



**K. BRYAN ERNSTBERGER**

CALLOWAY COUNTY ATTORNEY

ASSISTANT COUNTY ATTORNEY  
DAVID J. PERLOW

204 SOUTH 6TH STREET • MURRAY, KY 42071  
PHONE (270) 753-3312 • FAX (270) 761-8154

ASSISTANT COUNTY ATTORNEY  
CASEY J. NABER

March 8, 2017

**RECEIVED**

MAR 13 2017

PUBLIC SERVICE  
COMMISSION

Kentucky Public Service Commission  
Executive Director's Office  
211 Sower Boulevard  
Frankfort, Kentucky 40601

RE: Case # / 2016-400

To Whom It May Concern:

This letter and application are being submitted at the request of the Murray No. 2 Water District for your consideration of a deviation of 807 KAR 5:066, Section 4(4). The water storage requirement deviation application is attached and the request is very simple in nature. Murray No. 2 Water District purchases its water from the City of Murray, which has an abundant amount of water. Practically, there is no reason for the Murray No. 2 Water District to need to store water because there is no way that the City of Murray would run out of water for the district to purchase. Additionally, there are service crews available for any repairs or issues 24 hours a day, seven days a week. Requiring the water district to maintain the required storage of water would be both burdensome and costly, while at the same time providing no practical benefit to the customers. If you have any question or concerns please give me call and we can discuss.

Yours truly,

K. Bryan Ernstberger  
Calloway County Attorney  
204 South 6<sup>th</sup> Street  
Murray, KY 42071  
T 270-753-3312  
F 270-761-8154  
murrayattorney@gmail.com

**KENTUCKY PUBLIC SERVICE COMMISSION**

Water Storage Requirement Deviation Request Application

**807 KAR 5:066, Section 4(4):** *Storage. The minimum storage capacity for systems shall be equal to the average daily consumption.*

This form is intended to assist water utilities seeking a deviation from the requirements of 807 KAR 5:066, Section 4(4) and for permission to either maintain less water storage capacity than the average daily consumption or to obtain additional time to attain minimum storage capacity equal to the average daily consumption.

To request a deviation from the requirements of 807 KAR 5:066, Section 4(4), please complete the following application in full.

Utility: **Murray No. 2 Water District**

Address: **201 New Providence Rd**

City: **Murray** State: **Kentucky** Zip Code: **42071**

Telephone Number: **(270) 753-8061** Number of Customers: **281**

County or Counties served: **Calloway** \_\_\_\_\_

\_\_\_\_\_

Are you requesting a deviation:

- To maintain less water storage capacity than the average daily consumption?
- For additional time to attain minimum storage capacity equal to the average daily consumption?

I. Contact Information

Please provide information for the person to whom correspondence or communications concerning this application should be directed:

Name: **Marty Futrell** Title: **Chairman**

Address: **201 New Providence Road**

City: **Murray** State: **Kentucky** Zip Code: **42071**

Telephone Number: **(270) 293-2828**

II. Filing Requirements

Please submit an original and seven (7) copies of the completed application to:

Kentucky Public Service Commission

Executive Director's Office

211 Sower Boulevard

Frankfort, Kentucky 40601

Telephone: (502) 564-3940

All correspondence and responses to supplemental information requests should be sent to the above address as well.

Copies of this form may be obtained by visiting the Kentucky Public Service Commission website at <http://psc.ky.gov> and clicking on the Forms bullet in the Quick Reference, or by contacting George Wakim, Branch Manager, Water & Sewer Branch, at (502) 564-3940.

III. Questionnaire:

Please answer all questions completely, attach additional sheets as necessary.

1. Provide the average daily water consumption. This should include all water sold, utility water usage, and unaccounted-for-water. following information:

**Average Daily Consumption: 41,355 as of October 2016**

2. Please provide the following information:

Total number of water storage tanks in the system: **None**

<u>Type of Storage Tank</u>	<u>Capacity</u>
<b><u>Not Applicable</u></b>	<b><u>Not Applicable</u></b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. Please provide a list of all large customers purchasing more than five (5) percent of the utility's average daily consumption. Also indicate which, if any, of these customers can sustain an interruption during emergencies.

**No Customers would qualify to be listed**

<u>Customer</u> <b>Not Applicable</b>	<u>Daily Usage</u>	<u>Storage Facility</u> ( ) Yes ( ) No	<u>Capacity</u>	<u>Interruption</u> ( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No
_____	_____	( ) Yes ( ) No	_____	( ) Yes ( ) No

4. Please provide a list of all critical healthcare facilities served by the system.

<u>Facility</u> <b>Not Applicable</b>	<u>Daily Usage</u>	<u>Storage Facility</u> ( ) Yes ( ) No	<u>Capacity</u>
_____	_____	( ) Yes ( ) No	_____
_____	_____	( ) Yes ( ) No	_____
_____	_____	( ) Yes ( ) No	_____
_____	_____	( ) Yes ( ) No	_____
_____	_____	( ) Yes ( ) No	_____
_____	_____	( ) Yes ( ) No	_____

5. Please provide the following information:

Does the utility:

Produce water? ( ) Yes ( **X** ) No      Purchase water? ( **X** ) Yes ( ) No

If the utility purchases water, please provide the following information:

<u>Supplier</u>	<u>Average Amount Purchased</u>	
<b>City of Murray</b>	<b>October 2016</b>	<b>1,282,000</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. If a supplier has storage capacity or reserves storage capacity for the benefit of your utility, please provide the following information:

<u>Supplier</u> <b>See Attached Letter</b>	<u>Capacity</u>	<u>Proximity to Master Meter</u> <b>Water Plant and Storage Less than 1 Mile from Our Master Meter</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Will your supplier issue your utility a letter of this additional storage capacity specifying whether they can sustain any of your system's interruptions to ensure you adequate continuity of service?       Yes ( ) No

If yes, provide a copy of the agreement or letter.

8. Please provide a technical summary of operational deficiencies of the system that are known from experience or that are indicated by hydraulic analysis. This should include a list of outages that occurred in past years, their location, the cause and duration of any outages, customer complaints, areas of low pressure, and the availability of standby equipment, repair equipment, and contractors.

**Our last Outage was in 2014 due to a fireplug being torn out of the ground by a car accident where the car left the road. Outage time approximately 45 minutes. The City of Murray,**

**our supplier, provides our maintenance and repair services and has crews available 24 hours a day, 7 days a week.**

9. Please provide information on the growth potential for the system. This should include the number of new customers added per year and the possibility of extensive development (i.e. new subdivisions, businesses, etc.)

**In 2015 we added 2 new taps. In 2016 we've added 3 new taps.**

**Our side of the county is not the growing side of Murray.**

10. Please describe any planning, to date, to bring the system into compliance with Commission regulations. This should include efforts to secure financing for the construction of additional storage facilities, as well as the estimated compliance date. If no planning has taken place, please explain why.

**Our water district is currently in negotiations with the City of Murray to take over our system, which would be a very logical move from us and them. We have been discussing this for years, however when our new Mayor took office we are as close as we have ever been to getting this agreement. I cannot at this time provide a time frame except to say that we are actively pursuing this agreement and I do not know of a reason the City of Murray would not be in favor of it.**

IV. Signature:

I have read and completed this application, and to the best of my knowledge, all the information contained herein is true and correct.

Signed: 

Title: County Attorney for Calloway County

Date: 3-8-17

Contact Information for County Attorney

204 S. 6<sup>th</sup> Street  
Murray, KY 42071  
Phone (270) 753-3312  
Fax (270) 759-8027  
Bryan.ernstberger@gmail.com



Melinda A. Ernst  
July 1, 2005

CITY OF MURRAY PUBLIC WORKS AND UTILITIES

City of Murray, Kentucky

February 11, 2016

Water District #2 – 121 South  
201 New Providence Road  
Murray, KY 42071

**RE: Potable Water Availability**

The City of Murray Water System is providing this information concerning the availability of potable water supply to the Water District #2 – 121 South.


The City of Murray Water System has an elevated storage capacity of 2.925 million gallons of potable water and 1.0 million gallons of treated potable water before high service pumping. Our water treatment plant is designed to treat up to 7.0 million gallons per day. We currently average between 3.0 and 4.5 MGD.

The City of Murray Water System agrees to provide potable water to Water District #2 – 121 South in sufficient quantity and pressure as it does to all of our water customers, both inside and outside the City limits, and is subject to the rules and regulations governing water supply, distribution and usage under the authority of the **Kentucky Division of Water**.

This agreement is for a period of three (3) years from January 1, 2016 through December 31, 2018, at which time the terms of this agreement may be reviewed and extended, if agreed to by both parties.

If you should need any further information in regards to this service agreement, please contact **Murray Public Works & Utilities Department** at 270.762.0336. Thank you for your continued support of the Murray Water System.

Sincerely,

  
Thomas J. Kutcher  
**Director of Public Works & Utilities**  
City of Murray, KY

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<u>Customer</u> <b>Not Applicable</b>	<u>Daily Usage</u>	<u>Storage Facility</u>	<u>Capacity</u>	<u>Interruption</u>
		( ) Yes ( ) No		( ) Yes ( ) No
		( ) Yes ( ) No		( ) Yes ( ) No
		( ) Yes ( ) No		( ) Yes ( ) No
		( ) Yes ( ) No		( ) Yes ( ) No
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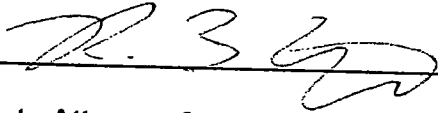
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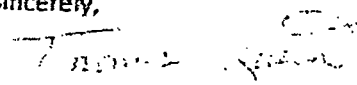
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