012 CPCN Case into this proceeding.

5. According to the Application in this proceeding, the above-ground water storage tank that is the subject of this proceeding is proposed to be located in the same lot as the above-ground water storage tank that was the subject of the complaint proceeding and the 2012 CPCN Case, to-wit: on a tract of land that is adjacent to a lot that is designated green space for the Forest Hills Subdivision.

6. As such, the homeowners within Forest Hills Subdivision represented by Forest Hills and Mr. Davis would be directly and adversely affected by the construction of the proposed 750,000 gallon above-ground water storage tank. Forest Hills and Mr. Davis therefore have a special interest in this proceeding under 807 KAR 5:001, Section 4(11)(b) that is not otherwise adequately represented.

7. In addition, full intervention by Forest Hills and Mr. Davis will permit them to present issues or to develop facts that assist the Commission in fully considering the application herein without unduly complicating or disrupting the proceedings as they did in the 2012 CPCN Case. Specifically, Forest Hills and Mr. Davis will present the issues of whether the Water District needs a 750,000 gallon above-ground water storage tank, whether the Water District conducted a thorough and proper review of all reasonable alternatives for the location of the above-ground water storage tank, whether the decision making process of the Water District in the selection of the proposed site was reasonable, and whether the proposed site is a reasonable site. Each of these issues is within the Commission's jurisdiction and relevant to the Commission's decision in this matter.

WHEREFORE, Forest Hills Residents' Association, Inc. and T. Logan Davis respectfully request the Commission to enter an order granting them leave to intervene in this proceeding.

Dated: March 27, 2014.

Respectfully submitted,

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By Robert Watt

*Counsel for Forest Hills Residents'
Association, Inc. and T. Logan Davis*

Certificate of Service

This is to certify that the foregoing pleading has been served by mailing a copy of same, postage prepaid, to the following person on this 27th day March 2014:

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