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LOUIS COX (1907-1971)

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June 14, 2006

RECEIVED
JUN 14 2006
PUBLIC SERVICE
COMMISSION

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

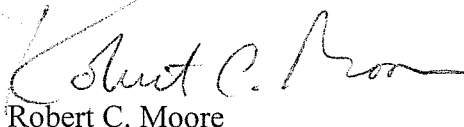
Re: Farmdale Development Corporation: Case No. 2006-00209

Dear Ms. O'Donnell:

Enclosed please find the original and eleven copies of the Response of Farmdale Development Corporation to the Notice of Deficiency issued in the above referenced case. Please stamp file one copy and return to me in the enclosed, self-addressed stamped envelope. Thank you for your assistance in this matter.

Please contact me if you have any questions.

Yours truly,



Robert C. Moore

Enclosures
RCM/neb
cc: Carroll Cogan

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED
JUN 14 2006
PUBLIC SERVICE
COMMISSION

In the Matter of:

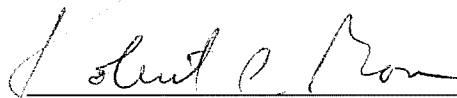
APPLICATION OF FARMDALE DEVELOPMENT)
CORPORATION FOR A CERTIFICATE OF)
CONVENIENCE AND NECESSITY, AUTHORITY)
TO MAKE REPAIRS AND SURCHARGE FOR SAME) Case No. 2006-00209

RESPONSE TO NOTICE OF DEFICIENCY

Comes the Petitioner, Farmdale Development Corporation (hereinafter "Farmdale"), by counsel, and hereby submits the following information in response to the Notice of Deficiency issued by Commission Staff in the above styled case:

1. A certified copy of the Articles of Incorporation of Farmdale filed on February 1, 1973 and a certified copy of the Articles of Amendment of Farmdale filed on September 17, 1973.
2. A copy of the Kentucky Pollutant Elimination Discharge System Permit issued to Farmdale for the period beginning June 1, 2004 and ending on February 28, 2007.
3. The Application for Certificate of Convenience and Necessity was filed with respect to the remote lift station to the Farmdale Wastewater Treatment Plant. The estimated cost of operation of the Farmdale Wastewater Treatment Plant is \$91,174. (See Amended Application for Rate Adjustment filed by Farmdale in Case No. 2006-00028). The cost to operate the remote lift station cannot be separated from this amount.

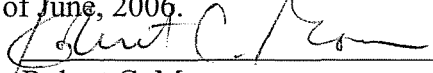
Respectfully Submitted,



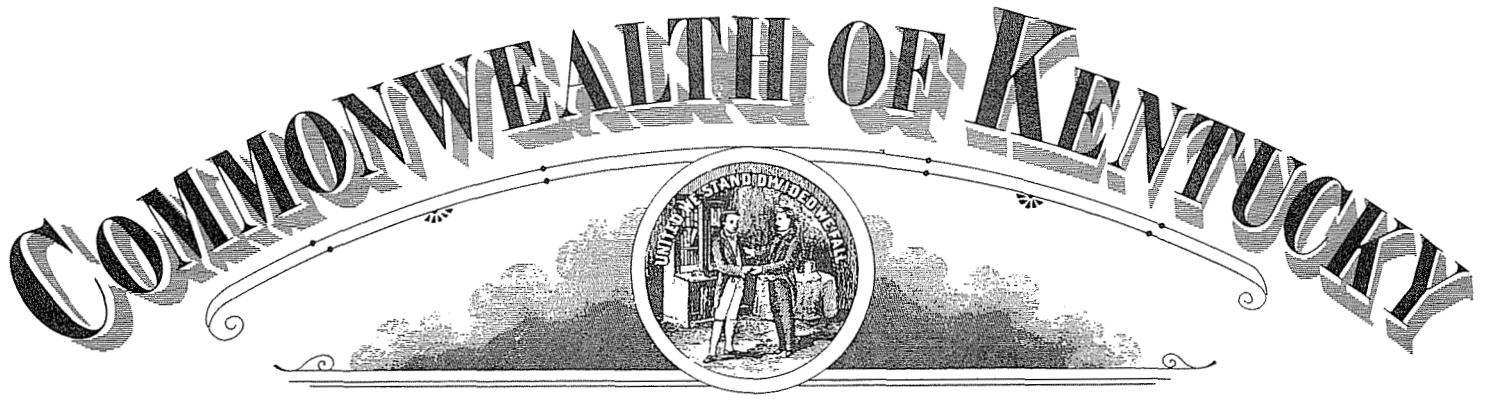
Robert C. Moore
Hazelrigg and Cox
P.O. Box 676
415 West Main Street, 1st Floor
Frankfort, Kentucky 40602-0676
Attorney for Farmdale Development
Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, on David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Ky., 40601-8204 on this the 14th day of June, 2006.



Robert C. Moore



**Trey Grayson
Secretary of State**

Certificate

I, Trey Grayson, Secretary of State for the Commonwealth of Kentucky, do hereby certify that the foregoing writing has been carefully compared by me with the original thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of

ARTICLES OF INCORPORATION OF
FARMDALE DEVELOPMENT CORPORATION FILED FEBRUARY 1, 1973;

ARTICLES OF AMENDMENT FILED SEPTEMBER 17, 1973.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Official Seal at Frankfort, Kentucky, this 9th day of June, 2006.



Trey

Trey Grayson
Secretary of State
Commonwealth of Kentucky
vbennett/0016847 - Certificate ID: 32215

Jan 27 16

16847

Commonwealth of Kentucky

OFFICE OF
SECRETARY OF STATE



FRANKFORT,
KENTUCKY

THELMA L. STOVALL
Secretary

ARTICLES OF INCORPORATION

I, **THELMA L. STOVALL**, Secretary of State of the Commonwealth of Kentucky, do hereby certify that Articles of Incorporation of

FARMDALE DEVELOPMENT CORPORATION

Frankfort, Kentucky

The initial agent for process is CHARLES T. WEAVER

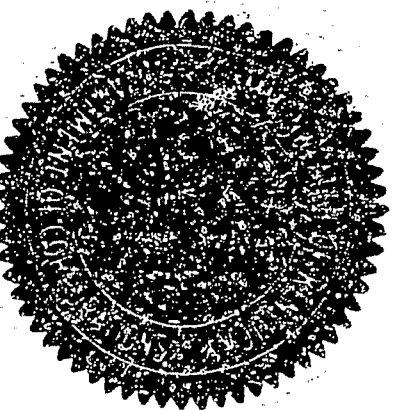
329 West Broadway

and address is Frankfort, Kentucky 40601

duly signed and acknowledged according to law, have been filed in my office. I further certify that all taxes, fees and charges payable upon the filing of said Articles of Incorporation have been paid.

Given under my hand and seal of Office as Secretary of State, at Frankfort, Kentucky, this 1st day of February, 19 73.


SECRETARY OF STATE



SECRETARY OF STATE

Assistant Secretary of State
ASSISTANT SECRETARY OF STATE

ARTICLES OF INCORPORATION
OF

FARMDALE DEVELOPMENT CORPORATION

SECRETARY OF STATE
RECEIVED
FEB 1 1973
CR 25.00
Commonwealth of Kentucky

KNOW ALL MEN BY THESE PRESENTS:

That I, the undersigned, a natural person more than twenty-one years of age, do hereby incorporate under the laws of the Commonwealth of Kentucky, a corporation to be known as Farmdale Development Corporation.

ARTICLE I

The name of the corporation is Farmdale Development Corporation.

ARTICLE II

The purpose and nature of the business which is to be transacted, promoted and carried on by this corporation is the acquisition by purchase or otherwise of real estate, and interest in real estate, or stock ~~incorporations~~ dealing principally in real estate, situated within the Commonwealth of Kentucky or elsewhere. The corporation shall have the authority to construct residential, commercial and apartment buildings, including the right to purchase, lease, or otherwise acquire, sell or exchange lands, tenements and hereditaments; and further including the authority to lease, rent, manage, control, own and sell real and personal property for this corporation and for others, and said corporation shall have the authority to buy, sell, convey, lease, pledge, mortgage, exchange, assign or otherwise acquire, hold and dispose of, handle or otherwise deal in and with real and personal property or any interest therein of whatever name, nature and description, and wherever the same may be situated, either within or without the Commonwealth of Kentucky, and to exercise unlimitedly

all rights and powers incident to the acquisition, holding or disposition of such interest; to do all things necessary or desirable to protect or enhance directly or indirectly the value of any interest owned by the corporation or in which it may have any beneficial interest or right ; to borrow money, credit or property, make contracts, or to incur obligations and to secure the same by mortgage or pledge of all or part of its assets or franchises; to act for others in any capacity or manner, to participate with others and to merge or to consolidate with other concerns in any business, enterprise, or transaction which the company is authorized to engage in, in any manner and on any terms; to buy, sell, pledge, exchange, assign or otherwise acquire, hold and dispose of stocks, bonds and negotiable securities; and to do any and all further acts consistent with the purposes hereinabove set forth, as now or hereafter authorized by law for a corporation, it being the intention that the enumeration of specific powers shall not operate to limit in any manner the general powers conferred upon corporations by the laws of the Commonwealth of Kentucky.

ARTICLE III

The duration of the corporation shall be perpetual.

ARTICLE IV

The address of its initial registered office is 329 West Broadway, Frankfort, Kentucky and the name of the initial registered agent of the corporation is Mr. Charles T. Weaver, 329 West Broadway, Frankfort, Kentucky.

ARTICLE V

The aggregate number of shares which the corporation shall have authority to issue shall be three hundred (300) shares of common stock and all such shares are without par value.

ARTICLE VI

The amount of capital with which the corporation will begin business is the sum of One Thousand Dollars (\$1,000.00).

ARTICLE VII

The name and address of the incorporator and the number of shares subscribed by him is :


Charles T. Weaver
329 West Broadway
Frankfort, Kentucky

300 shares of common stock, no par value.

ARTICLE VIII

The director constituting the initial board of directors and the name and address of the person who is to serve as director until the first annual meeting of the shareholders more until their successors be elected and qualify is as follows: Mr. Charles T. Weaver, 329 West Broadway, Frankfort, Kentucky.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 1973.



Charles T. Weaver

STATE OF KENTUCKY)
) SS
COUNTY OF FRANKLIN)

Personally came before me this 15th day of February, 1973, the above named Charles T. Weaver, to me known to be the person who executed the foregoing instrument and he acknowledged the same to be his own free act and deed and further stated that the statements therein contained are true.

Witness my signature and seal of office this 1st day of
February, 1973.

Paulman Sharp
Notary Public, State of Kentucky at Large

My commission expires: January 1, 1979 ORIGINAL COPY

FILED
SECRETARY OF STATE OF KENTUCKY
FRANKFORT, KENTUCKY

THIS INSTRUMENT PREPARED BY:

FEB 1 1973

William E. Johnson
William E. Johnson
Attorney at Law
326 West Main Street
Frankfort, Kentucky

Thomas R. Flowers
SECRETARY OF STATE
FRANKFORT, KENTUCKY

16847

Commonwealth of Kentucky

OFFICE OF
SECRETARY OF STATE

THELMA L. STOVALL
Secretary



FRANKFORT,
KENTUCKY

ARTICLES OF AMENDMENT

I, THELMA L. STOVALL, Secretary of State of the Commonwealth of Kentucky, do hereby certify that Articles of Incorporation of

FARMDALE DEVELOPMENT CORPORATION

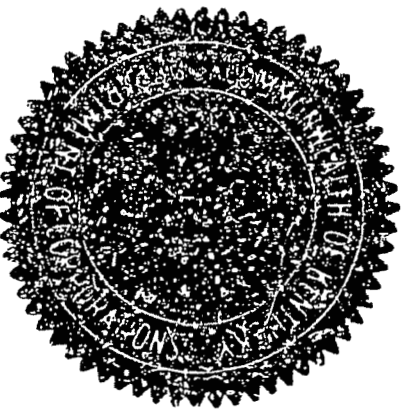
Frankfort, Kentucky

amended pursuant to Kentucky Revised Statutes, 271A, duly signed and acknowledged according to law, have been filed in my office by said corporation, and that all taxes, fees and charges payable upon the filing of said Articles of Amendment have been paid.

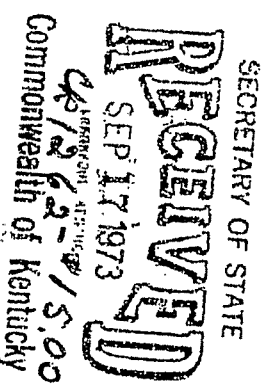
Given under my hand and seal of Office as Secretary of State, at Frankfort, Kentucky, this 17th day of September, 19 73.


SECRETARY OF STATE

ASSISTANT SECRETARY OF STATE



SECRETARY OF STATE



AMENDMENT
OF
ARTICLES OF INCORPORATION
OF
FARMDALE DEVELOPMENT CORPORATION

C-171170

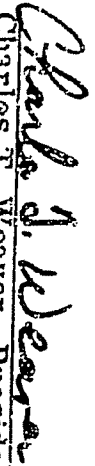
KNOW ALL MEN BY THESE PRESENTS:

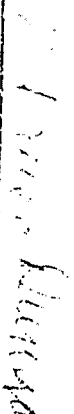
That we, the undersigned, natural persons more than twenty one years of age, do hereby amend the Articles of Incorporation of Farmdale Development Corporation, pursuant to a resolution adopted and approved by the Board of Directors of said Corporation.

Article II of the Articles of Incorporation is amended to contain the following paragraph:

This Corporation shall have the power and authority to construct, operate and maintain a sewage system or systems in Franklin County, Kentucky. It shall further have the authority to enter into agreements with any and all parties necessary to provide for the continued operation of privately owned sewage systems.

IN TESTIMONY WHEREOF, witness the signatures of the proper officers of this Corporation the day and year hereinafter set out.


Charles F. Weaver, President


E. Bruce Dungan, Secretary

STATE OF KENTUCKY)
COUNTY OF FRANKLIN) SCT.

I, Verdman Hays, a Notary Public in and for the State and County aforesaid, do hereby certify that on this 14 day of September, 1973, personally appeared before me Charles T. Weaver, who being by me first duly sworn, declared that he is the President of Farmdale Development Corporation, and E. Bruce Dungan, who being by me first duly sworn, declared that he is Secretary of Farmdale Development Corporation, and they signed the foregoing document as President and Secretary of said Corporation, and that the statements therein contained are true.

Verdman Hays
Notary Public
State of Kentucky at Large

My commission expires

January 14, 1976

ORIGINAL COPY

FILED

SECRETARY OF STATE OF KENTUCKY
FRANKFORT, KENTUCKY

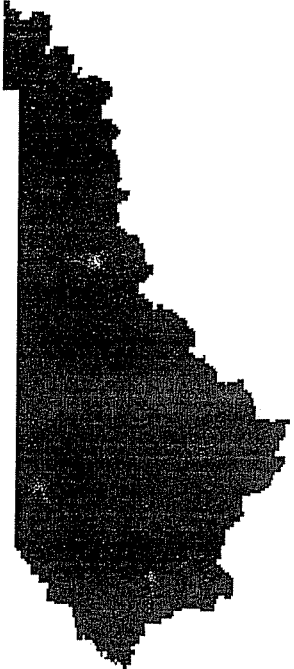
THIS INSTRUMENT PREPARED BY:

SEP 17 1973

William E. Johnson
William E. Johnson
Attorney at Law
326 West Main Street
Frankfort, Kentucky

Arthur R. Blosser
ARTHUR R. BLOSSER
SECRETARY OF STATE
FRANKFORT, KY

KPPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

PERMIT NO.: KY0054780

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to Authority in KRS 224,

Farmdale Development Corporation
1706 Bardstown Road
Louisville, Kentucky 40205

is authorized to discharge from a facility located at

Farmdale Subdivision
Furrow Drive
Frankfort, Franklin County, Kentucky

to receiving waters named

Unnamed tributary at mile point 2.85 to South Benson Creek at mile point 12.25


in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof. The permit consists of this cover sheet, and Part I 2 pages, Part II 1 page, and Part III 1 page.

This permit shall become effective on **JUN 1 2004**

This permit and the authorization to discharge shall expire at midnight, February 28, 2007.

APR 20 2004

Date Signed


Jeffrey W. Pratt, Director
Division of Water

Lloyd R. Cress
Commissioner

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 001, Sanitary Wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>		
	lbs/day		Other Units (Specify)		<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Sampling Location</u>
	<u>Monthly Avg.</u>	<u>Daily Max.</u>	<u>Monthly Avg.</u>	<u>Daily Max.</u>			
Flow, Design (0.080 mgd)	N/A	N/A	Report	Report	Continuous	Continuous	Influent or Effluent
Biochemical Oxygen Demand (5-day), Carbonaceous	6.67	13.3	10 mg/l	20 mg/l	1/Week	Composite	Effluent
Total Suspended Solids	20.0	40.0	30 mg/l	60 mg/l	1/Week	Composite	Effluent
Fecal Coliform Bacteria, N/100	N/A	N/A	200	400	1/Week	Grab	Effluent
Ammonia (as N)	1.33 6.00	2.66 12.0	2 mg/l* 9 mg/l**	4 mg/l* 18 mg/l**	1/Week	Composite	Effluent
Dissolved Oxygen shall not be less than 7 mg/l					1/Week	Grab	Effluent

The pH of the effluent shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The effluent shall not cause a visible sheen on the receiving water.

* Effective May 1 - October 31
** Effective November 1 - April 30

PART I
Page I-2
Permit No.: KY0054780

B. Schedule of Compliance

1. The permittee shall achieve compliance with all requirements on the effective date of this permit.
2. This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

PART II
Page II-1
Permit No.: KY0054780

STANDARD CONDITIONS FOR KPDES PERMIT

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1, will apply to all discharges authorized by this permit.

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

PART III

OTHER REQUIREMENTS

A. Reporting of Monitoring Results

Monitoring results must be obtained for each month and reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you each quarter for the upcoming quarter. The completed DMRs for each month must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the completed quarter.

Division of Water
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, Kentucky 40601
ATTN: Supervisor

Kentucky Natural Resources and
Environmental Protection Cabinet
Dept. for Environmental Protection
Division of Water/KPDES Branch
14 Reilly Road, Frankfort Office Park
Frankfort, Kentucky 40601

B. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:080 and KRS 224, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

LAJUANA S. WILCHER
SECRETARY

DIVISION OF WATER
14 BILLY ROAD
FRANKFORT, KENTUCKY 40601-1190
www.kentucky.gov

STATEMENT OF BASIS

KPPDES No.: KY0054780 Permit Writer: Robert S. Clay, Jr. Date: February 25, 2004

Facility Name: Farmdale Subdivision

Facility Location: Furrow Drive
Frankfort, Franklin County Kentucky

Permitting Action: This is a re-issuance of a permit for a subdivision.

Permit Duration: Expires February 28, 2007. This expiration date will place the facility in the correct 5-year cycle as per the Kentucky Watershed Management Framework. In this instance, the permit is scheduled for re-issuance in March 2007 for the Kentucky Basin Management Unit.

Receiving Stream: Unnamed tributary at mile point 2.85 to South Benson Creek at mile point 12.25

Stream Segment Use Classification: Warmwater Aquatic Habitat, Primary/Secondary Contact Recreation, and Domestic Water Supply

Stream Low Flow Condition: 0.10 cfs

Regional Facility Plan: The plant is located within the facility planning area of the city of Frankfort. The current facility is compatible with the regional facility plan and no regional facility is available for connection as defined in Regulation 401 KAR 5:002, Section 1(21).

Justification of Permit Conditions:

The following regulations are pursuant to KRS 224.70-100 and KRS 224.70-110.

Biochemical Oxygen Demand (5-day), Total Suspended Solids, Fecal Coliform, and pH
The effluent limitations for the above permit parameters are consistent with 401 KAR 5:045.

Ammonia Nitrogen and Dissolved Oxygen
The effluent limitations for the above permit parameters are consistent with 401 KAR 5:031.

Antidegradation:

The conditions of 401 KAR 5:029, Section 1(1) have been satisfied by this permit action. A review under Section 1(2), (3), and (4) is not applicable.

tam

