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September 19, 2005

RECEIVED

SEP 20 2005

PUBLIC SERVICE  
COMMISSION

Beth O'Donnell, Executive Director  
Public Service Commission  
211 Sower Blvd  
P.O. Box 615  
Frankfort, KY 40602


Re: Annette D. Calvert v. U.S. 60 Water District  
Case No. 2005-00356

Dear Ms. O'Donnell:

Enclosed please find one original and ten (10) copies, plus an extra copy of the Affidavit of Warner a. Broughman, III in regard to the captioned action. Please file the original and ten copies with the Commission and return to me the file-stamped copy. For your convenience I have enclosed a self-addressed stamped envelope.

Yours truly,

MATHIS, RIGGS & PRATHER, P.S.C.

BY:   
Donald T. Prather

DTP/pm  
Enclosures  
Cc: Darrell Dees, Manager  
Sandy Broughman, Engineer  
Duncan LeCompte, President  
Don/sec/stewart/PSC filing

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RECEIVED

SEP 20 2005

PUBLIC SERVICE  
COMMISSION

ANNETTE D. CALVERT }  
 }  
COMPLAINANT }  
 }  
v. }  
 }  
 }  
U.S. 60 WATER DISTRICT }  
 }  
DEFENDANT }

CASE NO. 2005-00356

**AFFIDAVIT OF WARNER A. BROUGHMAN, III**

The undersigned, Warner A. Broughman, III (hereinafter "Broughman"), after being first duly sworn, states as follows:

1. I am the engineer hired by U. S. 60 Water District (hereinafter the "District") to perform the engineering services related to the installation of a 12-inch water main along U.S. Highway 60 in Shelby and Franklin Counties.

2. Sometime prior to March 24, 2005, at the request of Annette D. Calvert (hereinafter " Ms. Calvert"), I marked the location of the easement on the Calvert property. Neither Ms. Calvert nor anyone else on her behalf ever contacted me to express any concerns.

3. On Monday evening, August 15, 2005, I made a special trip from Lexington to Shelby County to meet with Annette Calvert. Ms. Calvert and I walked the

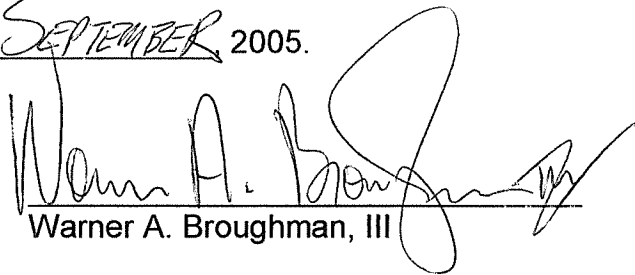
entire proposed waterline. She asked several questions and I answered all of them. She stated she had left her written list of questions at her office. She stated that "everything seems reasonable to me". I explained to her we would need to remove approximately three trees having diameters of between two and four inches along her fence line in order to install the line and not damage the larger trees in that area. Ms. Calvert was not concerned with the removal of these Locust Saplings and seemed to appreciate that the waterline would be routed around all trees of any size. She and her son agreed the removal of these trees would make mowing the property easier. Ms. Calvert never asked that the trees not be removed, that the trees be replaced, or that she be compensated for the value of the removed trees. She declined to sign the requested easement that evening, saying she would sign the easement the next day after she got back to her office and reviewed her written question sheet.

4. Approximately two days after our meeting at the site, I had still not heard from Ms. Calvert. I called and left a message at her office asking if she had any other questions after reviewing her written notes. I asked her to give me a call if she had any other questions. She never responded to that message in any way.

5. I made three personal trips to the Calvert property. The first time was during the initial selection of the proposed route when I met with her son and explained what was going to happen and where the waterline would go. Ms. Calvert was not present at that initial meeting. The second time was when I marked the proposed waterline at her request. The third meeting was on August 15, 2005 with Ms. Calvert and her son.

Further Affiant sayeth naught.

Signed this 15 day of SEPTEMBER, 2005.

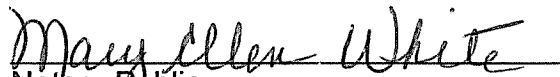
  
Warner A. Broughman, III

STATE OF KENTUCKY

COUNTY OF FAYETTE

Signed and sworn to before me by Warner A. Broughman, III, this 15  
day of SEPTEMBER, 2005.

My Commission Expires: 7/5/08.

  
Notary Public

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ANNETTE D. CALVERT  
COMPLAINANT

v.

U.S. 60 WATER DISTRICT  
DEFENDANT

CASE NO. 2005-00356

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing Affidavit of Warner A. Broughman, III dated September 15, 2005 was this 19 day of September, 2005 mailed to the following:

Annette D. Calvert  
575 Old U.S. 60  
Frankfort, KY 40601



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Donald T. Prather