

Pennyrile Area Development District

a regional planning and development agency

300 Hammond Drive, Hopkinsville, KY 42240

voice (270) 886-9484 fax (270) 886-3211

www.peadd.org

email peadd@peadd.org

RECEIVED

OCT 26 2015

PUBLIC SERVICE COMMISSION

October 21, 2015

Kentucky Public Service Commission PO Box 615 211 Sower Blvd. Frankfort, KY 40602-0615

To Whom It May Concern:

On behalf of the Muhlenberg County Water District #3, please find enclosed the information regarding the application to enter into a Loan Agreement with KIA and for a Certificate of Public Convenience and Necessity to Construct and Office Building.

Should you need additional documentation to process these requests, please feel free to contact me by phone at 270-886-9484 or by email at amy.frogue@ky.gov.

Sincerely,

Amy Freque Ing
Amy Frogue/mg
Associate Director

Enclosures

Caldwell Christian Crittenden Hopkins Livingston Lyon Muhlenberg Todd Trigg

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MUHLENBERG COUNTY WATER DISTRICT #3 FOR AUTHORITY TO ENTER INTO A LOAN AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY AND FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AN OFFICE BUILDING

CASE NO. 2015-0279

RECEIVED

OCT 26 2015

APPLICATION

PUBLIC SERVICE COMMISSION

Muhlenberg County Water District #3 (MCWD #3), 4789 Main Street Bremen, Ky 42325

Regarding the Public Service Commission letter dated August 13, 2015, the following information is provided to cure the noted filing deficiencies pursuant to 807 KAR 5:001 Section 4(3):

(a) Amy Frogue, Associate Director Pennyrile Area Development District 300 Hammond Drive Hopkinsville, KY 42240 Phone: 270-886-9484

Fax: 270-886-3211

Email: amy.frogue@ky.gov

- (b) See the Attached Exhibit A regarding the building permit.
- (d)(2) See the Attached Exhibit B regarding building plans
- (e) MCWD #3 proposes to finance the construction of a new administrative building as follows: KIA Fund B Loan \$250,000; MCWD #3 local funds \$141,000. Total Project Cost \$391,000. See the attached Exhibit C regarding the project financing and budget from the Kentucky Infrastructure Authority.
- (f) See the attached Exhibit D regarding the estimated annual cost of operation after the proposed facilities are placed into service.

(g) KRS 322.340 – Pursuant to the 2013 Kentucky Building Code, Third Edition, August 2014, Section 122 states that an architect and engineer stamp is not required for buildings with less than 10,000 square feet and occupancy of less than 100. The proposed building has a total of 2,700 square feet.

For these reasons, the District requests authorization to construct the facilities and any other order or authorization that may be necessary to obtain Commission approval for construction.

Respectfully submitted,

Amy Frogue, Associate Director Pennyrile Area Development District

300 Hammond Drive

Hopkinsville, KY 42240 Phone: 270-886-9484

Email: amy.frogue@ky.gov

CONTRACTOR FOR MUHLNEBERG COUNTY WATER DISTRICT #3

COMMONWEALTH OF KENTUCKY)
COUNTY OF MUHLENBERG)

The undersigned, Don Garrett, being duly sworn, deposes and states that he is the Chairman of the Muhlenberg County Water District #3, Applicant, in the above proceedings; that he has read the foregoing Application and has noted the contents thereof; that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, he believes same to be true.

IN TESTIMONY WHEREOF, witness the signature of the undersigned on this October 19, 2015, Muhlenberg County Water District #3.

Don Garrett, Chairman

Muhlenberg County Water District #3

Subscribed and sworn to before me by Don Garrett, Chairman of the Muhlenberg County Water District #3, on this October 19, 2015.

My commission expires: (Lpsil 30, 2016

Notary Public State-At-Large

Attachment A – Building Permit

Muhlenberg County Kentucky Building Code Enforcement

Pat Rhodes, Building Inspector

Tel: 270-322-8193 Cell: 270-339-4188 RE: Case #PR745

Muhlen. Co. Water Dist. Office

4951 St. Rt. 81 Bremen, KY 42325

October 12, 2015

Ben Tooley PO Box 67 Bremen, KY 42325

Dear Mr. Tooley,

As a representative of Kentucky Building Code Enforcement, I have reviewed the drawings for the above referenced project under the provisions of the 2013 Kentucky Building Code. This letter is authorization to proceed with construction.

This Authorization does not release the owner form complying with local planning/zoning requirements or the requirement to obtain a local building permit.

A minimum of 3 inspections should be made and a "Certificate of Occupancy" issued by this office before this facility may be occupied in whole or part. It will be the responsibility of the general contractor/owner to notify Pat Rhodes for the various inspections. The issuance of a final or partial "Certificate of Occupancy" by this office does not relieve the owner from complying with any local planning/zoning requirements prior to occupancy.

Any changes made during construction must be agreed to, in writing, by this office. This authorization to construct will become null and void if construction does not begin within six months of the date of this letter.

Sincerely,

Pat Rhodes

Building Inspector,

Certificate #3347, Level III

Mechanic working under the supervision of a licensed Master HVAC Contractor. The code official may require proof of licensure when making inspections.

122.4 Quality work. All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.

TABLE 122.1 DESIGN PROFESSIONAL SEALS

NOTE: Projects involving new structures, additions or renovations require design professional services when the building size or calculated occupant load exceeds the limits indicated by Table 122

| GROUP CLASSIFICATION OR SPECIAL USE | BUILDING SIZE ^e (square feet) | CALCULATED * OCCUPANT LOAD | ARCHITECT | ENGINEER | EITHER | NONE |
|---|---|----------------------------|-----------|----------|--------|------|
| Assembly | - | 100ª | X | Х | _ | _ |
| Business | 10,000 | 100 | Х | X | - | _ |
| Educational | Any size | Any size | X | x | - | |
| Factory & industrial | 20,000 | | | _ | Х | _ |
| High hazard | Any size | Any size | _ | _ | Х | _ |
| Institutional | Any size | Any size | Х | х | _ | |
| Mercantile | _ | 100 | Х | х | _ | _ |
| Residential | 12 dwelling units ⁹ | 50° | Х | × | _ | |
| Storage * | 20,000 | _ | _ | _ | X | _ |
| Special Uses | 4 | | | | | |
| Church buildings 1 | 6,000 | 400 | Х | х | _ | |
| Day care | 3,500 ^b | 100 ^b | х | × | | |
| Farm Structures | Any size | Any size | _ | _ | | X |
| Mixed uses | Note c | Note c | Х | × | _ | - |
| Smaller buildings | Note d | Note d | _ | _ | | Х |
| Nonbuilding structures | _ | _ | - | _ | _ | X |

For SI: 1 square foot = 0.093 m².

- Assembly uses having 700 square feet to 1,500 square feet may actually have calculated occupant load exceeding 100 persons depending on the specific use of assembly areas.
- Net floor area occupied by clients is 35 square feet per client and calculated occupant load is actually client load.
- Buildings having two or more different uses require both architect and engineer when the combined calculated occupant loads exceed 100 persons unless the mixed uses are exclusively used for factory, high hazard or storage.
- d Smaller buildings of any use having total area or calculated occupant load less than specified for that use do not require design professional services
- Projects involving additions to existing buildings shall include existing building areas and/or calculated occupant loads when determining requirements for design professional services. Use the actual occupant load if it is greater than the calculated occupant load.
- No architect or engineer is required unless the church building size reaches 6,000 total square feet and a calculated occupant load of 400 persons
- The number of dwelling units shall be the determining factor except where dorreitories or boarding homes are concerned. In these cases, the occupant load shall be determined by area or actual occupant load.

810 E Center St. Madisonville, KY 42431 Central City, KY 42330 270 824-0123

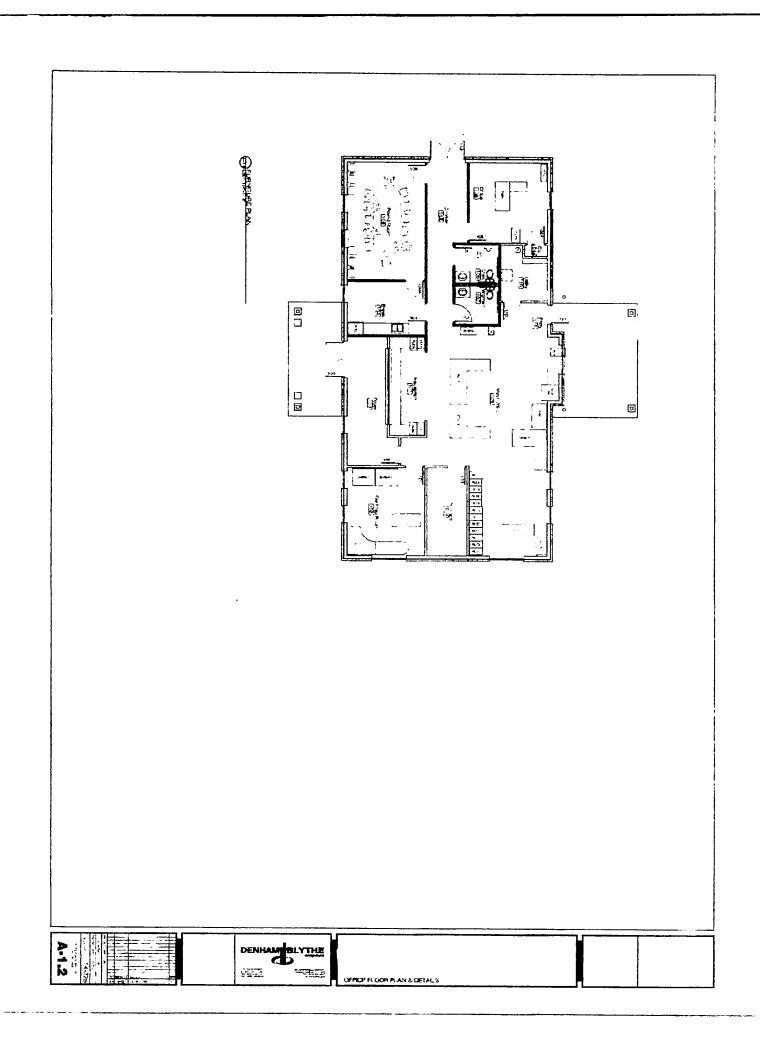
115 S 2nd St. 270 754-1455



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7 Kentucky Building Code

Attachment B – Building Plan



Attachment C – Project Financing



KENTUCKY INFRASTRUCTURE AUTHORITY

Steven L. Beshear Governor 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Phone (502) 573-0260 Fax (502) 573-0157 http://kia.ky.gov John E. Covington III

John E. Covington III Executive Director

July 6, 2015

Don Garrett, Chief Executive Officer Muhlenberg County Water District #3 4789 Main Street Bremen, KY 42325

KENTUCKY INFRASTRUCTURE AUTHORITY INFRASTRUCTURE REVOLVING LOAN FUND CONDITIONAL COMMITMENT LETTER (B16-001)

Dear Mr. Garrett:

The Kentucky Infrastructure Authority ("the Authority") commends your efforts to improve public service facilities in your community. On July 2, 2015, the Authority approved your loan for the Muhlenberg County Water District #3 New Administrative Building project, subject to the conditions stated below. The total cost of the project shall not exceed \$391,000 of which the Authority loan shall provide \$250,000 of the funding. Other anticipated funding for the project is reflected in Attachment A. The final loan amount will be equal to the Authority's portion of estimated project cost applied to the actual project cost. Attachment A incorporated herein by reference fully describes the project.

An Assistance Agreement will be executed between the Authority and the Muhlenberg County Water District #3 upon satisfactory performance of the conditions set forth in this letter. You must meet the conditions set forth in this letter and enter into an Assistance Agreement by July 6, 2016 (twelve months from the date of this letter). A one-time extension of up to six months may be granted for applicants that experience extenuating circumstances. Funds will be available for disbursement only after execution of the Assistance Agreement.

The Assistance Agreement and this commitment shall be subject, but not limited to, the following terms:

- 1. The Authority project loan shall not exceed \$250,000.
- 2. The loan shall bear interest at the rate of 1.75 percent per annum commencing with the first draw of funds.
- 3. The loan shall be repaid over a period not to exceed 20 years from the date of the last draw of funds.
- 4. Interest shall be payable on the amount of actual funds received. The first



payment shall be due on June 1, or December 1, immediately succeeding the date of the initial draw of funds, provided that if such June 1, or December 1, shall be less than three months since the date of the initial draw of funds, then the first interest payment date shall be the June 1, or December 1, which is at least six months from the date of the initial draw of funds. Interest payments will be due each six months thereafter until the loan is repaid.

- 5. Full principal payments will commence on June 1, or December 1, immediately succeeding the date of the last draw of funds, provided that if such June 1, or December 1, shall be less than three months since the date of the last draw of funds, then the first principal payment date shall be the June 1, or December 1, which is at least six months from the date of the last draw of funds. Full payments will be due each six months thereafter until the loan is repaid.
- 6. A loan servicing fee of 0.20% of the annual outstanding loan balance shall be payable to the Authority as a part of each interest payment.
- 7. Loan funds will only be disbursed after execution of the Assistance Agreement as project costs are incurred.
- 8. The Authority requires that an annual financial audit be provided for the life of the loan.
 - 9. The final Assistance Agreement must be approved by ordinance or resolution, as applicable, of the city council or appropriate governing board.

The following is a list of the standard conditions to be satisfied prior to execution of the Assistance Agreement or incorporated in the Assistance Agreement. Any required documentation must be submitted to the party designated.

- 1. Upon completion of final design of the facilities in the attached project description, favorable approval shall be obtained of such design by all appropriate parties as required by Kentucky statute or administrative regulation.
- 2. Applicant must provide certification from their legal counsel stating that they have prepared construction specifications in accordance with all applicable state wage rate laws, and that the procurement procedures, including those for construction, land, equipment and professional services that are a part of the project, are in compliance with applicable state and local procurement laws.
- 3. Documentation of final funding commitments from all parties other than the Authority as reflected in the Attachment A description shall be provided prior to preparation of the Assistance Agreement and disbursement of the loan monies. Rejections of any anticipated project funding, or any new funding sources not reflected in Attachment A shall be immediately reported and may cause this loan to be subject to further consideration.

- 4. Upon receipt of construction bids a tabulation of such bids and engineer's recommendations on compliance with bid specifications and recommendation for award, shall be forwarded to the Authority for final approval and sizing of this loan and the project.
- 5. The loan must undergo review by the Capital Projects and Bond Oversight Committee of the Kentucky Legislature prior to the state's execution of the Assistance Agreement. The Committee meets monthly on the third Tuesday. Any special conditions listed in Attachment A must be satisfied before the project is presented before the Committee.
- 6. Any required adjustment in utility service rates shall be adopted by ordinance, municipal order or resolution by the appropriate governing body of the Borrower. Public hearings as required by law shall be held prior to the adoption of the service rate ordinance, order, or resolution. Any required approvals by the Kentucky Public Service Commission shall be obtained.
- 7. Based on the final "as bid" project budget, the borrower must provide satisfactory proof, based on then existing conditions, that the revenue projections in the attached descriptions are still obtainable and that the projections of operating expenses have not materially changed. The "as bid" project budget shall be reviewed and approved by your consultant engineer.
- 8. All easements or purchases of land shall be completed prior to commencement of construction. Certification of all land or easement acquisitions shall be provided to the Authority.
- 9. Documentation of Clearinghouse Endorsement and Clearinghouse Comments.
- 10. The Borrower must complete and return the attached "Authorization for Electronic Deposit of Vendor Payment" form to the Authority.
- 11. Implement the Kentucky Uniform System of Accounting (KUSoA), or an alternative approved by the Authority and assure that rates and charges for services are based upon the cost of providing such service.
- 12. Final Design Plans in an AutoCAD Drawing File Format (DWG), referenced to the appropriate (North, South or Single) Kentucky State Plane Coordinate System (NAD83-Survey Feet) on a Compact Disc (CD). The recipient shall provide the Authority a digital copy (pdf) of the record drawings from the project within three months of construction completion.

Any special conditions listed below and/or stated in Attachment A must be resolved.

Mr. Garrett July 6, 2015 Page 4

Please inform the Authority of any changes in your financing plan as soon as possible. We wish you every success for this project which will benefit both your community and the Commonwealth as a whole.

Sincerely,

Amanda Yeary Kentucky Infrastructure Authority

Attachments

cc: Jeremy Johnston, Studio 725

Ben Tooley, MCWD

Dirk Bedarff, Peck, Shaffer & Williams LLP

State and Local Debt Office, DLG

Borrower File - Muhlenberg County Water District #3 - B16-001

Please sign and return a copy of this letter indicating your acceptance of this commitment and its terms. Also attach the completed "Authorization for Electronic Deposit of Vendor Payment" Form.

Accepted

Date

AUTHORIZATION FOR ELECTRONIC DEPOSIT OF BORROWER PAYMENT KENTUCKY INFRASTRUCTURE AUTHORITY (FUND B16-001)

| Borrower Information: |
|--|
| Name: Muhlenherg Cavala Water Dist 3 |
| Address: PO Box 67 |
| City: Becomen State: KY Zip: 42323 |
| Federal I.D. # <u>6/:067367/</u> |
| Contact Name: Sondy Gary Telephone: 170-525-633 |
| Email: <u>Sandra Q muhlanhergunter. com</u> |
| Financial Institution Information: |
| Bank Name: FIRST Southern National Bank |
| Branch: <u>Bremen</u> #32 Phone No: <u>270-525-6654</u> |
| City: Bremen State: Ky Zip: 42325 |
| Transit / ABA No.: OND 10.0003 |
| Account Name: Mullenherg County Water Dist = 3 Construction Bect. |
| Account Number: 020 4277 |
| I, the undersigned, authorize payments directly to the account indicated above and to correct any errors which may occur from the transactions. I also authorize the Financial Institution to post these transactions to that account. |
| Signature: Don Garnett Don Date: 8/5/15 Name Printed: Don Garnett Job Title: Chairman |
| Name Printed: DON Garrett Job Title: Chairman |
| Please return completed form to: Kentucky Infrastructure Authority 1024 Capital Center Drive, Suite 340 Frankfort, KY 40601 |

phone: 502-573-0260

502-573-0157

fax:

ATTACHMENT A

Muhlenberg County Water District #3 B16-001

Reviewer: Jami Johnson

Date: July 2, 2015 Loan Number: B16-001

KENTUCKY INFRASTRUCTURE AUTHORITY
INFRASTRUCTURE REVOLVING LOAN FUND (FUND "B")
MUHLENBERG COUNTY WATER DISTRICT #3, MUHLENBERG COUNTY
PROJECT REVIEW
WX21177038

I. PROJECT DESCRIPTION

Muhlenberg County Water District #3 is requesting a \$250,000 Fund B Loan for the New Administrative Building Project. The District plans to build a 2,700 square foot office building which will house the administrative staff and the superintendent. It will also provide a meeting place for the board of directors as well as providing a location for bill payment and customer interaction. The District has undertaken this project because their current building is quickly becoming a hazard to employees and customers.

The District purchases approximately 275 million gallons (MG) of water annually from Central City Municipal Water and Sewer System and provides approximately 66 MG of water to Sacramento Water Works. The District is regulated by the Public Service Commission.

II. PROJECT BUDGET

| | Total | | |
|-------------------------|-------|---------|--|
| Administrative Expenses | \$ | 5,000 | |
| Construction | | 386,000 | |
| Total | \$ | 391,000 | |

III. PROJECT FUNDING

| | Amount | % | |
|-------------|---------------|------|--|
| Fund B Loan | \$ 250,000 | 64% | |
| Local Funds | 141,000 | 36% | |
| Total | 391,000 | 100% | |

IV. KIA DEBT SERVICE

| Amortized Loan Amount | | 250,000 |
|-------------------------------------|--|---------|
| Interest Rate | | 1.75% |
| Loan Term (Years) | | 20 |
| Estimated Annual Debt Service | | 14,869 |
| Administrative Fee (0.20%) | | 500 |
| Total Estimated Annual Debt Service | | 15,369 |

V. PROJECT SCHEDULE

Bid Opening August 2015 Construction Start August 2015 Construction Stop February 2016

VI. RATE STRUCTURE

A. <u>Customers</u>

| Customers | Current |
|-------------|---------|
| Residential | 2,027 |
| Commercial | 88 |
| Total | 2,115 |

B. Rates

| | Current | Prior |
|--------------------------------|----------|----------|
| Date of Last Rate Increase | 04/17/13 | 07/12/12 |
| Minimum (2,000) | \$17.75 | \$15.21 |
| Next 8,000 Gallons | 5.45 | 4.18 |
| Next 10,000 Gallons | 5.16 | 3.89 |
| Next 30,000 Gallons | 4.79 | 3.52 |
| Over 50,000 Gallons | 4.51 | 3.24 |
| Cost for 4,000 gallons | \$28.65 | \$23.57 |
| Increase % | 21.6% | |
| Affordability Index (Rate/MHI) | 0.9% | |

VII. <u>DEMOGRAPHICS</u>

Based on current Census data from the American Community Survey 5-Year Estimate 2008-2012, the Utility's service area population was 4,965 with a Median Household Income (MHI) of \$38,409. The median household income for the Commonwealth is \$42,610. The project will qualify for a 1.75% interest rate because the utility's service area MHI is above 80% of the State's MHI.

| | Population | | | | Unemploy | yment |
|---------|------------|----------|--------|----------|-----------|-------|
| Year | City | % Change | County | % Change | Date | Rate |
| 1980 | 4,631 | | 32,238 | | June 2004 | 8.7% |
| 1990 | 4,689 | 1.3% | 31,318 | -2.9% | June 2009 | 11.7% |
| 2000 | 4,398 | -6.2% | 31,839 | 1.7% | June 2013 | 10.7% |
| 2010 | 4,312 | -2.0% | 31,499 | -1.1% | June 2014 | 8.8% |
| Current | 4,427 | 2.7% | 31,427 | -0.2% | | |

VIII. FINANCIAL ANALYSIS (See Exhibit 1)

Financial information was obtained from the audited financial statements for the years ended December 31, 2012 through 2014. Percentage references in the History section below are based on whole dollar amounts and not the rounded amounts presented.

HISTORY

Revenues increased 43% from \$1.0 million in 2012 to \$1.5 million in 2014 while operating expenses increased 45% from \$876 thousand to \$1.3 million during the same period. The debt coverage ratio was 14.1 for 2014.

The balance sheet reflects a current ratio of 11.6 and number of months of operating expenses in unrestricted cash is 8.2.

PROJECTIONS

Projections are based on the following assumptions:

- 1) Revenues remain flat
- 2) Expenses will increase 3%
- 3) Debt service coverage is 8.7 in 2016 when principal and interest repayments begin.

Based on the proforma assumptions, the utility shows adequate cash flow to repay the KIA Fund B loan.

REPLACEMENT RESERVE

The annual replacement cost is \$600. This amount should be added to the replacement account each December 1 until the balance reaches \$6,000 and maintained for the life of the loan.

IX. <u>DEBT OBLIGATIONS</u>

| | Outstanding Maturity |
|--------------------|----------------------|
| Lease on Equipment | 30,020 2016 |
| Total | 30,020 |

X. OTHER STATE OR FEDERAL FUNDING IN PAST FIVE YEARS

| Description | Funding Source | Amount | Type |
|-------------------|----------------|---------|-------|
| Generator Project | Coal Severance | 100,000 | Grant |
| Main Replacement | Coal Severance | 75,000 | Grant |

XI. CONTACTS

| Legal Applicant | |
|---------------------|---------------------------------------|
| Name | Muhlenberg County Water District #3 |
| Address | 4789 Main Street |
| | Bremen, KY 42325 |
| Authorized Official | Don Garrett (Chief Executive Officer) |
| Phone | (270) 525-6333 |
| Email | muhlenbergwater@bellsouth.net |

| Project Contact - Applicant | |
|-----------------------------|-------------------------|
| Name | Ben Tooley |
| Representing | Muhlenberg Water |
| Address | P.O. Box 67 |
| | Bremen, KY 42325 |
| Phone | (270) 525-6333 |
| Email | ben@muhlenbergwater.com |

| Consulting Engineer | | | | |
|---------------------|----------------------|--|--|--|
| Name | Jeremy Johnston | | | |
| Firm | Studio 725 | | | |
| Address | 227 Twin Hills Drive | | | |
| | Greenville KY 42345 | | | |
| Phone | (270) 338-7692 | | | |

XII. RECOMMENDATIONS

KIA staff recommends approval of the loan with the standard conditions.

Attachment D – Annual Operating Costs

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