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RECEIVED

JUL 17 2015
PUBLIC SERVICE
COMMISSION

Scott Lisenbee
Attorney At Law
Home Telephone
(606) 573-6146

July 16, 2015

Mr. Jeff Derouen
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40602

**RE: Carold Craycraft v. Black Mountain Utility Dist.
Public Service Commission, No. 2015-00038**

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of the Defendant, Black Mountain Utility District's, Filing in Response to the Commission's Order of July 2, 2015.

I thank you in advance for your assistance.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


J. Scott Lisenbee

Enclosures

COMMONWELTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 17 2015

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

CAROLD CRAYCRAFT

COMPLAINANT

V.

PSC CASE NO. 2015-00038

BLACK MOUNTAIN UTILITY DISTRICT

DEFENDANT

**BLACK MOUNTAIN UTILITY DISTRICT'S FILING IN RESPONSE TO
COMMISSION'S ORDER OF JULY 2, 2015**

Comes now the Defendant, BLACK MOUNTAIN UTILITY DISTRICT, by and through the undersigned counsel, and for its Filing in Response to the Commission's Order of July 2, 2015, does hereby state as follows:

1. That since May 8, 2015, Black Mountain has had no discussions with the Complainant, with the exception of the email correspondence made a part of the record in the July 2, 2015, Order. Subsequent to the emails, Black Mountain felt that it would be prudent that any exchange of information with the Claimant would be through official filings such as this.

2. That the letter purported to be from "Barbara Burkhart, Land Owner" is irrelevant, as on its face it regards the "Daws Branch (Dingo area) at Bledsoe, KY" not the Woodard Branch Project at issue herein.

That the second letter is from the Complainant, and Black Mountain would incorporate its initial Answer to the Complaint in Response thereto, as if fully set out herein.

That the third letter is handwritten, and appears to be from a Mr. and Mrs. Turner. The letter indicates that own land, but there is no home on it. Rather, they would like to put a house on the property. The letter does not indicate where the property is located, and whether or not it is within the scope of the Woodard Branch Project. Under either scenario, it is irrelevant, as they are not parties hereto.

That the fourth letter purports to be from "Terry Burkhart, Land Owner" is irrelevant, as on its face it regards the "Daws Branch (Dingo area) at Bledsoe, KY" not the Woodard Branch Project at issue herein.

That the fifth letter purports to be from Harold Craycraft, and like the Turner letter above regards vacant property, and does not state if the property is within the scope of the Woodard Branch Project.

That the sixth letter purports to be from Jennifer and Marshall Blanton. This letter is irrelevant, as the writers live in Richmond, Kentucky, and the property they own is vacant. Again, it is unclear if the vacant property they state they own is within the scope of the Woodard Branch Project.

That the seventh letter is purportedly from Timothy Whitehead, who states that he has lived in two locations on Woodard Branch since 1989, but does not state if he currently resides there.

That the eighth letter is stated to be from a Tommy Craycraft, who at least states that he lives on Woodard Branch. The letter states no wrong doing against Black Mountain, as with the entirety of this action, but only that they want water.

That the ninth letter is signed by an Angela Holbrook, but provides no location whatsoever for the property mentioned in the letter.

That the tenth letter is signed by a James Bailey, and is regarding the “Dingo Area”, which is not within the scope of the Woodard Branch Project.

That the eleventh letter is from a LaMacia Morgan, who states she lives at Daws Branch Road, which is not within the scope of the Woodard Branch Project.

That the twelfth letter is signed by a Candace Bailey, and appears to be the same handwriting as letter ten from James Bailey. It does not state where the property she complains of is located.

In sum, there are twelve letters attached, and only two of them, one being from the Complainant, state that their property is located on Woodard Branch. None of the letters alleged any wrongdoing on the part of Black Mountain. While Black Mountain sympathizes with their problems, there is simply nothing Black Mountain can do, nor the Commission can do for that matter, to force the legislature or the KIA to release the funds.

Following the letters, the Complainant has attached minutes of the Regular Board Meetings of Black Mountain from September of 2013, through November of 2014. Black Mountain is uncertain as to the Complainant’s intent with introducing these documents. Similarly, the remaining documents contained in the June 1, 2015, filings by the Complainant, and contained in Appendix C are a hodgepodge of documents regarding the Woodard Branch Project. As with the letters, and the minutes, there are no allegations or evidence of any wrongdoing on the part of Black Mountain.

APPENDIX D

1. The estimated cost to extend water service to the Complainant is \$142,971.73. This estimate is from the point of service, to the Complainant’s property. Please see the attached

letter from Leo Miller, PE, for further description/breakdown of the cost. The entirety of this amount (less 50 feet from the existing line) would be assigned to the Complainant;

2. No other individuals with property within the scope of the WRIS Project Number WX21095005 have applied for service;

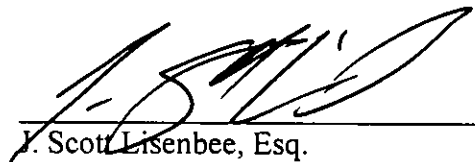
3. None;

4. None;

5. No steps have been taken. Black Mountain does not have the capability, or responsibility, to determine legislative intent. The legislative intent was stated in the letter of October 24, 2014, from State Representative Rick Nelson, of the 87th Legislative District, advising Ms. Debbie Milton, Kentucky Infrastructure Authority of the cancellation, and Ms. Milton's subsequent compliance with Rep. Nelson's request, evidenced by her October 29, 2014 letter (attached as Exhibit A and B to Black Mountain's Answer to Complaint/Requests for Information and Motion to Dismiss). Given the current status, the only individuals/entities that could provide any direct insight as to any changes in the legislative intent, would be Rep. Nelson or the KIA;

6. Black Mountain is not aware of any efforts since March 27, 2015, to determine the legislative intent for WRIS Project Number WX21095005;

Respectfully Submitted,



J. Scott Lisenbee, Esq.
117 North First St.
Harlan, Kentucky 40831
Phone: (606)573-1766
Fax: (606) 573-1913

ATTORNEY FOR DEFENDANT

I hereby certify that the original and ten (10) copies of the foregoing has been served via UPS Overnight to:

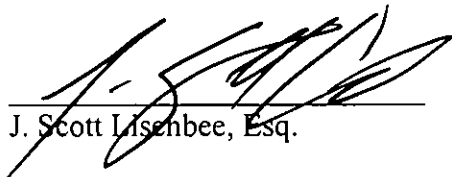
Mr. Jeff Derouen
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40602

And by delivering a copy via US Mail, Postage prepaid to:

Mr. Carold Craycraft
499 Woodard Branch Rd.
Bledsoe, Kentucky 40810

This the 16th day of July, 2015.

By:



J. Scott Lisenbee, Esq.

**DOCUMENT REFERENCED IN
APPENDIX D NO. 1**

LEO MILLER & ASSOCIATES, INC.

P.O. Box 488

HARLAN, KENTUCKY 40831

leomillerengineering.com

Leo Miller, PE

(606) 573-4300

Fax (606) 573-6722

May 25, 2015

Mr. Scott Lisenbee
Attorney at Law
117 N. First Street
Harlan, KY 40831

Re: BMUD-Woodard Branch
PSC Response
Cost Analysis

Dear Scott,

It was my understanding from our conference call, May 8, that the Kentucky Public Service Commission asked that we provide them with a cost analysis of BMUD providing water services to Carol Craycraft's property line, adjacent to Woodard Branch Road.

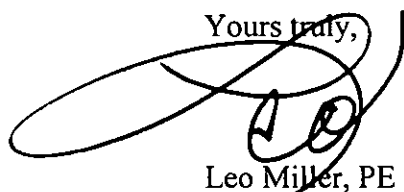
Pump Station	\$100,000.00
1000 LF of 4" SDR-PVC	\$ 10,000.00
6-4" Gate Valves	\$ 5,400.00
1 - 5/8" x 3/4" Meter	\$ 750.00
3" Blow Off	\$ 1,500.00
Engineering Design	\$ 25, 321.73

Preliminary Estimate to provide Carol Craycraft water from point of service serving 10 residents to Craycraft property. \$142,971.73

It is to be understood that this Preliminary Estimate is by definition "Preliminary" and the cost would be determined by the actual bid received for this.

Should you have any questions regarding this matter, please contact our office.

Yours truly,



Leo Miller, PE

Cc: Steve Sergent
Bob Lee
Ray Metcalfe
Dan Mosley
Tim Schwendeman
file