

AMENDED AGREEMENT

THIS AMENDED AGREEMENT entered into and effective on the first day of July, 1991, by and between the CITY OF PIKEVILLE, P. O. Box 1228, Pikeville, Kentucky 41502, hereinafter referred to as "Seller" and MUD CREEK WATER DISTRICT, P.O. Box 00247, Prestonsburg, Kentucky, 41653, hereinafter referred to as "Purchaser".

W I T N E S S E T H:

WHEREAS, the parties have previously entered into a Water Purchase Contract dated January 23, 1987 whereby the Purchaser agreed to purchase and the Seller agreed to sell potable drinking water.

WHEREAS, Paragraphs 5 and 9 of said Water Purchase Agreement provides for an adjustment to the rate for water delivered to the Seller based upon the formula contained on Page 31 of a certain H. J. Umbaugh and Associates' Accounting Report on Wholesale Cost of Services for Pikeville, Kentucky Municipal Water Utility dated April 7, 1986.

WHEREAS, pursuant to said paragraphs and based upon the above-described formula, the City of Pikeville did elect to adjust the rate for water delivered to the Purchaser and the parties now desire to amend the Water Purchase Agreement to reflect such rate adjustment.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

SEP 09 1994

PURSUANT TO 807 KAR 5.011.  
SECTION 9(1)

BY: James A. Neal  
FOR THE

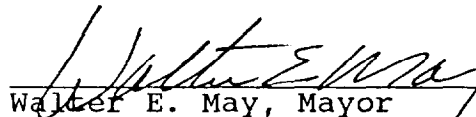
NOW, THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, and further in consideration of the continuing observation of the terms and conditions contained in the parties' original agreement, the parties do hereby agree as follows:

1. That Section B, Paragraph 1B is hereby amended to read as follows: "\$2,085.00 per month plus \$.95 per 1,000 gallons purchased".

2. All other terms and conditions of the parties' January 23, 1987 Agreement are hereby adopted and reaffirmed as if the terms contained therein were set out at length herein.

IN WITNESS WHEREOF, the parties hereto have executed their signatures the day and year first above written.

CITY OF PIKEVILLE

  
Walter E. May, Mayor

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

ATTESTED:

  
Karen Harris, City Clerk

SEP 09 1994

PURSUANT TO 807 KAR 5011.  
SECTION 9(1)

MUD CREEK WATER DISTRICT

FOR THE

  
Chairman

ATTESTED:

[Handwritten Signature]

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

SEP 09 1994

STATE OF KENTUCKY

COUNTY OF PIKE

PURSUANT TO 807 KAR 5:011,  
SECTION 9(1)

BY: [Handwritten Signature]  
FOR THE STATE OF KENTUCKY

The foregoing Amended Agreement was subscribed and acknowledged before me by Walter E. May, Mayor of the CITY OF PIKEVILLE, a municipal corporation and Karen Harris, its City Clerk to be the voluntary act of the CITY OF PIKEVILLE, this 24<sup>th</sup> day of June, 1991.

My Commission expires: June 13, 1993.

[Handwritten Signature: John A. Johnson]  
Notary Public

STATE OF KENTUCKY

COUNTY OF FLOYD

The foregoing Amended Agreement was subscribed and acknowledged before me by EULA HALL, Chairman of MUD CREEK WATER DISTRICT and HOMER HAMILTON, its Secretary, to be the voluntary act of MUD CREEK WATER DISTRICT this 17<sup>th</sup> day of JUNE, 1991.

My Commission Expires Feb. 15, 1994

My Commission expires: \_\_\_\_\_.

[Handwritten Signature: Glenn Patton]  
Notary Public

RECEIVED

AUG 24 1994

PUBLIC SERVICE  
COMMISSION

AN AMENDED ORDINANCE OF THE CITY OF PIKEVILLE,  
KENTUCKY, ADJUSTING WATER SERVICE RATES FOR  
CERTAIN WHOLESALERS AND AMENDING IN PART  
A CERTAIN ORDINANCE ADOPTED ON ~~JANUARY-27,--1987~~  
May 22, 1989

ORDINANCE 0-91- 010

WHEREAS, the Board of Commissioners of the City of  
Pikeville, Kentucky, (the City), previously adopted on January  
27, 1987 and May 22, 1989, an Ordinance and Amended Ordinance  
(the "Rate Ordinance"), revising water and sewer rates and  
charges, and it is now the desire and purpose of the City to  
adjust certain water rates and charges applicable to the  
wholesale water users hereinafter identified;

WHEREAS, H. J. Umbaugh and Associates has determined  
that a rate adjustment for wholesale water users is necessary  
based on a certain formula contained on Page 31 of the H. J.  
Umbaugh and Associate's Accounting Report on wholesale cost of  
service for Pikeville dated April 7, 1986;

NOW, THEREFORE, BE IT ORDAINED by the City of  
Pikeville, Kentucky as follows:

SECTION 1. The second paragraph of Section 2 of the  
Rate Ordinance identified in the foregoing preamble is hereby  
amended to read as follows:

From and after ~~July 1, 1989~~, July 1, 1991, the  
water service rates and charges for the  
following wholesale users shall be, respectively,  
as follows (and as fixed by the respective water  
purchase contracts):

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SECTION 9(1)

BY: Jordan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION

- ~~Mayo Village Water Systems, Inc.~~ - ~~\$1.32 per 1,000 gallons or \$1,030 per month, plus \$0.68 per 1,000 gallons~~
- Mud Creek Water District - ~~\$1.47 per 1,000 gallons or \$2,297 \$2,085 per month, plus \$1.00 \$ .95 per 1,000 gallons~~
- Sandy Valley Water District - ~~\$1.56 per 1,000 gallons or \$7,023 \$6,154 per month, plus \$0.97 \$ .90 per 1,000 gallons~~
- Mountain Water District - \$1.77 per 1,000 gallons

SECTION 2. With the exception of the revision and adjustment of water service rates and charges as hereinbefore set out, the provisions of prior ordinances, resolutions and municipal orders of the City relating to its municipal water and sewage system are hereby reaffirmed and ratified.

SECTION 3. This ordinance shall be in full force and effect from and after its final adoption as provided by law.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, KENTUCKY, upon second reading at a meeting held on May 29, 1991, following first reading on February 25, 1991, upon such adopting signed by the Mayor as evidence of his approval, attested under seal by the City Clerk ordered to be published according to law and declared to be in full force and effect according to law.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

SEP 09 1994

PURSUANT TO 807 KAR 5.011,  
SECTION 9(1)

BY: Jonathan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION

APPROVED:

(SEAL)

Walter E. May  
Walter E. May, Mayor  
City of Pikeville, Kentucky

ATTEST:

Karen Harris  
Karen Harris, City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Pikeville, Kentucky, do hereby certify that the foregoing is a true, complete and correct copy of an ordinance finally adopted upon second reading by the Board of Commissioners of said City, approved by the Mayor and attested by me as City Clerk, upon the occasion of a properly convened meeting of the Board of Commissioners of said City held on May 29, 1991, as shown by the official records of said City in my custody and under my control. I further certify that I have delivered said ordinance to the legal newspaper qualified under KRS 424 to publish legal documents on behalf of said City, with directions that the same be published in the earliest possible issue thereof.

WITNESS my hand and the seal of said City this  
29th day of May, 1991.

(SEAL)

Karen Harris  
Karen Harris, City Clerk,  
City of Pikeville

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

SEP 09 1994

PURSUANT TO 807 KAR 5011,  
SECTION 9 (1)

BY: Jordan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION