

Commonwealth of Kentucky  
Before the Public Service Commission

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY-AMERICAN )  
WATER COMPANY FOR A CERTIFICATE OF ) Case No. 2007-00134  
CONVENIENCE AND NECESSITY AUTHORIZING )  
THE CONSTRUCTION OF KENTUCKY RIVER )  
STATION II, ASSOCIATED FACILITIES AND )  
TRANSMISSION MAIN )

ATTORNEY GENERAL'S RESPONSE TO  
COMMISSION STAFF HEARING REQUEST

Pursuant to the request of Commission Staff, the Attorney General submits the Certification of Public Records for the "Surface Water Permit Fact Sheet" (which was distributed during the evidentiary hearing – OAG Exhibit 4).<sup>1</sup>

Counsel apologizes for the delay in its submission.

Respectfully submitted,

GREGORY D. STUMBO  
ATTORNEY GENERAL

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<sup>1</sup> The corresponding "Coordination Sheet" was also certified; however, following a review of the transcript of the evidentiary hearing, it does not appear to have been introduced. Thus, the Attorney General does not seek to file the Coordination Sheet.

*Notice of Filing and Certificate of Service*

Counsel gives notice that the original and eight photocopies of the Attorney General's Response were filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601. Counsel also certifies service of this document by mailing a true and correct photocopy of the same, first class postage prepaid, to the parties of record. Filing and service took place this 21<sup>st</sup> day of December, 2007.

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\_\_\_\_\_  
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COMMONWEALTH OF KENTUCKY  
ENVIRONMENTAL AND PUBLIC  
PROTECTION CABINET  
DIVISION OF WATER

**CERTIFICATION OF PUBLIC RECORDS**

In RE: Kentucky American Water Company  
File No. AI 1063  
Permit No. 1572

\* \* \* \* \*

I, Jerry W. Milburn, II, a custodian of public records for the Frankfort Office, Division of Water, Environmental and Public Protection Cabinet, do hereby certify that the attached documents are true and correct copies of the 1) Coordination Sheet and 2) Surface Water Permit Fact Sheet pertaining to Kentucky American Water Company, File No. AI 1063, Permit No. 1572. These documents are official records of the Environmental and Public Protection Cabinet compiled in the ordinary course of business and on file with the Cabinet's Frankfort Office, Division of Water.

  
\_\_\_\_\_  
JERRY W. MILBURN, II  
Frankfort Office  
Division of Water

Environmental and Public  
Protection Cabinet

Subscribed and sworn to before me by Jerry Milburn this the 29<sup>th</sup> day of November, 2007.

  
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NOTARY PUBLIC  
STATE AT LARGE

My commission expires: May 28, 2011

## Surface Water Permit Fact Sheet

Date: January 10, 2007

Permit Writer: Chris Yeary

Subject: Kentucky-American Water Company  
Water Withdrawal Permit #1572

**Request:** Kentucky-American Water Company (KAWC) has requested a water withdrawal permit (#1572) from the Kentucky River at river mile 47.8, pool 3, in Franklin County.

**Discussion:** KAWC requests this permit to provide a source of supply to a new regional water treatment plant proposed for construction. The water treatment plant is proposed to provide a water supply to address existing source of supply and treatment plant capacity deficits. Typically withdrawals will be about 6 MGD; however, during drought conditions or when other supply / treatment facilities are unavailable, withdrawals could be up to 30.5 MGD. The maximum average daily withdrawal requested is 20 MGD during the months of June, July and August. According to their application they will have two pumps rated at 12 MGD and 3 rated at 6 MGD.

The anticipated date of beginning withdrawals is June 2010, therefore this permit is being handled as an advance permit. KAWC has submitted a complete schedule of milestones to our office.

- **Availability** – USGS Gage 03290500 (Kentucky River at Lock 2 at Lockport) is located at mile 31.0 of the Kentucky River. The river at this location has a drainage area of 6,180 mi<sup>2</sup> and a LAMF of 2,067 cfs (1,335 MGD) in September. The intake, at mile 47.8, has a drainage area of 5,965 mi<sup>2</sup>. Due to the proximity of the gaged location to the intake site, its LAMF can be used as an estimate of LAMF at the intake. By creating a linear relationship with the gaging station site, a LAMF can be established for the intake site.

$$\begin{aligned} 2,067 \text{ cfs} / 6,180 \text{ mi}^2 &= X \text{ cfs} / 5,965 \text{ mi}^2 \text{ (where X=LAMF at intake)} \\ X &= 0.3345 (5,965) \\ X &= 1,995 \text{ cfs } \underline{\text{or}} \text{ } 1,289 \text{ MGD} \end{aligned}$$

LAMF at mile 47.8 of the Kentucky River = 1,995 cfs (1,289 MGD)

10% of the LAMF = 199.5 cfs (128.9 MGD)

The withdrawal amount of 20 MGD is well within the current permitting guidelines for flow allotted to any single water user.

- **Low-flow Protection** – KAWC maximum average daily withdrawal of 20.0 MGD is under a previously determined “floor limit” on withdrawals from pool 3 of the Kentucky River. As

long as their average daily withdrawal does not exceed this limit, no low flow condition will be applied to this permit.

- Other Downstream Users – Due to the relative size of the withdrawal, this withdrawal should not adversely impact other users.
- 305b Designation – The Kentucky River at mile 47.8 carries a 305b designation of “Partially Supporting”.
- Special Use Waters – The Kentucky River at mile 85.4 is not designated as a “Special Use Water” ([http://nrecapps.ky.gov/special\\_waters/SpecialBasin.asp?Basin=Kentucky](http://nrecapps.ky.gov/special_waters/SpecialBasin.asp?Basin=Kentucky)).
- Superfund Branch – No known Superfund sites in the area.
- Frankfort Regional Office – No concerns at this time.

**Conclusions:** It is recommended that permit #1572 be issued to Kentucky-American Water Company for the requested amount with standard advance permit conditions and an effective date of June 2010.