CASE NUMBER:

99-101

KY. PUBLIC SERVICE COMMISSION
AS OF: 04/03/00

INDEX FOR CASE: 1999-101UAC SPRINTCOM, INC. Construct

CELL SITE - 9350 DIXIE HIGHWAY - CORINTH, GRANT COUNTY, KY

IN THE MATTER OF APPLICATION OF SPRINTCOM, INC., FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE CINCINNATI BASIC TRADING AREA (CORINTH FACILITY)

SEQ	ENTRY	
NBR	DATE	REMARKS
M0001	03/25/1999	SANDRA KEENE / SPRINTCOM, INCNOTICE OF INTENT TO FILE
0002	05/06/1999	Application.
0003	05/11/1999	Acknowledgement letter
0001	05/19/1999	Deficiency letter, response due 6-3-99.
M0002	05/19/1999	KENNETH & MARGERY TRITCHLER-REQUEST FOR INTERVENTION
M0003	06/07/1999	JOHN SIMKONIS GRANT CO PLANNING-MINUTES FROM MEETING ON CELL LOCATION
0004	06/10/1999	Order granting motion of Kenneth and Margery Tritchler to intervene.
M0004	06/30/1999	SANDRA KEENE SPRINTCOM-MOTION TO SET HEARING DATE
0005	07/23/1999	Order setting hearing 8/24; notice of intent due 8/2 or hearing cancelled.
M0005	08/02/1999	KENNETH & MARGERY TRITSCHLER-NOTICE OF APPEARANCE AT HEARING
M0006	08/05/1999	SANDRS KEENE SPRINTCOM-NOTICE OF FILING SUPPLEMENTAL MATERIAL
M0007	08/16/1999	SANDRA KEENE SPRINTCOM INC-MOTION TO CONTINUE HEARING
0006	08/20/1999	Order rescheduling 8/24 hearing to 9/14
M0008	09/07/1999	KENNETH & MARGERY TRITSCHLER CITIZEN-MOTION TO CONTINUE HEARING
0007	09/09/1999	Order rescheduling 9/14 hearing to 10/15
M0009	09/28/1999	SANDRA KEENE SPRINTCOM-MOTION TO REMAND HEARING (FAX)
M0010	10/01/1999	SANDRA KEENE SPRINTCOM-MOTION TO REMAND HEARING
8000	10/06/1999	Order cancelling 10/15 hearing; status report due 11/5
M0011	01/14/2000	SANDRA KEENE SPRINTCOM INC-MOTION FOR EXTENSION OF TIME
0009	02/16/2000	Order granting motion for extension of time; info due 3/1
0010	03/31/2000	FINAL ORDER DISMISSING CASE



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION 211 SOWER BOULEVARD POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-101 UAC SPRINTCOM, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 31, 2000.

See attached parties of record.

Secretary of the Commission

SB/sa Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO. 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY. 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY. 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY. 41010

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101-UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On September 28, 1999, Sprintcom Inc. ("Sprintcom") filed a motion to remand the hearing scheduled in this case, stating that it had entered into negotiations for colocation. The Commission granted Sprintcom's motion on October 6, 1999 and directed Sprintcom to file a status report on the co-location within thirty days from the date of the Order. No documents were received from Sprintcom until January 14, 2000, when it filed a motion for an extension of time to file the status report to and including March 1, 2000. By Order entered February 16, 2000, the Commission granted Sprintcom's motion; however, the information has not been submitted.

The Commission, having considered the matter and being otherwise sufficiently advised, finds that this case should be dismissed for Sprintcom's failure to submit the information required.

IT IS THEREFORE ORDERED that this case is dismissed without prejudice.

Done at Frankfort, Kentucky, this 31st day of March, 2000.

By the Commission

ATTEST:

Executive Directo



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION 211 SOWER BOULEVARD POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

February 16, 2000

To: All parties of record

RE: Case No. 1999-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sa Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101-UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On January 14, 2000, Sprintcom, Inc. ("Sprintcom") filed a motion for an extension of time to and including March 1, 2000 to file the status report required by the Commission's Order entered October 6, 1999. Sprintcom states in support of its motion that it is in the process of finalizing an agreement with SBA Towers, Inc. for colocation.

The Commission, having considered the motion and being otherwise sufficiently advised, HEREBY ORDERS that the motion is granted and the time within which Sprintcom shall file the information is extended to the close of business on March 1, 2000.

Done at Frankfort, Kentucky, this 16th day of February, 2000.

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By the Commission

ATTEST:

Executive Director



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

October 6, 1999

To: All parties of record

RE: Case No. 99-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell Secretary of the Commission

SB/sa Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101-UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On September 28, 1999, Sprintcom, Inc. ("Sprintcom") filed a motion, via facsimile, to remand the hearing scheduled for October 15, 1999. In support of the motion, Sprintcom states that it has entered into negotiations with SBA Towers, Inc. ("SBA") to colocate Sprintcom's equipment on a facility proposed by SBA. The Commission, having considered the motion and good cause having been shown, hereby finds that the motion should be granted.

IT IS THEREFORE ORDERED that:

- 1. The hearing scheduled for October 15, 1999 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky is cancelled until further order of the Commission.
- 2. SprintCom shall file a status report with the Commission 30 days from the date of this Order.

Done at Frankfort, Kentucky, this 6th day of October, 1999.

By the Commission

ATTEST:

Executive Director



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

September 9, 1999

To: All parties of record

RE: Case No. 99-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sa Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.)	
FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	_
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-101	×
COMMUNICATIONS SERVICES FACILITY) UAC	
IN THE CINCINNATI BASIC TRADING AREA)	
(CORINTH FACILITY))	

MOTION TO CONTINUE HEARING

Comes the Applicant, Kenneth and Margery Tritschler, and move the Commission to reschedule the hearing currently set for September 14, 1999. In support of said motion, the undersigned state that they both have scheduling conflicts on September 14, 1999. One or both of the undersigned can be available for a hearing in this matter on September 20, 1999 or anytime here after.

Respectfully submitted, Kennel Intelled Margery Trelechled

KENNETH TRITSCHLER MARGERY TRITSCHLER

245 T&R Lane

Corinth, Kentucky 41010

* For the public record. SH 9-29-9

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Motion to Continue Hearing was served upon Mark W. Dobbins, Sandra F. Keene, Tilford, Dobbins, Alexander Buckway & Black (Counsel for Applicants), 1400 One Riverfront Plaza, Louisville, Kentucky 40202, on this 3rd day of September, 1999.

Lenneth Tulether Margery Trubether KENNETH TRITSCHLER MARGERY TRITCHLER

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101-UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On September 7, 1999, the Intervenors filed a motion to reschedule the hearing due to a conflict in scheduling. The Commission, having considered the motion and good cause having been shown, hereby finds that the motion should be granted.

The Commission further finds that the proposed site is to be located in Grant County, Kentucky and has been approved by the Grant County Planning Commission. Accordingly, pursuant to 807 KAR 5:063, the character of the general area concerned and the likely effects of the installation on nearby land uses and values shall not be taken into consideration by the Commission. Testimony received by the Commission shall, therefore, be limited to the areas of service and safety.

IT IS THEREFORE ORDERED that:

1. The hearing scheduled for September 14, 1999 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky is rescheduled to October 15, 1999, at 9:00 a.m., Eastern Daylight Time.

2. SprintCom shall appear at the hearing and be prepared to present testimony on the engineering design, location and construction for the proposed cell site, as well as the safety issues relating to the cell site.

3. The Intervenors shall have the opportunity to present testimony or comment on any aspect of the safety and service of the proposed tower.

4. Prefiled testimony, if any, shall be filed by October 8, 1999.

5. Neither opening statements nor witnesses' summaries of prefiled direct testimony will be permitted.

6. Pursuant to KRS 100.324, a copy of this Order is being sent to the Grant County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 9th day of September, 1999.

By the Commission

ATTEST:

Executive Director



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

August 20, 1999

To: All parties of record

RE: Case No. 99-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sa Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101-UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On May 6, 1999, SprintCom, Inc. ("SprintCom") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a cellular facility at 9350 Dixie Highway, Corinth, Grant County, Kentucky.

SprintCom having moved for a hearing in this matter and the Intervenors having stated their intent to appear at the hearing in opposition, the Commission scheduled a hearing on the proposed cellular facility for August 24, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky. On August 16, 1999, SprintCom filed a motion to reschedule the hearing due to a conflict in scheduling. The Commission, having considered the motion and good cause having been shown, hereby finds that the motion should be granted.

The Commission further finds that the proposed site is to be located in Grant County, Kentucky and has been approved by the Grant County Planning Commission.

Accordingly, pursuant to 807 KAR 5:063, the character of the general area concerned and

Done at Frankfort, Kentucky, this 20th day of August, 1999.

By the Commission

ATTEST:

Executive Director

the likely effects of the installation on nearby land uses and values shall not be taken into consideration by the Commission. Testimony received by the Commission shall, therefore, be limited to the areas of service and safety.

IT IS THEREFORE ORDERED that:

- 1. The hearing scheduled for August 24, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky is rescheduled to September 14, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.
- 2. SprintCom shall appear at the hearing and be prepared to present testimony on the engineering design, location and construction for the proposed cell site, as well as the safety issues relating to the cell site.
- 3. The intervenors shall have the opportunity to present testimony or comment on any aspect of the safety and service of the proposed tower.
 - 4. Prefiled testimony, if any, shall be filed by August 8, 1999.
- 5. Neither opening statements nor witnesses' summaries of prefiled direct testimony will be permitted.
- 6. Pursuant to KRS 100.324, a copy of this Order is being sent to the Grant County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

July 30, 1999



CASE NO. 99-101 UAC

In the matter of SprintCom having filed an application with the Commission requesting to construct and operate a cellular facility at 9350 Dixie Highway, Corinth, Grant County, Kentucky; we (Kenneth & Margery Tritschler) will be appearing at the hearing in opposition to the prosposed facility on August 24, 1999 at 9:00 a.m.

Sincerely,

Klimith Inlactic
Mary Julach

Kenneth and Margery Tritschler

045 TAR Lane

corinth. Ky 41010

Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

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COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

July 23, 1999

To: All parties of record

RE: Case No. 99-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sh Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS)	99-101 UAC
SERVICES FACILITY IN THE CINCINNATI)	
BASIC TRADING AREA [CORINTH FACILITY])	

ORDER

On May 6, 1999, SprintCom, Inc., ("SprintCom") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a cellular facility at 9350 Dixie Highway, Corinth, Grant County, Kentucky.

SprintCom having moved for a hearing in this matter, the Commission has scheduled a hearing on the proposed cellular facility for August 24, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky. If a party wishes to appear at the hearing in opposition to the proposed facility he should, within 10 days of the date of this Order, so notify the Commission. If no statement of intent to appear at the hearing and present evidence against the proposed facility is received by the Commission, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the record.

IT IS HEREBY ORDERED that:

A hearing on the proposed cell site is scheduled for August 24, 1999, at 9:00
 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677
 Comanche Trail, Frankfort, Kentucky.

2. SprintCom shall appear at the hearing and be prepared to present testimony on the engineering design, location and construction for the proposed cell site, as well as the safety issues relating to the cell site.

3. Any interested person shall have the opportunity to present testimony or comment on any aspect of the proposed cell site.

4. Prefiled testimony, if any, shall be filed by August 17, 1999.

5. Neither opening statements nor witnesses' summaries of prefiled direct testimony will be permitted.

6. Any party who wishes to appear at the hearing in opposition to the proposed site shall file a statement to that effect within 10 days of the date of this Order.

7. If the Commission does not receive, within 10 days of the date of this Order, a statement expressing a party's intent to appear in opposition to the proposed cell site, the hearing shall be cancelled and the matter shall be submitted to the Commission for a decision on the record.

Done at Frankfort, Kentucky, this 23rd day of July, 1999.

By the Commission

ATTEST:

Executive Director



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

June 10, 1999

To: All parties of record

RE: Case No. 99-101 UAC

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/hv Enclosure Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Mr. Kenneth Tritchler Ms. Margery Tritchler 245 T & R Lane Corinth, KY 41010

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS) 99-101-UAC
SERVICES FACILITY IN THE CINCINNATI BASIC)
TRADING AREA (CORINTH FACILITY))

ORDER

This matter arising upon the motion of Kenneth and Margery Tritchler for full intervention, and it appearing to the Commission that the Tritchlers have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

- 1. The motion of Kenneth and Margery Tritchler to intervene is granted.
- 2. The Tritchlers shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
- 3. Should the Tritchlers file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 10th day of June, 1999.

By the Commission

ATTEST:

Executive Director

Grant County Planning Commission

Grant County Courthouse – 101 North Main Street Williamstown, Kentucky 41097 606 824 7770 – 606 824 7796 – www.grantcopz.com SUN O 7 1999
CONNINSERVICE

Kentucky Public Service Commission (KYPSC) Attn: Helen C. Helton, Executive Director 730 Schenkel Lane Frankfort, Kentucky 40602-0615

June 2, 1999

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RE: Communications Services Facility - Case Number 99-101 UAC.

Dear Mrs. Helton:

On Monday April 26, 1999 the Grant County Planning Commission received an application from SPRINTCOM, Inc (4801 West Higgins Road – Suite 220, Rosemont, Illinois 60018)., to construct a communications facility ("tower") at 9350 Dixie Highway, Corinth, Grant County, Kentucky.

The Grant County Planning Commission met on May 24, 1999 to review SPRINTCOM's application and will make the recommendation of approval for this site with the following conditions:

1. The communications facility ("tower") have a permitted height of 250 feet (with possible adjustment to 290 feet).

2. The communications facility ("tower") have at least one parking space.

- 3. The communications facility ("tower") have all access drives and parking spaces paved with asphalt.
- 4. The communications facility ("tower") use barbwire on the top of the fences and slats within the chain links for privacy when building the compound.
- 5. The communications facility ("tower") have landscaping on all four sides of the compound.
- 6. A written agreement between SPRINTCOM and the local governing body for the upkeep of all landscaping and equipment.

Please see attached meeting minutes for more details on the public hearing for this communications facility ("tower") at Corinth.

In addition, please contact me with any questions about the hearing or application for SPRINTCOM.

Thank you

hn V. Simkonis, Executive Director

ohn@grantcopz.com

cc: Spectra Site Communications, Inc. - Terry Shumate, Zoning Manager

GRANT COUNTY PLANNING COMMISSION

GRANT COUNTY COURTHOUSE 101 NORTH MAIN STREET WILLIAMSTOWN, KY 41097 (606) 824-7770 (606) 824-7796 fax

Web: www.grantcopz.com Email: grantpz@cinternet.net

Regular Meeting to Conduct Business

May 1999

5/24/99 7:00 PM

Grant County Courthouse

~~~~~~ Agenda Topics ~~~~~~			
Previous meeting minutes	Commission		
2. Financial report	Commission		
3. Public Hearing for a Zone Change - A-1 to R-1	Vernon & Jo Ann Scott – County		
4. Public Hearing for a Zone Change - A-1 to R-1	Lonnie & Kay Kerr – County		
5. Public Hearing for a Zone Change - R-1 to CBD	Jim Simpson/Francis Mitts – Dry Ridge		
6. Public Hearing for a Zone Change – R-2 to R-3	CAC Properties – Crittenden		
7. Public Hearing for a Zone Change - A-1 to R-1	James & Vicki Cull County		
8. Public Hearing for a Zone Change - A-1 to RR	Ronald Jones – County		
9. Public Hearing - Cell Tower Application	307 North Main Street – Crittenden		
10. Public Hearing - Cell Tower Application	517 South Main Street - Williamstown		
11. Public Hearing - Cell Tower Application	9350 Dixie Hwy. – County		
12. Executive Session			
13. Plat reviews			

GRANT COUNTY PLANNING COMMISSION

#### **REGULAR MEETING**

#### May 24 1999



#### ITEM 11. PUBLIC HEARING - CELL TOWER - 9350 DIXIE HWY - COUNTY

Chairman, John Lawrence declared the public hearing open at 10:21.

Mr. Shumate stated that they were asking for the same waivers as previous and that there was plenty of natural landscaping. He also stated that AT&T stated they could locate on the tower at a height of 290 ft.

Questions were asked concerning the height limit.

Mr. Shumate stated that the towers are built at 250 ft. with the capability of expanding by 50ft. by only getting approval from the PSC.

Chairman, John Lawrence asked if anyone wished to speak against the request.

Mr. Trischler stated that he lived next door to the property and Sprint had tried to locate on his property but they said they couldn't afford to run the electric line, he said that the property owner does not live on the property and asked that the commission deny the request.

Judge Executive, Darrell Link, stated that this site was a small distance from I-75 and could be seen from Kent Rd. (T&R Ln.) and that there could be residential growth in this area.

Steve Leesman read a letter from Erpenbeck Engineers.

Chairman, John Lawrence declared the public hearing closed at10:35.

William Covington made a motion to approve the site with the conditions that the access and parking be pave, barbwire be on the fence, landscaping around the area a written agreement be established on the maintenance of the equipment and the tower be stubbed to expand to 295 ft., Robert Worthington seconded the motion. A roll call vote was taken: Vernon Webster – yes, Robert Worthington – yes, Samuel Womble – yes, Dudley Peddicord – yes, Mike Drysdale – yes, William Covington – yes, Steven Mann – yes, Brooke Wooton – yes. Motion passes 8 to 0

Chairman, John Lawrence asked Mr. Shumate to submit a letter stating that the Williamstown and Corinth tower be stubbed to expand to 295 feet.

May 15, 1999 RECEIVED Executive Director, Public Service Commission P.O. Box 615 Frankfort, Kentucky 40502 MAY 1 9 1999 Public Notice-Kentucky Service Commission PUBLIC SERVICE Docket No. 99-101 UAC COMMISSION Dear Executive Director and Others, We are requesting intervention for the proposed construction of a SprintCom. tower to be located at 9350 Dixie Hwy., Corinth, Grant Co., Kentucky. A representative of SprintCom. proposed constructing the tower on our farm directly across the fence(property line) from the now proposed site at 9350 Dixie Hwy. We refused this offer as the tower was to be located too close to our home. Every time we go outside we will be staring at this unsightly tower. If we had wanted this eyesore in our face everyday, we would have had the tower constructed on our land and benefitted from the proceeds. After the refusal of the 1st site the representative chose another site behind our house that has an existing road, by his measuring has a higher elevation making it better to transmit and receive signals; the tower would be less visible to the public and not as much an eyesore to the residents in the area. Later a second representative declined this site because they did not want to incurr the expense of running an electric line a small distance. The owner(approx. 2 yr) of the proposed site DOES NOT reside on this property, so they will not have to view the unsightly tower every day. The owner of the proposed site is only interested in monetary gain. The applicant (SprintCom., Inc.) does not live here either. However, we and and our neighbors are life-long residents and we are asking you to be sympathetic and to consider our concerns and reservations. We are not opposed to towers, we understand the need for new and improved technology. We ask that you make a good common sense decision based upon the best information available, not on what is the least expensive for a large corporation. Therefore, PLEASE consider the improved or better alternative site if we are to have a tower in this geographic location, or SELECT ANOTHER AREA. We are firm in our belief that the tower should not be on our front porch, and we know that you

would not want it on your front porch.

Sincerely yours,

Tenneh Tutahla Marger Intschla

Kenneth and Margery Tritchler 245 T& R Lane Corinth, Kentucky 41010



#### COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

May 11, 1999

Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO. 64112

Mr. Ted Clark 100 Crisler Avenue Suite 201 Crescent Spring, KY. 41017

Honorable Sandra F. Keene Mark W. Dobbins Tilford, Dobbins, Alexander, Buckaway & Black 1400 One Riverfront Plaza Louisville, KY. 40202

RE: Case No. 99-101 UAC SPRINTCOM, INC. (Construct) CELL SITE - 9350 DIXIE HIGHWAY - GRANT COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received May 6, 1999 and has been assigned Case No. 99-101. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely

Stephanie Bell Secretary of the Commission

#### TILFORD, DOBBINS, ALEXANDER, BUCKAWAY & BLACK

ATTORNEYS AT LAW

1400 ONE RIVERFRONT PLAZA
LOUISVILLE, KENTUCKY 40202

(502) 584-6137

RECEIVED

MAR 2 5 1999

PUELIC SERVICE HENCOLATIES DOI: (1880-1968) CHARLES W. DOBBINS (1916-1992) DONALD H. BALLEISEN (1924-1993) LAWRENCE W. WETHERBY (1908-1994)

TELECOPIERS
(502) 584-2318
(502) 587-1806

¹ Also admitted in Indiana
² Also admitted in New York

³ Also admitted in District of Columbia
and Maryland

⁴ Also admitted in District of Columbia

H. KEVIN EDDINS ¹
CAROLYN K. BALLEISEN *2

STUART E. ALEXANDER, JR. WILLIAM A. BUCKAWAY, JR. CHARLES W. DOBBINS, JR.

STUART E. ALEXANDER, III JOHN A. WILMES

TERRELL L. BLACK

JOHN M. NADER³ MARK W. DOBBINS

Sandra F. Keene

THOMAS J. B. HURST

RANDOLPH NOE*1 MICHAEL G. KAREM*4 * Of Counsel

#### NOTICE OF INTENT TO FILE A CELL SITE APPLICATION

March 22, 1999

Stephanie Bell Secretary of the Commission Public Service Commission 730 Schenkel Lane P.O. Box 615 Frankfort, Kentucky 40602

**RE:** Case No. 99-101 UAC

Dear Ms. Bell:

This letter is to confirm my request for a case number on March 19, 1999. The Application is on behalf of SprintCom, Inc., for a cell site located at 9350 Dixie Highway, Grant County, Kentucky. I was given Case Number 99-101 UAC. We intend to file the Application no later than May 14, 1999, and we understand that the Case Number assigned to us in this matter may be reassigned if we have not submitted an Application by this date. If there are any questions, you may contact Mark Dobbins, Sandra Keene, or Heather Kuhn at 502-584-6137.

Thank you for your attention is this matter.

Sincerely,

Sandra F. Keene

Sandia J. Keene

G:\OFFICE\MWD\SPCOM3\003\BELL.1

# CASE NUMBER:

99-010

KY. PUBLIC SERVICE COMMISSION AS OF : 01/26/99

INDEX FOR CASE: 99-010 MCKINNEY WATER DISTRICT Construct, Finance; 278.023



IN THE MATTER OF THE APPLICATION OF MCKINNEY WATER DISTRICT OF LINCOLN COUNTY, KENTUCKY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND FINANCE PURSUANT TO THE PROVISIONS OF KRS 278.023

SEQ NBR	ENTRY DATE	REMARKS
0001	01/11/99	Application.
0002	01/12/99	Acknowledgement letter.
0003	01/19/99	No def. letter
M0001	01/19/99	RANDALL JONES MCKINNEY WATER DISTRIC-REQUEST FOR ORDER TO BE ISSUED
0004	01/26/99	FINAL ORDER; GRANTS CONSTRUCTION; ACCEPTS FINANCING



#### COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

#### CERTIFICATE OF SERVICE

RE: Case No. 99-010

MCKINNEY WATER DISTRICT

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on January 26, 1999.

Parties of Record:

Bob Maples Chairman McKinney Water District 2900 Highway 198 McKinney, KY. 40448

Honorable W. Randall Jones Attorney at Law Rubin & Hays First Trust Centre 200 South Fifth Street Louisville, KY. 40202

Secretary of the Commission

## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MCKINNEY WATER DISTRICT	· )	
OF LINCOLN COUNTY, KENTUCKY, FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT AND FINANCE	)	99-010
PURSUANT TO THE PROVISIONS OF KRS 278 023	Ś	

#### ORDER

On January 11, 1999, McKinney Water District ("McKinney District") submitted an application for a Certificate of Public Convenience and Necessity to construct a \$350,000 waterworks improvement project and for approval of its plan of financing for this project. This project consists of the construction of a 100,000 gallon elevated water storage tank. Project funding is a \$220,000 bond issue to be purchased pursuant to an agreement with the U.S. Department of Agriculture's Rural Development ("RD") and a \$130,000 grant from the RD.

McKinney District's application was made pursuant to KRS 278.023, which requires the Commission to accept agreements between water utilities and the U.S. Department of Agriculture or the U.S. Department of Housing and Urban Development and to issue the necessary orders to implement the terms of such agreements within 30 days of satisfactory completion of the minimum filing requirements. Given that minimum filing requirements were met in this case on January 11, 1999, KRS 278.023 does not

grant the Commission any discretionary authority to modify or reject any portion of this agreement.

#### IT IS THEREFORE ORDERED that:

- 1. McKinney District is hereby granted a Certificate of Public Convenience and Necessity for the proposed construction project.
  - 2. McKinney District's proposed plan of financing with RD is accepted.
  - 3. McKinney District is authorized to issue bonds not to exceed \$220,000.
- 4. McKinney District shall file a copy of the "as-built" drawings and a certified statement that the construction has been satisfactorily completed in accordance with the contract plans and specifications within 60 days of the substantial completion of the construction certificated herein.

Nothing contained herein shall be deemed a warranty of the Commonwealth of Kentucky, or any agency thereof, of the financing herein accepted.

Done at Frankfort, Kentucky, this 26th day of January, 1999.

By the Commission

ATTEST.

Executive Director

## Rubin & Hays

First Trust Centre, 200 South Fifth Street, Louisville, Kentucky 40202-3236 Telephone (502) 569-7525 Telefax (502) 569-7555 Email: rh@rubinhays.com

CHARLES S. MUSSON W. RANDALL JONES

OF COUNSEL WM. CARL FUST

PARALEGAL MARY M. EMBRY

January 18, 1999

Ms. Helen C. Helton Executive Director Public Service Commission P.O. Box 615 Frankfort, Kentucky 40602

Re:

McKinney Water District, Case No. 99-010

RECEIVED JAN 1 9 1999

PUBLIC SERVICE COMMISSION

Dear Ms. Helton:

Please be advised that the pre-closing and pre-construction conference for the McKinney Water District project is scheduled for **January 26, 1999.** The reason that such date has been selected is that the hold period on the construction bids expires on January 27, 1999. Accordingly, we are respectfully requesting that the Commission issue it's Order on or before such date.

We certainly appreciate your cooperation in this matter and apologize for the abbreviated timetable.

If you need any additional information or documentation, please let us know.

Sincerely,

Rubin & Hays

WRJ:jlm Enclosures

1 - 1 - 1 - 1

cc: Distribution List

W. Randall Jones

#### **DISTRIBUTION LIST**

Account No. 2372.0000

Re: McKinney Water District Waterworks Revenue Bonds, Series 1999

Mr. Thomas G. Fern

**State Director** 

Rural Development

771 Corporate Drive, Suite 200 Telephone: (606) 224-7336

Lexington, Kentucky 40503-5477 Fax: (606) 224-7425

Mr. Kevin Antle

Rural Development

95 South Laurel Road, Suite A Phone: (606) 864-5168

London, Kentucky 40741 Fax: (606) 878-7717

Mr. Bob Maples, Chairman

McKinney Water District

P.O. Box 7 Telephone: (606) 346-2220

McKinney, Kentucky 40448-0007

Virginia Carol Hill, Esq.

Attorney at Law

117 W. Main Street

P.O. Box 353 Telephone: (606) 365-8888

Stanford, Kentucky 40484 Fax: (606) 365-9565

Mr. Bill Pyle

**PEH Engineers** 

620 Euclid Avenue

P.O. Box 22738 Telephone: (606) 266-2144

Lexington, Kentucky 40522 Fax: (606) 268-1502

W. Randall Jones, Esq.

Rubin & Hays

First Trust Centre

200 S. Fifth Street Telephone: (502) 569-7534

Louisville, Kentucky 40202 Fax: (502) 569-7555



#### COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

January 19, 1999

Bob Maples Chairman McKinney Water District 2900 Highway 198 McKinney, KY. 40448

Honorable W. Randall Jones Attorney at Law Rubin & Hays First Trust Centre 200 South Fifth Street Louisville, KY. 40202

RE: Case No. 99-010
MCKINNEY WATER DISTRICT

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely, Stophal Bell

Stephanie Bell Secretary of the Commission

SB/sa Enclosure

#### ATTORNEYS AT LAW



First Trust Centre, 200 South Fifth Street, Louisville, Kentucky 40202-3236 Telephone (502) 569-7525 Telefax (502) 569-7555 Email: rh@rubinhays.com

CHARLES S. MUSSON W. RANDALL JONES

OF COUNSEL WM. CARL FUST

PARALEGAL MARY M. EMBRY

January 7, 1999

FILED

JAN 1 1 1999

PUBLIC SERVICE COMMISSION RECEIVE SERVICE

Ms. Helen C. Helton Executive Director Public Service Commission P.O. Box 615 Frankfort, Kentucky 40602

Re:

McKinney Water District Water Project

case

99-010

Dear Ms. Helton:

Enclosed please find the original and ten (10) copies of the Application of McKinney Water District for an Order approving construction financing and Certificate of Public Convenience and Necessity pursuant to KRS 278.023.

Also enclosed are eleven (11) copies of the exhibits required pursuant to 807 KAR 5.069, and the Preliminary and Final Engineering Reports, of which two copies are enclosed.

If you need any additional information or documentation, please let us know.

Sincerely,

Rubin & Hays

W. Randall Jones

WRJ:jlm Enclosures

cc: Distribution List



#### COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

January 12, 1999

Bob Maples Chairman McKinney Water District 2900 Highway 198 McKinney, KY. 40448

Honorable W. Randall Jones Attorney at Law Rubin & Hays First Trust Centre 200 South Fifth Street Louisville, KY. 40202

RE: Case No. 99-010

MCKINNEY WATER DISTRICT

(Construct, Finance; 278.023)

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received January 11, 1999 and has been assigned Case No. 99-010. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell Secretary of the Commission

#### ATTORNEYS AT LAW

Rubin & Hays

First Trust Centre, 200 South Fifth Street, Louisville, Kentucky 40202-3236 Telephone (502) 569-7525 Telefax (502) 569-7555 Email: rh@rubinhays.com

CHARLES S. MUSSON W. RANDALL JONES

OF COUNSEL WM. CARL FUST

PARALEGAL MARY M. EMBRY

January 7, 1999

JAN 1 1 1999
PUBLIC SERVICE
COMMISSION

Ms. Helen C. Helton Executive Director Public Service Commission P.O. Box 615 Frankfort, Kentucky 40602

Re: McKinney Water District Water Project

case

99-010

THE THE STATE OF T

Dear Ms. Helton:

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Also enclosed are eleven (11) copies of the exhibits required pursuant to 807 KAR 5.069, and the Preliminary and Final Engineering Reports, of which two copies are enclosed.

If you need any additional information or documentation, please let us know.

Sincerely,

Rubin & Hays

W. Randall Jones

WRJ:jlm Enclosures

cc: Distribution List

#### **DISTRIBUTION LIST**

Account No. 2372.0000

Re: McKinney Water District Waterworks Revenue Bonds, Series 1999

Mr. Thomas G. Fern

**State Director** 

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771 Corporate Drive, Suite 200 Telephone: (606) 224-7336

Lexington, Kentucky 40503-5477 Fax: (606) 224-7425

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Mr. Bob Maples, Chairman

McKinney Water District

P.O. Box 7 Telephone: (606) 346-2220

McKinney, Kentucky 40448-0007

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W. Randall Jones, Esq.

Rubin & Hays

First Trust Centre

200 S. Fifth Street Telephone: (502) 569-7534

Louisville, Kentucky 40202 Fax: (502) 569-7555







In the Matter of:

THE APPLICATION OF MCKINNEY WATER	)	0 -
DISTRICT OF LINCOLN COUNTY, KENTUCKY FOR	)	NO. 99-010
A CERTIFICATE OF PUBLIC CONVENIENCE	)	<del></del>
AND NECESSITY TO CONSTRUCT AND FINANCE	)	
PURSUANT TO THE PROVISIONS OF KRS 278.023	ĺ	•

#### APPLICATION

This Application of the McKinney Water District (the "Applicant") of Lincoln County, Kentucky, respectfully shows:

- 1. That the Applicant is a water district of Lincoln County, Kentucky, created and existing under and by virtue of Chapter 74 of the Kentucky Revised Statues.
  - 2. That the post office address of the Applicant is:

McKinney Water District c/o Mr. Bob Maples, Chairman 2900 Highway 198 McKinney, Kentucky 40448

- 3. That the Applicant, pursuant to the provisions of KRS 278.020 and 278.023, seeks (i) a Certificate of Public Convenience and Necessity, permitting the Applicant to construct a waterworks construction project, consisting of extensions, additions, and improvements (the "Project") to the existing waterworks system of the Applicant; and (ii) approval of the proposed plan of financing said Project.
- 4. That the proposed project consists of (i) the installation of approximately 660 linear feet of 6-inch pipeline and associated appurtenances; (ii) the construction of a 100,000 gallon elevated water storage tank and appurtenances; and (iii) the construction and installation of a valve vault and pressure reducing valve.

- 5. That the Applicant proposes to finance the construction of the Project through (i) issuance of \$220,000 of its Waterworks Revenue Bonds, and (ii) a Rural Development ("RD") grant in the amount of \$130,000. The Applicant has a commitment from the RD to purchase said \$220,000 of bonds maturing over a 40-year period, at an interest rate of not exceeding 4.50% per annum, as set out in the RD Letter of Conditions filed herewith as an Exhibit.
- 6. That the Applicant does not contemplate having the Project constructed with any deviation from minimum construction standards of this Public Service Commission.
- 7. That the Applicant files herewith the following Exhibits pursuant to 807 KAR 5:069 in support of this Application:
  - A. Copy of RD Letter of Conditions.
  - B. Copy of RD Letter of Concurrence in Bid Award.
  - C. Copy of Preliminary and Final Engineering Reports.
  - D. Certified statement from the Chairman of the Applicant, based upon statements of the Engineers for the Applicant, concerning the following:
    - (1) The proposed plans and specifications for the Project have been designed to meet the minimum construction and operating requirements set out in 807 KAR 5:066, Section 4(3) and (4); Section 5(1); Sections 6 and 7; Section 8(1) through (3); Section 9(1) and Section 10;
    - (2) All other state approvals or permits have already been obtained;
    - (3) The existing rates of the Applicant shall produce the total revenue requirements set out in the engineering reports; and
    - (4) Setting out the dates when it is anticipated that construction will begin and end.
- 8. That the foregoing constitutes the documents necessary to obtain the approval of the Public Service Commission in accordance with Section 278.023 of the Kentucky Revised Statutes and in accordance with the "Minimum Filing Requirements" specified in 807 KAR 5:069, Section 3.

WHEREFORE, the Applicant, the McKinney Water District, asks that the Public Service Commission of the Commonwealth of Kentucky grant to the Applicant the following:

- a. A Certificate of Public Convenience and Necessity permitting the Applicant to construct a waterworks project consisting of extensions, additions, and improvements to the existing waterworks system of the Applicant.
- b. An Order approving the financing arrangements made by the Applicant, viz., the issuance of \$220,000 of McKinney Water District Waterworks Revenue Bonds at an interest rate of not exceeding 4.50% per annum; and a grant from RD in the amount of \$130,000.

MCKINNEY WATER DISTRICT

Chairman/

**Board of Water Commissioners** 

**RUBIN & HAYS** 

Counsel for Applicant

First Trust Centre

200 South Fifth Street

Louisville, Kentucky 40202

(502) 569-7525

COMMONWEALTH OF KENTUCKY	)
	) SS:
COUNTY OF LINCOLN	)

The undersigned, Bob Maples, being duly sworn, deposes and states that he is the Chairman of the Board of Commissioners of the McKinney Water District, the 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.

 $\frac{28}{20}$ , 1998. IN TESTIMONY WHEREOF, witness the signature of the undersigned on this December

Bob Maples, Chairman McKinney Water District

Subscribed, sworn and acknowledged to before me by Bob Maples, Chairman of the Board of Commissioners of the McKinney Water District, on this December 28, 1998.

My Commission expires: 4 - 12 - 2000

Notary Public

In and for said County and State

(Seal of Notary)







771 Corporate Drive, Suite 200 Lexington, KY 40503-5477 (606) 224-7336 TTY: (606) 224-7422

March 13, 1996

Mr. Bob Maples, Chairman McKinney Water District McKinney, Kentucky 40448

Dear Mr. Maples:

This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application. Any changes in project cost, source of funds, scope of services or any other significant changes in the project or applicant must be reported to and approved by the United States Department of Agriculture (USDA), acting through the Rural Utilities Service (RUS), by written amendment to this letter. Any changes not approved by RUS shall be cause for discontinuing processing of the application. It should also be understood that the RUS is under no obligation to provide additional funds to meet an overrun in construction costs.

This letter is not to be considered as loan or grant approval or a representation as to the availability of funds. The docket may be completed on the bases of an RUS loan not to exceed \$130,000 and an RUS grant not to exceed \$130,000.

If RUS makes the loan, you may make a written request that the interest rate be the lower of the rate in effect at the time of loan approval or the time of loan closing. If you do not request the lower of the two interest rates, the interest rate charged will be the rate in effect at the time of loan approval. The loan will be considered approved on the date a signed copy of Form FmHA 1940-1, "Request for Obligation of Funds," is mailed to you. If you want the lower of the two rates, your written request should be submitted to RUS as soon as practical. In order to avoid possible delays in loan closing, such a request should ordinarily be submitted at least 30 days before loan closing.

Please complete and return the attached Form FmHA 1942-46. "Letter of Intent to Meet Conditions," if you desire that further consideration be given to your application.

The "Letter of Intent to Meet Conditions" must be executed within three weeks from the date of this letter or it becomes invalid unless a time extension is granted by RUS.



If the conditions set forth in this letter are not met within 240 days from the date hereof, RUS reserves the right to discontinue the processing of the application.

In signing Form FmHA 1942-46, you are agreeing to complete the following as expeditiously as possible:

1. Number of Users and Their Contribution:

1345 As OF June 1, 1997

There shall be 1,280 existing water users. The Rural Development Manager will review and authenticate the number of users <u>prior to advertising for construction bids</u>. No contribution is required from the Water District.

#### 1a. Grant Agreement:

Attached is a copy of Form FmHA 1942-31, "Association Water or Sewer System Grant Agreement," for your review. You will be required to execute a completed form at the time of grant closing.

#### 1b. <u>Drug-Free Work Place</u>:

Prior to grant approval, the Water District will be required to execute Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I - For Grantees Other Than Individuals."

#### 2. Repayment Period:

The loan will be scheduled for repayment over a period not to exceed 40 years from the date of the bond. Principal payment will not be deferred for a period in excess of two years from the date of the bond. Payments will be in accordance with applicable KRS which requires interest to be paid semi-annually (January 1st and July 1st) and principal will be due on or before the first of January each year. RUS may require the Water District to adopt a supplemental payment agreement providing for monthly payments of principal and interest so long as the bond is held or insured by RUS. Monthly payments will be approximate amortized installments.

#### 3. <u>Funded Depreciation Reserve Account:</u>

The Water District will be required to deposit \$65.00 per month into a "Funded Reserve Depreciation Account" until the account reaches \$7,800. The deposits are to be resumed any time the account falls below the \$7,800.

The required monthly deposits to the Reserve Account and required Reserve Account levels are in addition to the requirements of the Water District's prior bond ordinances.

The monthly deposits to the Reserve Account are required to commence with the first month of the first full fiscal year after the facility becomes operational.



#### 4. <u>Security Requirements</u>:

A pledge of gross water revenue will be provided in the Bond Ordinance. Bonds shall rank on a parity with existing bonds.

#### 5. Land Rights and Real Property:

The Water District will be required to furnish satisfactory title, easements, etc., necessary to install, maintain and operate the facility to serve the intended users. The pipelines will be on private rights-of-way where feasible. State and County rights-of-way will be used only in instances where necessary and properly justified. Easements and options are to be secured prior to advertising for construction bids.

#### 6. Organization:

The Water District will be legally organized under applicable KRS which will permit them to perform this service, borrow and repay money.

#### 7. Business Operations:

The Water District will be required to operate the system under a well-established set of resolutions, rules and regulations. A budget must be established annually and adopted by the Water District after review by RUS. At no later than loan pre-closing, the Water District will be required to furnish a prior approved management plan to include, as a minimum, provisions for management, maintenance, meter reading, miscellaneous services, billing, collecting, bookkeeping, making and delivering required reports and audits.

#### 8. Accounts, Records and Audits:

The Water District will be required to maintain adequate records and accounts and submit statistical and financial reports, quarterly and annually, in accordance with subsection 1942.17(q) of FmHA Instruction 1942-A, a copy of which is enclosed.

#### 9. Accomplishing Audits for Years in Which Receive Federal Financial Assistance:

The Water District will accomplish audits in accordance with OMB Circular A-128 during the years in which federal funds are received. The Water District will provide copies of the audits to the District Office and the appropriate Federal cognizant agency as designated by OMB Circular A-128.

#### 10. Insurance and Bonding:

The following insurance and bonding will be required:

- A. Adequate Liability and Property Damage Insurance including vehicular coverage, if applicable, must be obtained and maintained by the Water District. The Water District should obtain amounts of coverage as recommended by its attorney, consulting engineer and/or insurance provider.
- B. Worker's Compensation The Water District will carry worker's compensation insurance for employees in accordance with applicable state laws.
- C. Fidelity Bond The Water District will provide Fidelity Bond Coverage for all persons who have access to funds. Coverage may be provided either for all individual positions or persons, or through "blanket" coverage providing protection for all appropriate employees and/or officials. The amount of coverage required for all RUS loans is \$62,000.
- D. Real Property Insurance The Water District will obtain and maintain adequate fire and extended coverage on all structures including major items of equipment or machinery located in the structures. The amounts of coverage should be based on recommendations obtained by the Water District from its attorney, consulting engineer and/or insurance provider. Subsurface lift stations do not have to be covered except for the value of electrical and pumping equipment therein.
- E. Flood Insurance The Water District will obtain and maintain adequate coverage on any facilities located in a special flood and mudslide prone areas.

#### 11. Planning and Performing Development:

A. The engineer should not be authorized to commence work on final plans and specifications until a determination has been made that the project can be planned and constructed within the estimated cost shown in paragraph "20" of this letter. When this determination has been made, RUS should be so advised by letter. The engineer may then proceed to develop final plans and specifications to be completed no later than 220 days from this date, and prepare bid documents. The Rural Development manager is prepared to furnish the necessary guide for him to follow so as to keep the project plans and documents within our guidelines and requirements. The project should not be advertised for construction bids until all easements and enforceable options have been obtained, and total funds are committed or available for the project.

- B. The following documents will be submitted to RUS for review and must be concurred in by RUS prior to advertisement for construction bids:
  - 1. Final plans and specifications.
  - 2. Contract documents and bid documents, with applicant's letter on efforts to encourage small business and minority-owned business participation.
  - 3. Legal Service Agreements.
  - 4. Engineering Agreements.

Revision in these documents will be subject to RUS concurrence. Any agreements, contracts, etc. not reviewed and approved by RUS will not be eligible for payment from project funds or revenues from facilities financed by RUS.

Prior to receipt of an authorization to advertise for construction bids, the Water District will obtain advance clearance from Bond Counsel regarding compliance with KRS 424 pertaining to publishing of the advertisement for construction bids in local newspapers and the period of time the notice is required to be published.

#### 12. Compliance with Section 504 of the Rehabilitation Act of 1973:

The Water District will be required to comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), in order to make sure no handicapped individual, solely by reason of their handicap, is excluded from participation in the use of the water system, be denied the benefits of the water system, or be subjected to discrimination.

#### 13. Closing Instructions:

The Office of General Counsel, our Regional Attorney, will be required to write closing instructions in connection with this loan. Conditions listed therein must be met by the Water District.

#### 14. Compliance with Special Laws and Regulations:

The Water District will be required to conform with any and all state and local laws and regulations affecting this type project.

#### 15. Treatment Plant/System Operator:

The Water District is reminded that the treatment plant and/or system operator must have an Operator's Certificate issued by the State.

- 16. Prior to Pre-Closing the Loan, the Water District will be Required to Adopt:
  - A. Form FmHA 1942-47, "Association Loan Resolution (Public Body)."
  - B. Form FmHA 400-1, "Equal Opportunity Agreement."

- C. Form FmHA 400-4, "Assurance Agreement."
- D. Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transaction."
- E. Form FmHA 1910-11, "Applicant Certification Federal Collection Policies for Consumer or Commercial Debts."
- F. FmHA Instruction 1940-Q, Exhibit A-1, "Certification for Contracts, Grants and Loans."

The Water District must offer the opportunity for all residents in the service area to become users of the facilities regardless of race, creed, color, religion, sex, national origin, marital status, physical or mental handicap, or level of income.

#### 17. Refinancing and Graduation Requirements:

The Water District is reminded that if at any time it shall appear to the Government that the Water District is able to refinance the amount of the RUS indebtedness then outstanding, in whole or in part, by obtaining a loan from commercial sources at reasonable rates and terms, upon the request of the Government, the Water District will apply for and accept such loan in sufficient amount to repay the Government.

#### 18. Commercial Interim Financing:

The Water District will be required to use commercial interim financing for the project during construction for the RUS loan portion of the financing, if available at reasonable rates and terms.

Before the loan is closed, the Water District will be required to provide RUS with statements from the contractor, engineer and attorneys that they have been paid to date in accordance with their contract or other agreements and, in the case of the contractor, that he has paid his suppliers and sub-contractors. Any exceptions must be authorized under FmHA Instruction 1942-A, subsection 1942.17(n)(3).

#### 19. <u>Disbursement of Project Funds</u>:

A construction account for the purpose of disbursement of project funds (RUS) will be established by the Water District prior to start of construction. The position of officials entrusted with the receipt and disbursement of RUS project funds will be covered by a "Fidelity Bond," with USDA-RUS as Co-Obligee, in the amount of construction funds on hand at any one time during the construction phase.

During construction, the Water District shall disburse project funds in a manner consistent with subsection 1942.17(p)(5) of FmHA Instruction 1942-A. Form FmHA 1924-18, "Partial Payment Estimate," or similar form approved by RUS, shall be used for the purpose of documenting periodic construction estimates, and shall be submitted to RUS for review and acceptance. Prior to disbursement of funds by the Water District, the Board of Commissioners shall review and approve each payment estimate. All bills and vouchers must be approved by RUS prior to payment by the Water District.

Form FmHA 440-11, "Estimate of Funds Needed for 30-Day Period Commencing _____," will be prepared by the Water District and submitted to RUS in order that a periodic advance of federal cash may be requested.

Monthly audits of the Water District's construction account records shall be made by RUS.

#### 20. <u>Cost of Facility</u>:

#### Breakdown of Costs:

Development		\$	180,000
Land and Rights			2,800
Legal and Administr	ative		8,200
Engineering			59,000
Interest			2,000
Contingencies			8,000
_	ΤΩΤΔΙ	2	260,000

#### Financing:

RUS Loan		\$ 130,000
RUS Grant		130,000
•	TOTAL	\$ 260,000

#### 21. <u>Use of Remaining Project Funds</u>:

After providing for all authorized costs, any remaining RUS project funds will be considered to be RUS grant funds and refunded to RUS. If the amount of unused RUS project funds exceeds the RUS grant, that part would be RUS loan funds.

#### 22. Rates and Charges:

Rates and charges for facilities and services rendered by the Water District must be at least adequate to meet cost of maintaining, repairing and operating the water system and meeting required principal and interest payments and the required deposits to debt service and/or depreciation reserve.

#### Water rates will be at least:

First 1,000 gallons @ \$10.66 - Minimum Bill.

Next 2,000 gallons @ \$ 3.75 - per 1,000 gallons.

Next 7,000 gallons @ \$ 3.20 - per 1,000 gallons.

All Over 10,000 gallons @ \$ 2.60 - per 1,000 gallons.

#### 23. Water Purchase Contract:

The Water District will submit a Water Purchase Contract for approval by RUS before advertising for construction bids. If the contract is not on Form FmHA 442-30, "Water Purchase Contract," the contract will require approval by our Regional Attorney. The contract must meet the requirements of FmHA Instruction 1942.18(f).

#### 24. Final Approval Conditions:

Final approval of this loan will depend on your willingness, with the assistance of all your co-workers, to meet the conditions of this letter in an orderly and systematic manner. Then too, final approval will depend on funds being available.

If you desire to proceed with your application, the Rural Development Manager will allot a reasonable portion of his time to provide guidance in application processing.

Sincerely,

THOMAS FERN State Director

Rural Economic and Community Development

**Enclosures** 

cc: Rural Development Manager - Shelbyville, KY
Community Development Manager - Harrodsburg, KY
Bluegrass ADD - Lexington, KY
(Bond Counsel)
(Local Counsel)

PEH Engineers, Inc. - Lexington, KY

PSC - ATTN: Claude Rhorer - Frankfort, KY



Rural Development 771 Corporate Drive, Suite 200 Lexington, KY 40503-5477 (606) 224-7336 TTY (606) 224-7422

November 17, 1998

Mr. Bob Maples, Chairman McKinney Water District P.O. Box 7 McKinney, Kentucky 40448

Re: Letter of Conditions Dated March 13, 1996

Dear Mr. Maples:

This letter shall serve as Amendment No. 1 to your Letter of Conditions dated March 13, 1996. The purpose of the amendment is to revise the cost of the project due to a construction bid overrun and make other editorial changes in accordance with current Rural Utility Service (RUS) Instructions.

The second paragraph on the first page is revised to read as follows:

"This letter is not to be considered as loan or grant approval or as a representation as to the availability of funds. The docket may be completed on the basis of a RUS loan not to exceed \$220,000 and a RUS grant not to exceed \$130,000."

Paragraph numbered "1" is revised to read as follows:

" 1. Number of Users and Their Contribution:

There shall be 1,400 existing water users. The Rural Development Manager will review and authenticate the number of users prior to advertising for construction bids. No contribution is required from the Water District.

Paragraph numbered "3" is revised to read as follows:

" 3. Funded Depreciation Reserve Account:

The Water District will be required to deposit \$105.00 per month into a "Funded Reserve Depreciation Account" until the account reaches \$12,600. The deposits are to be resumed any time the account falls below the \$12,600.

The required monthly deposits to the Reserve Account and required Reserve Account levels are in addition to the requirements of the Water District's prior bond ordinances.

Rural Development is an Equal Opportunity Lender. Complaints of discrimination should be sent to: Secretary of Agriculture, Washington, D.C. 20250

McKinney Water District

The monthly deposits to the Reserve Account are required to commence with the first month of the first full fiscal year after the facility becomes operational. "

Paragraph numbered "10(C)" is revised to read as follows:

" 10. C. Fidelity Bond - The Water District will provide Fidelity Bond Coverage for all persons who have access to funds. Coverage may be provided either for all individual positions or persons, or through "blanket" coverage providing protection for all appropriate employees and/or officials. The amount of coverage required for all RUS loans is \$67,000. "

Paragraph numbered "20" is revised to read as follows:

#### " 20. Cost of Facility:

#### Breakdown of Costs:

Development Land and Rights Logal and Administrative Engineering		\$ 248,000 5,000 8,200 69,000
Interest Contingencies	TOTAL	6,800 13,000 \$ 350,000
Financing:		
RUS Loan RUS Grant	TOTAL	\$ 220,000 <u>130,000</u> \$ 350,000

All other provisions of the referenced Letter of Conditions remain in full force and unchanged.

Sincerely,

THOMAS G. FERN State Director

Rural Development

cc: Rural Development Manager - London, Kentucky Community Development Manager - Somerset, Kentucky Bluegrass ADD - Lexington, Kentucky Rubin and Hays - Louisville, Kentucky Virginia Carol Hill - Stanford, Kentucky PEH Engineers, Inc. - Lexington, Kentucky PSC - ATTN: Claude Rhorer - Frankfort, Kentucky



Rurai Development 771 Corporate Drive, Suite 200 Lexington, KY 40603-5477 (606) 224-7336 TTY(606) 224-7422

January 5, 1999

SUBJECT:

McKinney Water District

Concurrence in Contract Award

TO:

Rural Development Manager

London, Kentucky

Based on the bids received and the recommendation of the consulting engineer, Rural Development concurs in the award of the subject contract to the low bidder, Caldwell Tanks, Inc., in the amount of \$247,600.

FOR THOMAS G. FERN

State Director

Rural Development

cc:

Rubin and Hays

Louisville, Kentucky

PEH Engineers

Lexington, Kentucky

#### CERTIFICATE OF CHAIRMAN OF MCKINNEY WATER DISTRICT. AS TO STATEMENT REQUIRED BY SECTION 3(2)(D) OF 807 KAR 5:069

I, Bob Maples, hereby certify that I am the duly qualified and acting Chairman of the McKinney Water District Kentucky and that said District is in the process of arranging to finance the construction of extensions, additions and improvements to the existing waterworks system of the District (the "Project"), in cooperation with the Engineers for the District, PEH Engineers, Inc., Lexington, Kentucky.

Based on information furnished to me by said Engineers for the District, I hereby certify as follows:

- That the proposed plans and specifications for the Project have been designed to meet the minimum construction and operating requirements set out in 807 KAR 5:066 Section 4(3) and (4); Section 5(1); Sections 6 and 7; Section 8(1) through (3); Section 9(1) and Section 10.
  - 2. That all other state approvals and/or permits have already been obtained.
- That the existing rates of the District shall produce the total revenue requirements set out in the engineering reports.
- That it is now contemplated that construction of the Project will begin on or about February 1, 1999, and will end on or about October 28, 1999.

IN TESTIMONY WHEREOF, witness my signature this December 2%, 1998.

McKinney Water District

STATE OF KENTUCKY )SS COUNTY OF LINCOLN

Subscribed and sworn to before me by Bob Maples, Chairman of the Board of Commissioners of the McKinney Water District, on this December 2%, 1998.

In and For Said State and County

(Seal of Notary)



PRELIMINARY ENGINEERING REPORT
for
PHASE 2 WATER SYSTEM IMPROVEMENTS
100,000 GALLON ELEVATED TANK
for the
McKINNEY WATER DISTRICT
LINCOLN COUNTY, KENTUCKY
February 1993
Updated February 1996

#### Preliminary Engineering Report Phase 2 Water System Improvements McKinney Water District

#### **PEH ENGINEERS**

#### TABLE OF CONTENTS

<u>Article</u>	Description	Page No.
1.	Area to be Served	1
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5.	Cost and Rate Analysis	5
6.	Summary of Total Annual Revenue Requirements for Existing and Proposed Water System	5
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#### INDEX OF TABLES AND EXHIBITS

#### **TABLES**

<u>Number</u>	<u>Description</u>	Page No.
1	Estimated Construction Cost	4

#### **EXHIBITS** (See Appendix)

1. 100,000 Gallon Elevated Tank off KY 643

#### **PEH ENGINEERS**

## PRELIMINARY ENGINEERING REPORT WATER SYSTEM IMPROVEMENTS 100,000 GALLON ELEVATED TANK McKINNEY WATER DISTRICT PHASE 2

#### 1. AREA TO BE SERVED

All existing water customers now being served by the McKinney Water District, whose source of water supply is from the City of Eubank, Ky., will be served by the new 100,000 gallon elevated tank. At the present time, the McKinney Water District is not providing any storage for these existing customers. The new storage tank should eliminate service interruptions and pressure drops.

The Commissioners of the McKinney Water District are requesting Rural Utilities Service assistance to better meet the needs of this area.

1. 100,000 Gallon Elevated Tank off KY 643

#### PEH ENGINEERS

#### 2. **EXISTING FACILITIES**

The McKinney Water District was established in the mid-1960's to serve rural areas in Lincoln County. The McKinney Water Association was formed in 1971 to extend water services to its customers in western Lincoln County. The District and the Association were merged in 1992. There are two ground storage tanks, each having a capacity of approximately 100,000 gallons. One tank is located in McKinney, Kentucky and the other at Boneyville, Kentucky. Neither of these existing tanks serve the proposed project area.

#### 3. ESTIMATED WATER USAGE

Water usage of the 1300 existing customers on the present system. There are no extremely large users of water expected in the proposed water service extension. Water lost due to leaks and flushing in an average system amounts to nearly fifteen percent of the water purchased. In computing total demand for water, a factor of 1.15 is used to determine the total water used by the District.

#### **PRESENT USAGE***

Quantity in Gallons	Percent in Customers
0 - 2,000	28
2,000 - 5,000	43
5,000 - 8,000	18
10,000 and Over	11

The existing customer average usage is about 5,200 gallons per month per customer.

## 4. <u>DESIGN CRITERIA</u>

## a. Hydraulic Considerations

Hydraulic calculations are based on the Hazen and Williams formula with a "C" value of 140 or 130, depending on the influence of the existing system. The economy of polyvinyl chloride (PVC) pipe has caused it to be the predominant material for rural water system pipelines. The relatively high flow coefficient of C = 140 is a common value for PVC water systems and is, therefore, used in the design of this system.

Peak flows for determining line sizes are calculated using the relationship between demand per customer and total customers. These values have proven to be slightly conservative in practice but since their use leaves room for expansion, they are considered valid for design purposes. Additional future capacity is insured by designing a surplus of five gallons per minute into each dead end line.

Line sizes are designed to maintain a minimum of 30 pounds per square inch (PSI) at the service meter during peak flows.

Fire protection capacity is not designed into the system Hydrants are normally for blow-off purposes. Service meters, valves and other appurtenances are designed for basically rural-domestic water supply service only.

Earlier studies on other rural water systems found that peak demands are usually not as high in rural situations as in municipal systems.

## b. <u>Construction Considerations</u>

Lincoln County is underlain by limestone rock formations. By visual observation, and the District's previous construction experience, the determination was made that, at the proposed construction sites, rock removal would not present problems. Rock layers near the surface are weathered and fragmented.

## **Summary of Project**

## Phase 2

# Water System Improvements McKinney Water District Lincoln County, Kentucky

	Description		Quantity	<u>Unit</u>	Const. Cost
1.	100,000 Gallon Elevated				
	Tank off KY 643	1	<u>Each</u>		\$ <u>180,000</u>
	Total Estimated Construction Cost				\$180,000
	Total Estimated Constitution Cost				\$100,000

## 5. <u>COST AND RATE ANALYSIS</u>

No attempt has been made to include an escalation factor for inflation or increased construction costs at some future bid date. However, these estimates are considered reasonable for work bid in the next six months.

Total project costs, which consist of both construction and non-construction items, are as follows:

Estimated Construction Cost	\$180,000
Preliminary Engineering Report & Feasibility Study	15,000
Engineering Design & General Services	26,000
Resident Inspection	18,000
Legal Services	8,200
Contingencies and Miscellaneous	8,000
Interest During Construction	2,000
Elevated Tank Site Acquisition	2,800
Total Project Cost	\$260,000

The average principal and interest payments for the existing bonds is \$56,010. If a grant is obtained for \$130,000 the amount to borrow would be \$130,000.

## 6. SUMMARY OF TOTAL ANNUAL REVENUE REQUIREMENTS FOR EXISTING AND PROPOSED WATER SYSTEM

Annual revenue requirements for debt service for the existing and proposed water system are summarized as follows:

Debt Service:

Average Principal and Interest (Old)	\$56,010
Average Principal and Interest (New)	7,707
Surplus (10%)	771
Operation and Maintenance	<u>293,271</u>
Total Annual Average Revenue Requirement	\$357,759

The 10% coverage of debt is a requirement of RUS, if a grant is included.

To retire a \$130,000 five percent loan would require equal annual debt service payments of \$7,707, over a 38 year period. Since the net revenue requirement is 110 percent of the annual debt service, \$63,717 net revenue required would be \$64,488. The gross revenue requirement is computed by adding to the net revenue requirement the estimated maintenance and operating expense of \$293,271. Therefore, gross annual revenue required is \$357,759.

## 7. EXISTING WATER RATE SCHEDULE

Below is the existing rate schedule for the District:

First 1,000 gallons	\$10.66 (minimum bill)
Next 2,000 gallons	3.75 per 1000 gallons
Next 7,000 gallons	3.20 per 1000 gallons
Next 10,000 gallons	2.60 per 1000 gallons
All over 15,000 gallons	2.60 per 1000 gallons

Using the existing rate schedule and the average monthly usages and 1300 customers the expected annual income is as follows:

Existing System: 1300 Res. x \$22.97/mo. x 12 mos.	\$358,332
Other Operating Income (Disconnect, Reconnect, Late Charge Fees): Projected Existing System	<u>7,250</u>
TOTAL ESTIMATED INCOME	\$365,582
Total Requirements, Including Debt Service, O&M, and Coverage @ 10%	\$ <u>357,759</u>
NET	\$ 7,823

## 8. PARAMETERS FOR ANALYZING PROJECT

The following table will be useful in reviewing the Total Project:

## Table 4 Summary - Analysis Total - Improvements Project

Estimated Construction Cost Estimated Project Cost

\$180,000 260,000

Note:

Construction cost includes a 100,000 gallon elevated tank.

## 9. <u>SUMMARY AND CONCLUSIONS</u>

The new 100,000 gallon tank is needed to provide the necessary storage for existing water customers that presently depend on the Eubank Water System. The new storage tank will eliminate service interruptions and pressure drops. The recommended financing for District's Water System Improvements project not covered by the RUS Grants is mostly with RUS Loan in the amount of \$130,000. The RUS loan of \$130,000 at 5% for 40 years and the RUS grant of \$130,000 will make this project feasible.

## SUMMARY/ADDENDUM TO PRELIMINARY ENGINEERING REPORT

Dated <u>February 1993</u> Updated February 1996

FOR

McKinney Water District
(Name of Water Facility Project)

Applicant Contact Person <u>Bob Maples</u>

Applicant Phone Number <u>(606) 346-2220</u>

In order to avoid unnecessary delays in application processing, the applicant and its consulting engineer should prepare a summary of the preliminary engineering report in accordance with this Guide.

Feasibility reviews and grant determinations may be processed more accurately and more rapidly if the Summary/Addendum is submitted simultaneously with the preliminary engineering report, or as soon thereafter as possible.

## I. GENERAL

#### A. Area to be Served

In addition to this summary, the applicant/engineer should submit a project map of the service area showing the following:

- 1. Existing Facilities Location and Size.
- 2. Proposed Facilities Location and Size.
- 3. New User Location Also attach a list of new users, by road.
- 4. Breakout of project cost for each branch line.

#### FACILITY CHARACTERISTICS OF EXISTING WATER SYSTEM II.

#### Water Source A.

B.

Describe adequacy of source (quality and quantity). Include an explanation of raw water source, raw water intake structure, treatment plant capacity, and current level of production (WTP). Also describe the adequacy of Water Purchase Contract, if applicable.

	Supplier:	City of Stanford Water	rworks, Stanfo	ord, KY
	Rates:	\$1.32 Per 1,000 gallons (In Town) \$1.52 Per 1,000 gallons (Out of Town)		
	Supplier:	City of Eubank Water	Service, Euba	nk, KY
	First 25,000 g	allons		\$42.25
	Next 1,000 ga 25,000 less tha	an 100,000	·	\$1.25 per 1000 gallons
	Next 1,000 ga 100,000 gallo	illons in excess of		\$1.00 per 1000 gallons
Water	· Storage:			
Type:	Ground Stora Standpipe X	•	Elevated Tanl	K
Numb	er of Storage S	tructures 2		
Total	Storage Volum	e Capacity <u>200,000 ga</u>	llons	
Date S	Storage Tank(s)	Constructed 1966 &	1973	

C.	Water	Distribu	tion S	vstem:

Pipe Material <u>Transite and PVC</u>

Lineal Feet of Pipe: Diameter 2" 3" 53,800'

4" <u>197,115'</u> 6" <u>122,640'</u> 8" <u>13,900'</u> 10" ____

8" <u>13,900'</u> 12"

Date(s) Water Lines Constructed 1966, 1973, 1978, 1992 & 1993

Number and Capacity of Pump Station(s) One - 100 GPM pump and One - 200 GPM pump in one station and in the second station Two - 50 GPM pumps

## D. <u>Condition of Existing Water System</u>:

Briefly describe the condition and suitability for continued use of facility now owned by the applicant. Include any major renovation that will be needed within five to ten years.

Both storage tanks were cleaned and repainted in 1993. Booster pump station renovated in 1992. New telemetry system installed in 1993.

## III. EXISTING LONG-TERM INDEBTEDNESS

## A. <u>List Bonds and Notes:</u>

<u>Date</u>	Principal Balance	Interest Rate	Bond or <u>Note Holder</u>	Amount on Deposit in Reserve Acct
19 <u>92</u> Issue 19 <u>92</u> Issue 19 <u>92</u> Issue 19 <u>92</u> Issue 19 Issue 19 Issue 19 Issue	\$\frac{130,800}{68,400}\$\$\frac{68,400}{72,000}\$\$\$\frac{527,000}{5}\$\$\$\frac{5}{2}\$\$\$\$\frac{1}{2}\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	5 % 5 % 5 % 5 % % %	FmHA (Series "A") FmHA (Series "B") FmHA (Series "C") FmHA (Series "D")	\$\$ \$\$ \$\$ \$\$

IV.	LAND AND	RIGHTS -	<b>EXISTING</b>	SYSTEM(S)

Number of Treatment Plant Sites	
Number of Storage Tank Sites	2
Number of Pump Stations	2
Number of Other Sites	
Total Acreage	0.92 Acres
Purchase Price	\$

## V. <u>NUMBER OF EXISTING USERS</u>

## A. Water Users:

Residential (In Town)*	
Residential/Farmers (Out of Town)*	···
Larger Users (Larger than 5/8" Meter-In Town)	
Larger Users (Larger than 5/8" Meter-Out/Town)	
Total	1300
Number of Total Potential Users	
Living in the Service Area	

*NOTE: Residential/Farmer Users: Classify by type of user regardless of quantity of water used. This classification should include those meters serving individual rural residences and farmers.

## VI. CURRENT CONNECTION FEES FOR EACH SIZE METER CONNECTION

Meter Size	Connection Fees	Minimum Water Usage for Each Size Meter
5/8"x 3/4"	\$ 300.00	<u>0 - 1,000 gallons</u>
<u>3/4 - Inch</u>	\$ 325.00	<u>0 - 1,000 gallons</u>
1-Inch	\$	gallons
1-1/2 Inch	\$	gallons
2-Inch	\$	(4) Mastermeter gallons
3-Inch	\$	gallons
4-Inch	\$	(3) Mastermeter gallons
5-Inch	\$	<u>gallons</u>
6-Inch	<u>\$</u>	gallons

## VII. WATER RATES - EXISTING SYSTEM

Existing Rate Schedule

Date this rate went into effect: November 1992

Meter Size 5/8 x 3/4 Inch

First	1,000	Gallons @ <u>\$ 10.66</u>	Minimum.
Next	2,000	Gallons @ \$ 3.75	Per 1,000 Gallons.
Next	7,000	Gallons @ \$ 3.20	Per 1,000 Gallons.
Next	10,000	Gallons @ <u>\$ 2.60</u>	Per 1,000 Gallons.
Next		Gallons @ \$	Per 1,000 Gallons.
Next		Gallons @ <u>\$</u>	Per 1,000 Gallons.
Next		Gallons @ \$	Per 1,000 Gallons.
Next		Gallons @ \$	Per 1,000 Gallons.
Next		Gallons @ \$	Per 1,000 Gallons.
Next		Gallons @ \$	Per 1,000 Gallons.
All Over	20,000	Gallons @ $\frac{\$}{2.60}$	Per 1,000 Gallons.

## VIII. ANALYSIS OF ACTUAL WATER USAGE-EXISTING SYSTEM-12 MONTH PERIOD

Customer count by usage bracket performed by the McKinney Water District for the twelve month period:

For Period January 1995 thru December 1995.

The Water District has 1,300 customers as of December 1, 1995.

METER <u>SIZE</u>	MONTHLY WATER USAGE (GALLONS)	<u>AVERAGE</u>	RESIDENTI NO. OF USERS	IAL/FARMER USAGE ( <u>1000</u> )	NON-RESI COM NO. OF <u>USERS</u>	DENTIAL/ MERCIAL USAGE (1000)
5/8 x 3/4 INCH	0- 1,000 1,000- 2,000 2,000- 5,000 5,000- 8,000 8,000- 10,000 10,000- 15,000 Over - 15,000	1,000 1,500 3,000 5,000 9,000 12,500	210 160 550 231 53 43 33	210 240 1650 1270 477 516 2384		
	TOTAI AVG.U		(1280)	( <u>6747</u> ) ( <u>527</u> )		

## IX. FACILITY CHARACTERISTICS OF PROPOSED WATER SYSTEM

## A. Water Source:

Describe adequacy of source (quality and quantity). Include an explanation of raw water source, raw water intake structure, treatment plant capacity, and current level of production (WTP). Also describe the adequacy of Water Purchase Contract if applicable.

Source of water is from the City of Eubank Water System. The McKinney Water District has a 40 year contract from the City of Eubank, beginning in April 1990 to April 2030.

## B. Water Storage:

Type:	Ground Storage Tank	Elevated Tank	_X
	Standpipe	Other	
	Number of Storage Structures		
	Total Storage Volume Capacity	100,00	00 gallons

	C.	Water Distribution System:
		Pipe Material
		Number and Capacity of Pump Station(s)
х.	Num	ber of Treatment Plant Sites  0
	Num Total	ber of Pump Sites ber of Other Sites (Elevated Tank)  Acreage nase Price  0  1  0.23 Acres Has not been purchased as of February 14, 1996
XI.	NUM	1BER OF NEW USERS
	A.	Water Users:
		Residential (In Town)*
		Residential/Farmers (Out of Town)*
		Larger Users (Larger Than 5/8" Meter (In Town)
		Larger Users (Larger Than 5/8" Meter (Out/Town)
		Total
		Number of Total Potential Users  Living in the Service Area
	*NO	TE: Residential/Farmer Users: Classify by type of user regardless of quantity of water used. This classification should include those meters serving

individual rural residences and farmers.

## XII. PROPOSED CONNECTION FEES FOR EACH SIZE METER CONNECTION

Meter Size	Connection Fees	Minimum Water Usage for Each Size Meter
5/8"x 3/4"	\$	gallons
3/4-Inch	<u>\$</u>	gallons
1-Inch	<u>\$</u>	gallons
1-1/2 Inch	<u>\$</u>	gallons
2-Inch	\$	gallons
3-Inch	<u>\$</u>	gallons
4-Inch	\$	gallons
6-Inch	\$	gallons

## XIII. WATER RATES - PROPOSED SYSTEM

## A. Recommended Rate Schedule - With FmHA 50% grant funds

First	1,000	Gallons @ 💲	10.66	Minimum.
Next	2,000	Gallons @ \$_	3.75	Per 1,000 Gallons.
Next	7,000	Gallons @ \$_	3.20	Per 1,000 Gallons.
Next	10,000	Gallons @ \$	2.60	Per 1,000 Gallons.
Next		Gallons @ \$		Per 1,000 Gallons.
Next		Gallons @ \$		Per 1,000 Gallons.
Next		Gallons @ \$		Per 1,000 Gallons.
Next		Gallons @ \$		Per 1,000 Gallons.

All Over <u>20,000</u> Gallons @ <u>\$ 2.60</u> Per 1,000 Gallons.

If more than one rate, use additional sheets.

## XIV. PROPOSED OPERATING BUDGET - EXISTING & NEW USERS

(1st Full Year of Operation)

Year Ending 1994

## A. **Operating Income:**

Water Sales	\$ <u>342,676.68</u>
Disconnect/Reconnect/Late Charge Fees	7,253.91
Other (Describe) Less Allowances and Deductions	()
Total Operating Income	\$ <u>349,930.59</u>

В.	3. Operation and Maintenance Expenses:				
	ribed by National Association of				
	Regulatory Utility Commissioners)				
	Source of Supply Expense Operation Supplies and Expense Water Treatment Expense Transmission and Distribution Expense Customer Accounts Expense Administrative and General Expense Tank Maintenance	\$\frac{131,553.38}{528.00} 			
	Total Operating Expenses	\$ <u>293,270.65</u>			
	Net Operating Income	\$ <u>56,659.94</u>			
C.	Non-Operating Income:				
	Interest on Deposits Other (Identify) Connection Fees	\$ <u>2,697.69</u> <u>12,900.00</u>			
	Total Non-Operating Income	\$ <u>15,597.69</u>			
D.	Net Income	\$ <u>72,257.63</u>			
E.	Debt Repayment:				
	FmHA Interest FmHA Principal Non-FmHA Interest Non-FmHA Principal	\$			
	Total Debt Repayment	\$ <u>64,488.00</u>			
F.	Balance Available for Coverage and Depreciation	\$ <u>7,770.00</u>			
G.	Required Coverage @ 10% (included in total debt)	\$0.00			
H.	Surplus (Deficit)	\$ <u>7,770.00</u>			

## XV. ESTIMATED PROJECT COST - WATER

Development	\$ <u>180,000.00</u>
Land and Rights	2,800.00
Legal	8,200.00
Engineering	59,000.00
Interest	2,000.00
Contingencies	8,000.00
Initial Operating and Maintenance	
Other	
Total	\$ 260,000.00

## XVI. PROPOSED PROJECT FUNDING

Applicant - User Connection Fees Other Applicant Contribution	\$0.00
RUS Financial Assistance	<u> 130,000.00</u>
RUS Grant	130,000.00
Other (Specify)	
Other (Specify)	
Other (Specify)	
TOTAL	<u>\$ 260,000.00</u>

JAN 1 1 1999 CP CIC

## FINAL ENGINEERING REPORT

## **FOR**

## **CONTRACT 3 - 100,000 GALLON ELEVATED TANK**

FOR THE

MCKINNEY WATER DISTRICT

LINCOLN COUNTY, KENTUCKY

**DECEMBER 18, 1998** 

DONALDY SEXTON PP 10807

## 1. PURPOSE OF THE REPORT

This report updates the preliminary engineering report dated February 1996 based on bids received on October 29, 1998.

## 2. SCOPE OF THE PROJECT

The new 100,000 gallon elevated tank will provide the necessary storage for the existing customers now served from the City of Eubank water system. The new storage tank should eliminate service interruptions and pressure drops.

## 3. BIDS

The low bid received October 29, 1998 exceeded the amount estimated and budgeted for this project. The McKinney Water District requested additional funds of \$90,000 for constructing the tank. Rural Development agreed to increase the loan by \$90,000.

## 4. LETTER OF CONDITIONS

Per the updated "Letter of Conditions" dated November 17, 1998:

Cost of Facility:

Breakdown of Costs:

Development	\$248,000
Land and Rights	5,000
Legal and Administrative	8,200
Engineering	69,000
Interest (During Construction)	13,000
TOTAL	\$350,000

Financing:

RUS Loan	\$220,000
RUS Grant	
	\$350,000

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PEH Engineers

## 5. <u>SUMMARY OF TOTAL ANNUAL REVENUE REQUIREMENTS FOR EXISTING</u> AND PROPOSED WATER SYSTEM

Annual revenue requirements for debt service for the existing and proposed water system are summarized as follows:

#### Debt Service:

Average Principal and Interest (Old)	\$56,010
Average Principal and Interest (New)	13,044
Surplus (10%)	1,304
Operation and Maintenance (1997)	<u>312,043</u>
TOTAL ANNUAL AVERAGE REVENUE REQUIREMENT	\$382,40

The 10% coverage of debt is a requirement of RUS, if a grant is included.

To retire a \$220,000 five percent loan would require equal annual debt service payments of \$13,044 over a 38 year period.

The gross revenue requirement is computed by adding to the net revenue requirement the estimated maintenance and operating expense of \$31,866.75 per month. Therefore, gross annual revenue required is \$382,401.

## 6. PROPOSED OPERATING BUDGET - EXISTING & NEW USERS

(1st Full Year of Operation)

Year Ending

2,000

## A. Operating Income:

Water Sales Disconnect/Reconnect/Late Charge Fees	\$ <u>357,783.67</u> 
Other (Describe) Less Allowances and Deductions	()
Total Operating Income (1997)	\$ <u>365,242.98</u>
Total Proposed Operating Income Ending Year 2000	\$ 430,819.00

## B. Operation and Maintenance Expenses:

(Based on Uniform System of Accounts prescribed by National Association of Regulatory Utility Commissioners)

	regulatory officery commissioners,	Dec. 1996	*Dec.31, 1997
	Source of Supply Expense Operation Supplies and Expense Water Treatment Expense	\$130,712.24 1,263.51	\$131,054.27 1,380.50
	Transmission and Distribution Expense Customer Accounts Expense	9,662.05 9,234.68	24,941.35 10,227.88
	Administrative and General Expense Tank Maintenance	133,022.22	144,439.33
	Total Operating Expenses	\$283,894.70	312,043.33
	Net Operating Income	\$ 72,897.04	53,199.65
C.	Non-Operating Income:		
	Interest on Deposits Other (Identify) Connection Fees	\$ 6,010.77 13,750.00	6,750.71 19,200.00
	Total Non-Operating Income	\$ 19,760.77	25,950.71
D.	Net Income	\$ 92,657.81	79,150.36

NOTE:

*Data obtained from audit report by William D. Ruth, III, Certified Public Accountant, Danville, Kentucky, December 31, 1997, for the McKinney Water District

PEH Engineers

## 7. EXISTING WATER RATE SCHEDULE

Below is the existing rate schedule for the District:

First 1,000 gallons	\$10.66 (minimum bill)
Next 2,000 gallons	3.75 per 1000 gallons
Next 7,000 gallons	3.20 per 1000 gallons
Next 10,000 gallons	2.60 per 1000 gallons
All over 15,000 gallons	2.60 per 1000 gallons

\$423,360

Using the existing rate schedule and the average monthly usages and 1400 customers the expected annual income is as follows:

Existing System: 1400 Res. x \$25.20/mo. x 12 mos.

Other Operating Income

(Disconnect, Reconnect, Late Charge Fees):

Projected Existing System 7,459

TOTAL ESTIMATED INCOME \$430,819

Total Requirements, Including

Debt Service, O&M, and Coverage @ 10% \$382,401

NET \$ 48,418

## 8. **DEBT SERVICE**

Debt Repayment:

Existing FmHA Interest (1992 Bond Series A, B, C & D)	\$ 39,910
Existing FmHA Principal (1992 Bond Series A, B, C & D)	\$ 16,100
FmHA Principal Interest @ 5% (1998 Bond)	\$ 13,044

TOTAL DEBT REPAYMENT

\$ 69,054

#### **ESTIMATED PROJECT COST - WATER** 9.

Development	\$248,000
Land and Rights	5,000
Legal	8,200
Engineering	69,000
Interest	6,800
Contingencies	<u>13,000</u>
TOTAL	\$350,000

#### PROPOSED PROJECT FUNDING 10.

Applicant - User Connection Fees	\$	0
RUS Financial Assistance	220,000	
RUS Grant	<u>130</u>	,000
TOTAL	\$ 350	0,000