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May 20, 2005

RECEIVED

MAY 23 2005

PUBLIC SERVICE  
COMMISSION

Ms. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602-0615

Re: Notice of Filing of Affidavit of Fred Schlatter, President of Airview Estates, Inc.

Dear Ms. O'Donnell:

Please find enclosed for filing in the above referenced case, the original and 10 copies of the Notice of Filing of Affidavit of Fred Schlatter, President of Airview Estates, Inc. filed in the above referenced case. Thank you for your attention to this matter.

Yours truly,

*Robert C. Moore*

Robert C. Moore

*RCM*

cc: Larry Smither  
Jerry Wuetcher  
Enclosures  
RCM/edl

**COMMONWEALTH OF KENTUCKY**

RECEIVED

MAY 23 2005

PUBLIC SERVICE  
COMMISSION

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

REQUEST OF AIRVIEW ESTATES, ) Case No. 2005-00050  
INC. TO MODIFY CONSTRUCTION )  
SCHEDULE FOR PLANT )  
IMPROVEMENTS FINANCED )  
THROUGH A CUSTOMER SURCHARGE )

**NOTICE OF FILING OF AFFIDAVIT OF FRED SCHLATTER, PRESIDENT OF  
AIRVIEW ESTATES, INC.**

Comes Covered Bridge Utilities, Inc. ("Covered Bridge") and Elizabethtown Utilities, LLC, by counsel, and for the reasons set forth below, hereby files the Affidavit of Fred Schlatter, President of Airview Estates, Inc.

1. On September 1, 2004, Elizabethtown Utilities, LLC ("Elizabethtown Utilities"), entered into a Management Agreement with Airview Estates, Inc. whereby Elizabethtown Utilities agreed to operate the Airview Estates Wastewater Treatment Plant ("WWTP"). Prior to the execution of this Management Agreement, Covered Bridge performed repairs needed at the Airview Estates WWTP when requested by the operator of the Airview Estates WWTP.

2. In June of 2004, the Commission approved a rate increase for the Airview Estates WWTP and also approved a surcharge in order to allow Airview Estates to accumulate the needed funds to perform major repairs to the treatment plant and the remote lift station. See Case No. 2003-00494. The Commission further specified the improvements for which the surcharge proceeds could be used and the schedule on which the improvements should be made.

3. On January 13, 2005, Lawrence W. Smither forwarded a letter to Beth O'Donnell, Executive Director of the Commission, requesting permission to change the schedule order so that

repairs to the blower motor assembly at the Airview Estates WWTP and the diffuser drops could be made prior to the purchase and installation of new pumps for the remote lift station, as the existing pumps are currently working satisfactorily. When Mr. Smither forwarded this letter to Executive Director O'Donnell, he inadvertently sent the letter out on Covered Bridge stationery rather than Elizabethtown Utilities stationery.

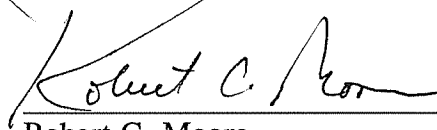
4. On February 14, 2005, the Commission entered an Order, concerning the request to change the order of repairs to be made to the Airview Estates WWTP. The February 14, 2005 Order required Covered Bridge to file its Management Agreement with Airview Estates and to file other documentary evidence demonstrating that Airview Estates had the authority to submit its request to modify the scheduling order.

5. Pursuant to the Commission's February 14, 2005, Order, the Management Agreement entered in to by and between Airview Estates and Elizabethtown Utilities was filed with the Commission, as well as a letter dated April 1, 2005 forwarded by Fred Schlatter, the President of Airview Estates, stating that Elizabethtown Utilities was and remains authorized to contact the Commission and request the modification to the subject scheduling order. The Pre-Filed Testimony of Lawrence W. Smither confirming that Elizabethtown Utilities had the authorization to request the modification to the construction schedule because it was in the best interest of the efficient operation of the Airview Estates WWTP was also filed with the Commission.

6. The Commission personnel indicated that a sworn statement provided by Fred Schlatter, the President of Airview Estates, Inc., would be helpful to the Commission in ruling on the request to modify the subject construction schedule. Accordingly, the Affidavit of Fred Schlatter is hereby attached as Exhibit A whereby he states, under oath, that:

- a) Elizabethtown Utilities will be the contractor that is to perform the repairs to the Airview Estates Wastewater Treatment Plant and the remote lift station;
- b. Elizabethtown Utilities has full authorization to request the Commission to revise the construction schedule imposed by the Commission requiring certain repairs to be made at the Airview Estates Wastewater Treatment Plant and the remote lift station;
- c. Elizabethtown Utilities is authorized to request the modification of the subject construction schedule so that the two blower motors, control panel, diffuser drops and diffusers will be installed prior to the new pumps at the remote station; and,
- d. Should Elizabethtown Utilities need to further revise the subject construction schedule, it has authorization to request the Commission to make further revisions to the construction schedule.

Respectfully submitted,



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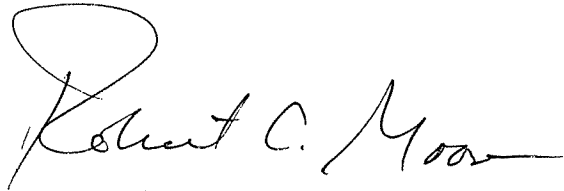
Robert C. Moore  
Hazelrigg & Cox, LLP  
415 West Main Street  
P.O. Box 0676  
Frankfort, Kentucky 40602-0676

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed by first class mail, postage prepaid, on May 20, 2005 on:

Beth O'Donnell, Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, Kentucky 40602

David E. Spenard  
Assistant Attorney General  
1024 Capital Center Drive  
Frankfort, Kentucky 40601

A handwritten signature in black ink, reading "Robert C. Moore". The signature is written in a cursive style with a large, looped initial "R".

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Robert C. Moore

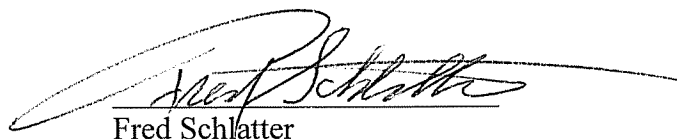
## EXHIBIT A

AFFIDAVIT

Comes the affiant, Fred Schlatter, and after being duly sworn, states as follows:

1. That I live at 10411 Forest Garden Lane, Louisville, KY 40223.
2. That I am the president of Airview Estates, Inc., which owns the Airview Estates Wastewater Treatment Plant located in Hardin County, Kentucky.
3. That Elizabethtown Utilities will be the contractor that is to perform the repairs to the Airview Estates Wastewater Treatment Plant and the remote lift station.
4. That Elizabethtown Utilities has full authorization to request the Public Service Commission ("Commission") to revise the construction schedule imposed by the Commission requiring certain repairs to be made at the Airview Estates Wastewater Treatment Plant and the remote lift station.
5. I further authorize Elizabethtown Utilities to request the modification of the subject construction schedule so that the two blower motors, control panel, diffuser drops and diffusers will be installed prior to the new pumps at the remote station.
6. That if Elizabethtown Utilities needs to further revise the subject construction schedule, I hereby provide it authorization to request the Commission to make further revisions to the construction schedule.

Further affiant sayeth not.

  
 Fred Schlatter

STATE OF KENTUCKY    )  
   )SS.  
 COUNTY OF Jefferson )

SUBSCRIBED AND SWORN to before me by Fred Schlatter, on this the 20 day of May, 2005.



My commission expires: 06/03/08  
**MEGAN L. BRENNER**  
 Notary Public, Kentucky  
 State At Large  
 My Commission Expires  
 June 3, 2008

  
 NOTARY PUBLIC