COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION

OCT 1 7 2006

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE TARIFF FILING OF SOUTH ANDERSON WATER)
DISTRICT SETTING POLICY FOR WATER MAIN)
EXTENSION TO SERVE REAL ESTATE
DEVELOPMENTS)

CASE NO. 2006-00118

MOTION FOR SOUTH ANDERSON WATER DISTRICT TO BE PERMITTED TO ADC PT THE ATTACHED TARIFF AS IT RELATES TO WATER MAIN EXTENSIONS TO SERVE REAL ESTATE DEVELOPMENTS WHICH INCLUDES A PROVISION FOR A PAYBACK PERIOD OVER TEN YEARS AND IN THE EVENT SAID MOTION IS APPROVED, TO DISMISS THE SUBJECT ACTION

Comes South Anderson Water District, by and through counsel, and hereby moves the Public Service Commission as follows:

- 1. For permission and authority and an Order to adopt the attached tariff as it relates to water main extensions that serve real estate developments, which includes a ten-year payback provision. A copy of which is attached hereto, and made a part hereof by reference.
- 2. In the event that the Public Service Commission approves and orders the aforementioned tariff to be adopted by the South Anderson Water District, then the District hereby moves upon the filing of such an Order to dismiss the subject action.

WHEREFORE, South Anderson Water District, hereby moves the Public Service Commission for permission, authority, and an Order to adopt the aforementioned

tariff, a copy of which is attached hereto. In the event that the said action is ordered, for an Order to dismiss the subject action.

Respectfully submitted this / 7 day of October, 2006.

Ray Edelman, Attorney at Law 150 South Main Street

150 South Main Street Lawrenceburg, KY 40342

Telephone: (502) 839-5111

Counsel for South Anderson Water District

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the Public Service Commission by serving a true copy thereof to the following on this the ______day of October, 2006.

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

Jessamyn Thompson Commission Staff Public Service Commision 211 Sower Boulevard P.O. Box 615 Frankfort, Kentucky 40602-0615

Ray Edelman, Attorney at Law

Counsel for South Anderson Water District

	FOR
	FORCommunity, Town or City
	P.S.C. KY. NO.
	SHEET NO
	CANCELLING P.S.C. KY. NO.
(Name of Utility)	SHEET NO
RULES	S AND REGULATIONS
APPLICATIONS FO	R WATER MAIN EXTENSIONS TO
PROPOSED RE	AL ESTATE DEVELOPMENTS
estate developments.	shall apply to requests for water service to proposed real
Applicant desiring a water main extension to	GN AND CONSTRUCT THE MAIN EXTENSION. An a proposed real estate development may elect to design and to contract with the Water District for the design of these
III. <u>RESPONSIBILITIES OF AN APPL</u> estate development shall have the following	<u>ICANT</u> . An Applicant for water service to a proposed real responsibilities:
A. If the Applicant is assuming responsi	ibility for the design of the proposed water distribution
preliminary plans and specifications of the reasonably necessary to review Applicant's	Water District or its designated representative with all proposed water main extension and any other documents as request for service. All preliminary plans and specifications gineer who is licensed to practice engineering in the
proposed water distribution main extension requests and that are reasonably necessary	nable modifications to the plans and specifications of the ns that the Water District or its designated representative to ensure the quality and reliability of water service or the integrity and that are consistent with accepted engineering
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3. Prior to its submission of final plans ar	nd specifications for the proposed water distribution nental and Public Protection Cabinet, Applicant shall
its review of Applicant's proposed plans and specification other reasonable actions necessary to facilitate the control of the Applicant may be required to deposit with	trict for all expenses that the Water District incurs in ications, inspection of constructed facilities, and any onstruction of the proposed water distribution mains. It the Water District at the time of executing and Real Estate Development" an amount equal to the
5. Applicant shall permit Water District em to the proposed real estate development upon reason	aployees, agents, or representatives reasonable access hable notice and at reasonable hours.
6. Applicant shall obtain all necessary commissions.	approvals from county planning and zoning
	cost of the proposed water lines and appurtenant ad testing of water lines, and any and all legal fees e proposed water lines.
8. Applicant shall advise the Water District for the commencement of construction and installat development.	t or its designated representative of the date and time ion of all water mains within the proposed real estate
extension until the Water District or its designated a notify the Water District or its designated represent cover any portion of the proposed water mains.	her material any portion of the proposed water main representative has inspected the water main. He shall stative at least 24 hours in advance of any action to
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without the Water District's prior	t the proposed water main extension for leakage or contamination knowledge and agreement. Applicant shall notify the Water District east 24 hours in advance of any action to cover or to test water mains.
	the Water District an easement sufficient to install, repair, replace, or o distribute and meter water to the proposed real estate development ed within the development.
12. Applicant shall, upon c notify the Water District in writing	ompletion of construction of the proposed water distribution mains, of the completion.
	pletion of construction of the proposed water distribution mains, the District a copy of the as-built plans for the mains.
acceptance of the water distribution authority to provide water service ownership rights in the water distribution main is situated and sl	oposed water distribution mains and the Water District's preliminary on mains, Applicant shall grant to the Water District the right and through the water distribution main. Applicant shall retain all ribution mains and all easements for property on which the water hall be responsible for the operation and performance of such water enses or costs related to their maintenance or repair for a period of 12 mary acceptance.
-	Water District's preliminary acceptance of the water distribution to the Water District a written statement of the mains' total cost, of the total cost.
Main Extension to Serve a Real l Appendix A.	ng its application, Applicant shall execute an "Agreement for Water Estate Development" similar in form and content to that shown in
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(Name of Utility)	SHEET NO
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B. If the Applicant contracts with the W distribution main:	ater District for the design of the proposed water
preliminary plans and specifications of the propo	District or its designated representative with all osed real estate development and proposed water main necessary to review Applicant's request for service.
Development" with the Water District, Applicant to the estimated cost of design. During the course the deposited amount to pay such costs. If the W deposited amount, Applicant shall pay such char Costs by the Water District. Applicant shall pay appurtenant facilities. "Cost of design" include engineering and design of the proposed water	ent for Water Main Extension to Serve a Real Estate shall deposit with the Water District an amount equal of the construction, the Water District may draw upon atter District incurs any costs of design in excess of the rges within 30 days of presentation of a Statement of the total cost of design of the proposed water lines and es, but is not limited to, all costs associated with the distribution mains, fees for permits, inspections and assements (including attorney fees and court costs).
**	the cost of the proposed water distribution mains and inspection and testing of those mains, and any and all ruction of those mains.
proposed water distribution main extensions the requests and that are reasonably necessary to en	modifications to the plans and specifications of the at the Water District or its designated representative sure the quality and reliability of water service or the rity and that are consistent with accepted engineering
5. Applicant shall permit Water District of to the proposed real estate development upon reas	employees, agents, or representatives reasonable access conable notice and at reasonable hours.
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(Name of Utility)	SHEET NO
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6. Applicant shall obtain all necessary a commissions.	approvals from county planning and zoning
7. Applicant shall advise the Water District or for the commencement of construction and installation development.	its designated representative of the date and time of all water mains within the proposed real estate
8. Applicant shall not cover with soil or other extension until the Water District or its designated reproductive the Water District or its designated representate cover any portion of the proposed water mains.	
9. Applicant shall not test the proposed wat without the Water District's prior knowledge and agree or its designated representative at least 24 hours in advantage.	er main extension for leakage or contamination tement. Applicant shall notify the Water District ance of any action to cover or to test water mains.
10. Applicant shall grant to the Water District a construct any facilities necessary to distribute and met and to each parcel of property located within the development.	
11. Upon completion of proposed water distribution mains, Applican authority to provide water service through the water ownership rights in the water distribution mains and distribution main is situated and shall be responsible distribution mains and for any expenses or costs related months from the date of the preliminary acceptance.	er distribution main. Applicant shall retain all all easements for property on which the water for the operation and performance of such water
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RULES	AND REGULATIONS
	Pistrict's preliminary acceptance of the water distribution Vater District a written statement of the mains' total cost, I cost.
	olication, Applicant shall execute a "Agreement for Water velopment" similar in form and content to that shown in
	er District with his mailing address and shall maintain a trict for the 10-year period following the Water District's ion system.
IV. WATER DISTRICT'S RESPONSIBITES responsibilities:	LITIES. The Water District shall have the following
A. In those instances where the Applican	t designs the proposed water distribution main:
the proposed water distribution main extensi that are reasonably necessary to ensure the qu	epresentative shall examine all plans and specifications for on and shall advise Applicant of any and all modifications hality and reliability of water service or the Water District's are consistent with accepted engineering standards.
	representative shall promptly inspect the proposed water from the Applicant of its intent to cover the main with soil
	presentative shall promptly advise Applicant of its decision nain upon receiving proper notice of the Applicant's
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(Name of Utility)	SHEET NO
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4. Water District agrees to make preliminary distribution mains from the Applicant upon certic Commonwealth of Kentucky as a professional engineer in accordance with its plans and specifications, as approached and the Water District, and with accepted engineer in the commonwealth of th	er that the water distribution lines are constructed toved by the Environmental and Public Protection
5. The Water District shall exercise reasonable the Applicant in determining the route of the proposed	le efforts to the extent permitted by law to assist water distribution main.
6. Within 60 days of its receipt of Applicant's total cost, the Water District shall advise Applicant additional information to support Applicant's statement Applicant's statement of cost, it shall advise the Applicant and shall state its estimate of the total cost of	nt of total cost. If Water District does not accept licant of its reasons for rejecting the Applicant's
7. Upon its preliminary acceptance of the water providing water service to any person applying for service to apply applying for service to any person applying for service to apply applying for service to applying applying applying applying applying applying applyin	er distribution main, the Water District shall begin vice through these mains.
8. Water District shall make its final accept appurtenances and shall assume ownership and all respone year of operation without a significant leak or main	
9. Each year, for a period of 10 years foll distribution main, the Water District shall refund to the distribution main installed for each new customer connected to the distribution main, and not to extension refunds to the Applicant for the water distribution in	ected during the year whose service line is directly as or laterals therefrom. The Water District's total
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total cumulative refunds to the Applicant fo cumulative refund amount," the Water Distr cumulative refund amount" to the next annual water distribution mains' total cost. No refund mains after the refund period ends. The Wat	strict's required refund for an annual period would result in r the water distribution main exceeding the "maximum rict shall credit the amount in excess of the "maximum period for refund. Total amount refunded shall not exceed d shall be made for connections made to water distribution ter District shall make refund payments to the Applicant nary acceptance of the water distribution mains.	
B. In those instances where the Applicant contracts with the Water District for the design of the proposed water distribution main:		
1. The Water District shall retain the services of a professional engineer licensed by the state of Kentucky to prepare and/or examine all plans and specifications for the proposed water distribution main extension. It shall advise Applicant of all modifications that are reasonably necessary to ensure the quality and reliability of water service or the Water District's operational efficiency and integrity and that are consistent with accepted engineering standards.		
distribution, as modified by the retained pro	he plans and specifications of the proposed water main fessional engineer, to the Division of Water, Kentucky and apply for that agency's approval of those plans and	
3. The Water District shall apply for the necessary regulatory permits or approvals from all other state agencies that exercise jurisdiction over the proposed water distribution main extensions.		
4. The Water District will provide a construction of the proposed water distribution	all inspection and engineering services required for the mains.	
* "Maximum Cumulative Refund Amount" = Years Elapsed Since Preliminary Acceptance of	= Total Cost of Water Distribution Mains x Number of of Water Distribution Mains x .10.	
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lines are constructed in accordance with its plans a and Public Protection Cabinet and the Water District	al engineer's certification that the water distribution nd specifications, as approved by the Environmental et, and with accepted engineering practices, the Water he proposed water distribution main and any related
services provided by the retained professional eng	onable engineering and design costs related to the ineer. Such payments will be made from the funds at the time of executing the Agreement for Water at.
7. The Water District shall exercise reason the Applicant in determining the route of the propos	nable efforts to the extent permitted by law to assist sed water distribution main.
	septance of the water distribution main and related responsibility for its operation and maintenance after naintenance problem.
9. Water District shall prepare all document sufficient to install, repair, replace, or construct any the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and to each part of the proposed real estate development and the proposed real estat	its necessary for the Applicant to convey an easement y facilities necessary to distribute and meter water to arcel of property located within the development.
distribution main, the Water District shall refund to distribution main installed for each new customer co connected to the distribution main, and not to exten	following its preliminary acceptance of the water the Applicant a sum equal to the cost of 50 feet of the connected during the year whose service line is directly sions or laterals therefrom. The Water District's total on main, however, shall not exceed the "maximum
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(Name of Utility)	SHEET NO
RULES AND I	REGULATIONS
total cumulative refunds to the Applicant for the cumulative refund amount," the Water District's cumulative refund amount" to the next annual period water distribution mains' total cost. No refund sha mains after the refund period ends. The Water Distribution within 30 days of the anniversary of the preliminary V. NOTIFICATIONS. Unless otherwise designations.	nated in writing, all notifications required under this
section shall be made to: [Insert Appropriate Off	icial, Address, Telephone Number].
	provisions of this Section and the provisions of a 11, the provisions of Administrative Regulation 807 is made pursuant to this Section.
* "Maximum Cumulative Refund Amount" = Tot Years Elapsed Since Preliminary Acceptance of Wa	al Cost of Water Distribution Mains x Number of ater Distribution Mains x .10.
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APPENDIX A AGREEMENT FOR WATER MAIN EXTENSION TO SERVE A REAL ESTATE DEVELOPMENT

This AGREEMENT, made and entered into on this the day of
, by and between the SOUTH ANDERSON WATER DISTRICT ("Water District") and
, ("the Applicant").
WITNESSETH:
WHEREAS, the Applicant owns real estate that is located within the Water District's
boundaries; and,
WHEREAS, the Applicant's real estate development is more accurately described as
(provide description of property) ; and,
WHEREAS, the Applicant proposes to develop its real estate development and requires
an extension of the Water District's water mains to have water service provided to the proposed
real estate development; and,
WHEREAS it is the Parties' desire to provide safe and potable water to the proposed real
estate development;

THE APPLICANT SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

- 1. Applicant shall provide the Water District or its designated representative with all preliminary plans and specifications of the proposed water main extension and any other documents as reasonably necessary to review Applicant's request for service. All preliminary plans and specifications shall be prepared by a professional engineer who is licensed to practice engineering in the Commonwealth of Kentucky.
- 2. Applicant shall make all reasonable modifications to the plans and specifications of the proposed water distribution main extensions that the Water District or its designated

representative requests and that are reasonably necessary to ensure the quality and reliability of water service or the Water District's operational efficiency and integrity and that are consistent with accepted engineering standards.

- 3. Prior to its submission of final plans and specifications for the proposed water distribution main extension to the Division of Water, Environmental and Public Protection Cabinet, Applicant shall obtain the Water District's approval of such plans and specifications.
- 4. Applicant shall reimburse the Water District for all expenses that the Water District incurs in its review of Applicant's proposed plans and specifications, inspection of constructed facilities, and any other reasonable actions necessary to facilitate the construction of the proposed water distribution mains. The Applicant shall deposit with the Water District at the execution of this Agreement [Enter Amount of Deposit], which is the Water District's estimate of these costs.
- 5. Applicant shall permit Water District employees, agents, or representatives reasonable access to the proposed real estate development upon reasonable notice and at reasonable hours.
- 6. Applicant shall obtain all necessary approvals from county planning and zoning commissions.
- 7. Applicant shall be responsible for the cost of the proposed water lines and appurtenant facilities, all costs arising out of the inspection and testing of water lines, and any and all legal fees resulting from the placement and construction of the proposed water lines.
- 8. Applicant shall advise the Water District or its designated representative of the date and time for the commencement of construction and installation of all water mains within the proposed real estate development.

- 9. Applicant shall not cover with soil or other material any portion of the proposed water main extension until the Water District or its designated representative has inspected the water main. He shall notify the Water District or its designated representative at least 24 hours in advance of any action to cover any portion of the proposed water mains.
- 10. Applicant shall not test the proposed water main extension for leakage or contamination without the Water District's prior knowledge and agreement. Applicant shall notify the Water District or its designated representative at least 24 hours in advance of any action to cover or to test water mains.
- 11. Applicant shall grant to the Water District an easement sufficient to install, repair, replace, or construct any facilities necessary to distribute and meter water to the proposed real estate development and to each parcel of property located within the development.
- 12. Upon completion of construction of the proposed water distribution mains, Applicant shall notify the Water District in writing of the completion.
- 13. Within 60 days of completion of construction of the proposed water distribution mains, the Applicant shall furnish to the Water District a copy of the as-built plans for the mains.
- 14. Upon completion of proposed water distribution mains and the Water District's preliminary acceptance of the water distribution mains, Applicant shall grant to the Water District the right and authority to provide water service through the water distribution main. Applicant shall retain all ownership rights in the water distribution mains and all easements for property on which the water distribution main is situated and shall be responsible for the operation and performance of such water distribution mains and for any expenses or costs related to their maintenance or repair for a period of 12 months from the date of the preliminary acceptance.

15. Within 60 days of the Water District's preliminary acceptance of the water distribution mains, the Applicant shall provide to the Water District a written statement of the mains' total cost, itemizing in detail the components of the total cost.

THE WATER DISTRICT SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

- 1. Water District or its designated representative shall examine all plans and specifications for the proposed water distribution main extension and shall advise Applicant of any and all modifications that are reasonably necessary to ensure the quality and reliability of water service or the Water District's operational efficiency and integrity and that are consistent with accepted engineering standards.
- 2. Water District or its designated representative shall promptly inspect the proposed water main extension after receiving proper notice from the Applicant of its intent to cover the main with soil or other material.
- 3. Water District or its designated representative shall promptly advise Applicant of its decision on any testing of the proposed water distribution main upon receiving proper notice of the Applicant's intent to test the main.
- 4. Water District agrees to preliminarily accept the Applicant's donation of completed water distribution mains upon receiving certification from a person who is licensed in the Commonwealth of Kentucky as a professional engineer that the water distribution lines are constructed in accordance with its plans and specifications, as approved by the Environmental and Public Protection Cabinet and the Water District, and with accepted engineering practices.
- 5. The Water District shall exercise reasonable efforts to the extent permitted by law to assist the Applicant in determining the route of the proposed water distribution main.
- 6. Within 60 days of its receipt of Applicant's written statement of the water distribution mains' total cost, the Water District shall advise Applicant of its acceptance of the stated cost or

request additional information to support Applicant's statement of total cost. If the Water District does not accept Applicant's statement of cost, it shall advise the Applicant of its reasons for rejecting the Applicant's statement and shall state its estimate of the total cost of the water distribution mains.

- 7. Upon its preliminary acceptance of the water distribution main, the Water District shall begin providing water service to any person applying for service through these mains.
- 8. The Water District shall make its final acceptance of the water distribution main and related appurtenances and shall assume ownership and all responsibility for its operation and maintenance after one year of operation without a significant leak or maintenance problem.
- 9. Each year, for a period of 10 years following its preliminary acceptance of the water distribution main, the Water District shall refund to the Applicant a sum equal to the cost of 50 feet of the distribution main installed for each new customer connected during the year whose service line is directly connected to the distribution main, and not to extensions or laterals therefrom. The Water District's total refunds to the Applicant for the water distribution main, however, shall not exceed the "maximum cumulative refund amount." ("Maximum Cumulative Refund Amount" equals the Total Cost of Water Distribution Mains multiplied by the Number of Years Elapsed since Preliminary Acceptance of Water Distribution Mains multiplied by 0.10.) If the Water District's required refund for an annual period would result in total cumulative refunds to the Applicant for the water distribution main exceeding the "maximum cumulative refund amount," the Water District shall credit the amount in excess of the "maximum cumulative refund amount" to the next annual period for refund. Total amount refunded shall not exceed water distribution mains' total cost. No refund shall be made for connections made to water distribution mains after the refund period ends. The Water District shall make refund payments to the Applicant within 30 days of the anniversary of the preliminary acceptance of the water distribution mains.

THE PARTIES FURTHER AGREE THA	T unless otherwise designated in writing, all
notifications required under this section shall be n	nade to:
South Anderson Water District:	Applicant:
Management calments that class according to the Management of the	programment was an extra profess and the state of the sta
Dated this the day and year first written ab	pove.
SOUTH ANDERSON WATER DISTRICT	APPLICANT

Position

Position

APPENDIX B AGREEMENT FOR WATER MAIN EXTENSION TO SERVE A REAL ESTATE DEVELOPMENT

This AGREEMENT, made and entered into on this the day of,
, by and between the SOUTH ANDERSON WATER DISTRICT ("Water District") and
, ("the Applicant").
WITNESSETH:
WHEREAS, the Applicant owns real estate that is located within the Water District's
boundaries; and,
WHEREAS, the Applicant's real estate development is more accurately described as
(provide description of property); and,
WHEREAS, the Applicant proposes to develop its real estate development and requires
an extension of the Water District's water mains to have water service provided to the proposed
real estate development; and,
WHEREAS it is the Parties' desire to provide safe and potable water to the proposed real
estate development; and,
WHEREAS, the Applicant desires the Water District to provide the design and
engineering services necessary for the construction of the water mains necessary to serve the real
estate development;
NOW, THEREFORE, the Parties agree as follows:
THE APPLICANT SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

1. Applicant shall provide the Water District or its designated representative with all preliminary plans and specifications of the proposed water main extension and any other documents as reasonably necessary to review Applicant's request for service. All preliminary

plans and specifications shall be prepared by a professional engineer who is licensed to practice engineering in the Commonwealth of Kentucky.

- 2. At the time of executing this Agreement, Applicant shall deposit [Enter Amount of Deposit] with the Water District an amount equal to the estimated design costs. During the course of construction of the proposed water distribution main, the Water District may draw upon the deposited amount to pay such costs. If the Water District incurs any design costs in excess of the deposited amount, Applicant shall pay such charges within 30 days of presentation of a Statement of Costs by the Water District. Applicant shall pay the total cost of design of the proposed water lines and appurtenant facilities. "Design costs" include, but are not limited to, all costs associated the engineering and design of the proposed water distribution mains, fees for permits, inspections and licenses, and costs incurred in the acquisition of easements (including attorney fees and court costs).
- 3. Applicant shall be responsible for the cost of the proposed water lines and appurtenant facilities, all costs arising out of the inspection and testing of water lines, and any and all legal fees resulting from the placement and construction of the proposed water lines.
- 4. Applicant shall make all reasonable modifications to the plans and specifications of the proposed water distribution main extensions that the Water District or its designated representative requests and that are reasonably necessary to ensure the quality and reliability of water service or the Water District's operational efficiency and integrity and that are consistent with accepted engineering standards.
- 5. Applicant shall permit Water District employees, agents, or representatives reasonable access to the proposed real estate development upon reasonable notice and at reasonable hours.

- 6. Applicant shall obtain all necessary approvals from county planning and zoning commissions.
- 7. Applicant shall advise the Water District or its designated representative of the date and time for the commencement of construction and installation of all water mains within the proposed real estate development.
- 8. Applicant shall not cover with soil or other material any portion of the proposed water main extension until the Water District or its designated representative has inspected the water main. He shall notify the Water District or its designated representative at least 24 hours in advance of any action to cover any portion of the proposed water mains.
- 9. Applicant shall not test the proposed water main extension for leakage or contamination without the Water District's prior knowledge and agreement. Applicant shall notify the Water District or its designated representative at least 24 hours in advance of any action to cover or to test water mains.
- 10. Applicant shall grant to the Water District an easement sufficient to install, repair, replace, or construct any facilities necessary to distribute and meter water to the proposed real estate development and to each parcel of property located within the development.
- 11. Upon completion of proposed water distribution mains and the Water District's preliminary acceptance of the water distribution mains, Applicant shall grant to the Water District the right and authority to provide water service through the water distribution main. Applicant shall retain all ownership rights in the water distribution mains and all easements for property on which the water distribution main is situated and shall be responsible for the operation and performance of such water distribution mains and for any expenses or costs related to their maintenance or repair for a period of 12 months from the date of the preliminary acceptance.

12. Within 60 days of the Water District's preliminary acceptance of the water distribution mains, the Applicant shall provide to the Water District a written statement of the mains' total cost, itemizing in detail the components of the total cost.

THE WATER DISTRICT SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

- 1. The Water District shall retain the services of a professional engineer licensed by the state of Kentucky to prepare and/or examine all plans and specifications for the proposed water distribution main extension. It shall advise Applicant of all modifications that are reasonably necessary to ensure the quality and reliability of water service or the Water District's operational efficiency and integrity and that are consistent with accepted engineering standards.
- 2. The Water District shall submit the plans and specifications of the proposed water main distribution, as modified by the retained professional engineer, to the Division of Water, Kentucky Environmental and Public Protection Cabinet and apply for that agency's approval of those plans and specifications.
- 3. The Water District shall apply for the necessary regulatory permits or approvals from all other state agencies that exercise jurisdiction over the proposed water distribution main extensions.
- 4. The Water District will provide all inspection and engineering services required for the construction of the proposed water distribution mains.
- 5. Upon receipt of the retained professional engineer's certification that the water distribution lines are constructed in accordance with its plans and specifications, as approved by the Environmental and Public Protection Cabinet and the Water District, and with accepted engineering practices, the Water District shall make its preliminary acceptance of the proposed water distribution main and any related appurtenances.

- 6. The Water District shall pay all reasonable engineering and design costs related to the services provided by the retained professional engineer. Such payments will be made from the funds that the Applicant deposited with the Water District at the time of executing the Agreement for Water Main Extension to Serve a Real Estate Development.
- 7. The Water District shall exercise reasonable efforts to the extent permitted by law to assist the Applicant in determining the route of the proposed water distribution main.
- 8. Water District shall make its final acceptance of the water distribution main and related appurtenances and shall assume ownership and all responsibility for its operation and maintenance after one year of operation without a significant leak or maintenance problem.
- 9. Water District shall prepare all documents necessary for the Applicant to convey an easement sufficient to install, repair, replace, or construct any facilities necessary to distribute and meter water to the proposed real estate development and to each parcel of property located within the development.
- 10. Each year, for a period of 10 years following its preliminary acceptance of the water distribution main, the Water District shall refund to the Applicant a sum equal to the cost of 50 feet of the distribution main installed for each new customer connected during the year whose service line is directly connected to the distribution main, and not to extensions or laterals therefrom. The Water District's total refunds to the Applicant for the water distribution main, however, shall not exceed the "maximum cumulative refund amount." ("Maximum Cumulative Refund Amount" equals the Total Cost of Water Distribution Mains multiplied by the Number of Years Elapsed since Preliminary Acceptance of Water Distribution Mains multiplied by 0.10.) If the Water District's required refund for an annual period would result in total cumulative refunds to the Applicant for the water distribution main exceeding the "maximum cumulative refund amount," the Water District shall credit the amount in excess of the "maximum cumulative refund amount"

to the next armual period for refund. Total amount refunded shall not exceed water distribution mains' total cost. No refund shall be made for connections made to water distribution mains after the refund period ends. The Water District shall make refund payments to the Applicant within 30 days of the anniversary of the preliminary acceptance of the water distribution mains.

THE PARTIES FURTHER AGREE THAT unless otherwise designated in writing, all notifications required under this section shall be made to:

South Anderson Water District:	Applicant:	

Dated this the day and year first written a	bove.	
SOUTH ANDERSON WATER DISTRICT	APPLICANT	
Position	Position	