

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

RECEIVED

JUN 12 2007

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

**THE APPLICATION OF KENTUCKY-AMERICAN
WATER COMPANY FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY AUTHORIZING
THE CONSTRUCTION OF KENTUCKY RIVER
STATION II, ASSOCIATED FACILITIES AND
TRANSMISSION MAIN**

CASE NO. 2007-00134

NOTICE

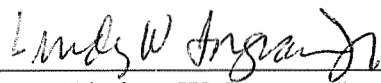
Comes Kentucky-American Water Company ("Kentucky American Water") and files herewith a letter from the Division of Water dated May 10, 2007, forwarding Permit No. 06-0194-07, authorizing the encroachment for U.S. Highway 127 in Owen County, Kentucky, as described in paragraph 14(10) of the Application, being Exhibit 1 attached hereto.

Respectfully submitted,

A. W. TURNER, JR., GENERAL COUNSEL
KENTUCKY-AMERICAN WATER COMPANY
2300 Richmond Road
Lexington, Kentucky 40502

and

STOLL KEENON OGDEN PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3000

BY: 
Lindsey W. Ingram, Jr.
Lindsey W. Ingram III

Attorneys for Kentucky-American Water Company

CERTIFICATE OF SERVICE

This is to certify that the original and eight (8) copies of foregoing Notice has been filed with the Public Service Commission this the 12th day of June, 2007, and a copy mailed, postage prepaid, to:

David E. Spenard, Esq.
Dennis G. Howard II
Assistant Attorneys General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204

David Barberie, Esq.
Leslye M. Bowman, Esq.
Lexington-Fayette Urban County Gov't.
Department of Law
200 East Main Street
Lexington, Kentucky 40507

Tom FitzGerald
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, Kentucky 40602

David F. Boehm, Esq.
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 2110
Cincinnati, Ohio 45202

Damon R. Talley, Esq.
112 N. Lincoln Blvd.
Hodgenville, Kentucky 42748

STOLL KEENON OGDEN PLLC

By Lindy W. Anger Jr.

LEX 010311/126698/3513028.1



TRANSPORTATION CABINET

Ernie Fletcher
Governor

Department of Highways District 6 Office
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017
(859) 341-2700

Bill Nighbert
Secretary

Marc Williams
Commissioner of Highways

May 10, 2007

SUBJECT: Owen County, -94-127-.182
US 127 (FRANKFORT ROAD)
Permit Number 06-0194-07

Dear KENTUCKY-AMERICAN WATER COMPANY:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your record files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than July 1, 2008. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as notification for final inspection.

If there are any questions regarding this permit, please do not hesitate to contact Edmond C. Thompson at 859-341-2700 or fax number 859-341-6729.

Sincerely,

A handwritten signature in black ink, appearing to read "W. F. Schomaker".

Tom Schomaker, P.E.
Chief District Engineer
Department of Highways
District 6 -Covington
P.O. Box 17130
Covington, KY 41017

NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

Please return this form to the District Office when work is completed and ready for final inspection.

Applicant Identification

Project Identification

Name: KENTUCKY-AMERICAN WATER COMPANY Permit Number: 06-0194-07

Contact Person:

County: Owen

Address: 2300 RICHMOND ROAD - P.O. BOX Route Number: 127

City: LEXINGTON

Road Name: FRANKFORT ROAD

State: KY Zip: 40502

Milepoint: .182

Telephone: 606-269-2386

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right of way restoration have been completed and are ready for final inspection.

Applicant

Please Return To:

Department of Highways
District 6 Covington
P.O. Box 17130
Covington, Ky. 41017

Attention:

Edmond C. Thompson

KENTUCKY TRANSPORTATION CABINET
Department of Highways
Permits Branch

TC 99-1E
Rev. 10/01

Released Date _____

ENCROACHMENT PERMIT

PERMIT NO. 06-0194-07

APPLICANT IDENTIFICATION: NAME: <u>Kentucky American Water</u> CONTACT PERSON: <u>Mr. Michael Galavotti, P.E.</u> ADDRESS: <u>2300 Richmond Road</u> CITY: <u>Lexington</u> STATE: <u>KY</u> ZIP CODE: <u>40502</u> PHONE: area code (<u>859</u>) <u>268-6352</u>		PROJECT IDENTIFICATION: ACCESS CONTROL: <input checked="" type="checkbox"/> By Permit <input type="checkbox"/> Partial <input type="checkbox"/> Full COUNTY: <u>OWEN</u> PRIORITY ROUTE NO: <u>US 127</u> MILEPOINT: <u>0.182</u> <input checked="" type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> X-ing PROJECT STATUS: <input checked="" type="checkbox"/> Maint. <input type="checkbox"/> Const. <input type="checkbox"/> Design PROJECT # STATE: <u>MP-094-0127</u> PROJECT # FEDERAL: _____ ROAD/STREET NAME: <u>FRANKFORT RD.</u>	
TYPE OF ENCROACHMENT: <input checked="" type="checkbox"/> COMMERCIAL ENTRANCE - BUSINESS _____ <input type="checkbox"/> PRIVATE ENTRANCE: <input type="checkbox"/> Single Family <input type="checkbox"/> Farm <input type="checkbox"/> UTILITY: <input type="checkbox"/> Overhead <input type="checkbox"/> Underground <input type="checkbox"/> GRADE: <input type="checkbox"/> Fill <input type="checkbox"/> Landscape on R/W <input type="checkbox"/> AIRSPACE: <input type="checkbox"/> Agreement <input type="checkbox"/> Lease <input type="checkbox"/> OTHER: (Specify) _____		ATTACHMENTS: <input checked="" type="checkbox"/> Standard Drawings (List on TC 99-21 under Misc.) <input checked="" type="checkbox"/> Applicant's Plans <input type="checkbox"/> Highway Plan and Profile Sheets <input type="checkbox"/> TC 99-3 (Ponding Encroachment Specs. and Conditions) <input type="checkbox"/> TC 99-4 (Rest Area Usage Specs. and Conditions) <input type="checkbox"/> TC 99-5 (Tree Cutting/Trimming Specs. and Conditions) <input type="checkbox"/> TC 99-6 (Chemical Use of Specs. and Conditions) <input type="checkbox"/> TC 99-10 (Typical Highway Boring Crossing Detail) <input type="checkbox"/> TC 99-12 (Overhead Utility Encroachment Diagram) <input checked="" type="checkbox"/> TC 99-13 (Surface Restoration Methods) <input checked="" type="checkbox"/> TC 99-21 (Encroachment Permit General Notes and Specs.) <input type="checkbox"/> TC 99-22 (Agreement for Services to be Performed) <input type="checkbox"/> TC 99-23 (Mass Transit Shelter Specs. and Conditions) <input checked="" type="checkbox"/> Other Attachments (Specify): _____	
TYPE OF INDEMNITY: <input type="checkbox"/> Bond <input type="checkbox"/> Cash <input checked="" type="checkbox"/> SELF-INSURED AMOUNT ENCUMBERED \$ <u>5,000.00</u> <input type="checkbox"/> OTHER _____		STANDARD DRAWING NO. RPM-110-04 APPROVED MAY 10 2007	
NAME AND ADDRESS OF LOCAL INSURANCE AGENCY OR SELF-INSURED REPRESENTATIVE: _____			
INDEMNITY: The applicant, in order to secure this obligation, has deposited with the Transportation Cabinet as a guarantee of conformance with the Department's Encroachment Permit requirements, an indemnity in the amount of \$ _____ as determined by the Department. It shall be the responsibility of the applicant or permittee, his heirs and assignees to keep all indemnities in full force until construction or reconstruction has been completed and duly accepted by an authorized agent of the Transportation Cabinet, Department of Highways.			
BRIEF DESCRIPTION OF WORK TO BE DONE. Construction of an access road to the Kentucky River Pool 3 Water Treatment Plant from Highway 127. The access road entrance construction, within the state's right-of-way, will include grading and bituminous road paving.			
IMPORTANT (PLEASE READ): Applicant <input type="checkbox"/> does <input type="checkbox"/> does not intend to apply for excess R/W.			

When the work is completed in accordance with the terms of this encroachment permit, your indemnity will be released. However, the permit is effective until revoked by the Transportation Cabinet and the terms on the permit accompanying permit documents and drawings remain in effect as long as the encroachment exists. **FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITEE.** It is important that you understand the requirements of this encroachment permit application and accompanying documents. If you have not done so, it is suggested that you review these documents and place the permit package in a safe place for future reference.

A copy of this permit and all documents shall be given to your contractor and shall be readily available at the work site for the encroachment permit inspector to review at all times. Failure to meet this requirement may result in cancellation of this permit.

IN THE EVENT THIS APPLICATION IS APPROVED, THIS DOCUMENT SHALL CONSTITUTE A PERMIT FOR THE APPLICANT TO USE THE RIGHT-OF-WAY, BUT ONLY IN THE MANNER AUTHORIZED BY THIS DOCUMENT AND REGULATIONS OF THE DEPARTMENT AND THE DRAWINGS, PLANS, ATTACHMENTS, AND OTHER PERTINENT DATA ATTACHED HERETO AND MADE A PART HEREOF.

Permit No. 06-0194-07

The permittee agrees to the following terms and conditions:

1. The permittee shall comply with and is bound by the requirements of the Department's Permits Manual as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.
2. Permittee agrees that if the Department determines that vehicular capacity deficiencies or over capacity conditions develop as a result of the installation and use of this facility, the permittee shall adjust, relocate, or reconstruct the facilities and/or provide and bear the expenses for signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department and as set forth in the Department's Permit Manual within a reasonable length of time after receipt of written notice regarding such adjustments, relocation, additions, modifications, and/or corrective measures, such time to be specified in the notice. In cases where traffic signals are permitted or required, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee and/or the Department in accordance with Department policy then in force as set forth in the Traffic Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, at no expense to the Department. (This applies only to Entrance Permits.)
3. The said encroachment will not infringe on the frontage rights of an abutting owner without written consent of the said owner as hereto: "I(we) consent to the granting of attached permit."
Date _____ (This does not apply to utilities which serve the general public.)
4. Any permit granted hereunder shall be with the full understanding that it shall not interfere with any similar rights or permits heretofore granted to any other party except as otherwise provided by law.
5. A plan prepared by Gannett Fleming, Inc. and dated March 01, 2007 is attached hereto and made a part hereof, which describes the facilities to be constructed by the permittee for which facilities this permit is granted. The permittee agrees as a condition to the issuance of the permit to construct and maintain such facilities in accordance with said plan, and the permittee shall not use the facilities authorized herein in any manner contrary to that prescribed by this permit and plan. Normal usage and routine maintenance only are authorized under this permit.
6. Permittee shall comply with the Manual on Uniform Traffic Control Devices as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.
7. Permittee shall at all times from date when work is first commenced and until such time as all facilities are removed from the right-of-way premise, defend, protect, and save harmless the Department from all liability, claims, and demands arising out of work undertaken by the permittee pursuant to this permit, due to any negligent act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party or operate to enlarge any liability of the Department beyond that existing at common law if this right to indemnity did not exist.
8. Upon a violation of any of the provisions of this permit, the Department may revoke the permit by giving notice to the permittee in writing to remove from the right-of-way any facilities placed thereon within a reasonable time as set forth in the notice, and in the event said facilities are not so removed, and the right-of-way restored the Department may cause same to be removed, and the costs thereof shall be charged to the permittee.
9. The permittee, his successors and assigns shall use the encroachment premises in compliance with all Federal requirements imposed pursuant to the provisions of the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000-1) and regulations of the U.S. Department of Transportation as set forth in Title 49 C.F.R., Part 21, and as said regulations may be amended.
10. Permittee agrees that in the event it should become necessary, as may be reasonably determined by the Department, for the facilities covered by this permit to be removed or relocated in connection with the reconstruction, relocation, or improvement of the abutting highway, the Department may revoke this permit and require removal or relocation by the permittee at his own expense according and pursuant to the procedures provided in Paragraph 8 above except in those cases where the Department is required by law to pay any or all the same.
11. The permittee understands and agrees that this permit is personal to the permittee and shall not inure to his successors and assigns without the written approval of the Department that he is bound by the provisions of this permit as long as the encroachment exists unless a written release has been obtained from the Department. (Does not apply to utilities serving the general public.)
12. If the work authorized by this permit is on a project in the construction phase, it shall be the responsibility of the permittee to make personal contact with _____ Resident Engineer on the project to coordinate the permitted work with the State's prime contractor on the project.
13. This permit does not alleviate any requirements of any other government agency.
14. Permittee agrees to keep the priority route in which this permit was issued clear of dirt, mud, and debris during construction and for the life of this permit.

ANY ATTEMPT TO ALTER THIS FORM CONSITUTES A VOID PERMIT.

THE UNDERSIGNED APPLICANT (being duly authorized representative/owner) DOES AGREE TO ALL TERMS AND CONDITIONS SET FORTH HEREIN.

☐ January 1st, 20 July 1st, 20
Completion Date

4/26/07
Date

[Signature]
Signature

RECOMMENDED FOR APPROVAL

TEBM Traffic
Title

[Signature]
Signature

[Signature]
for Chief District Engineer

5/10/2007
Date

PRIVATE ENTRANCE: TO BE COMPLETED BY PERSONNEL INSTALLING FACILITY.

Installed By: _____
Title

Signature

Date

ANY ATTEMPT TO ALTER THIS FORM CONSITUTES A VOID PERMIT.

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Permit No. 06-0194-07



HAD 83		
Lat/Long/Y	Lon/East/X	
38.358165	-84.862023	
38° 21' 29"	-84° 51' 43"	

Applicant:
Ky. American Water

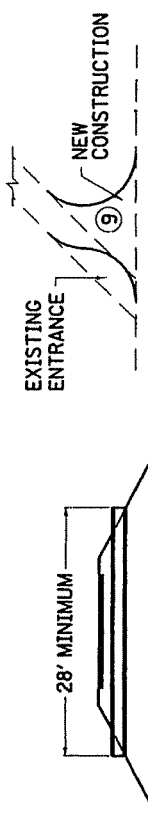
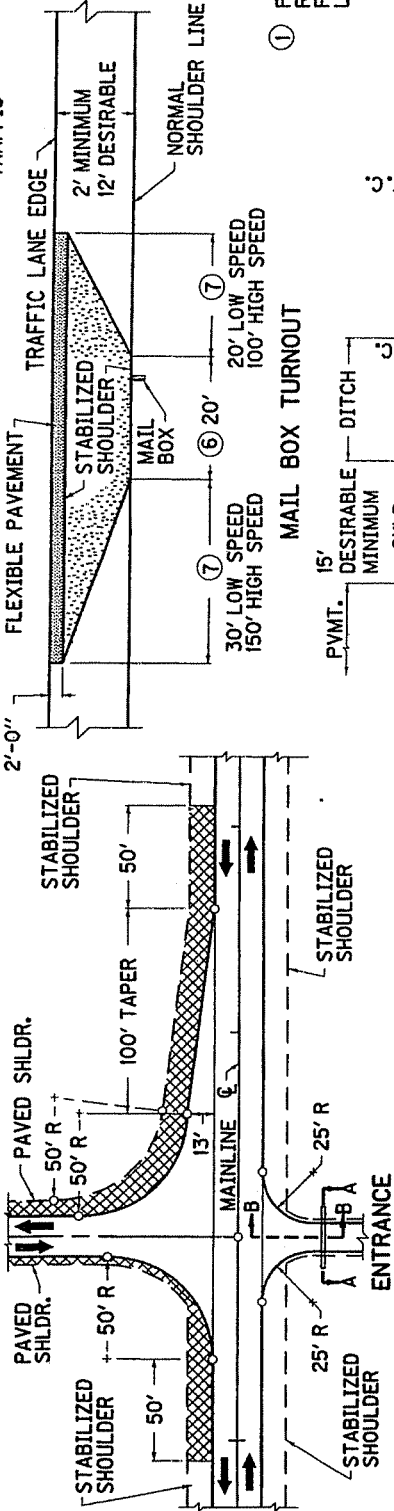
Description of Work:
- Construction of access
road

US 127
MP 0.182

Permitting Authority:
KY 00000000

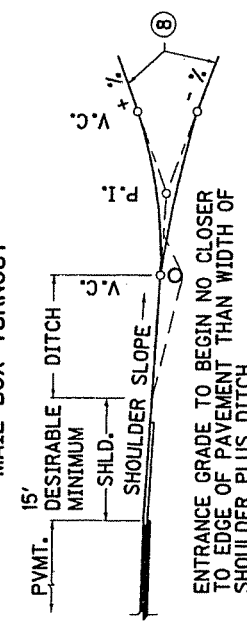
Permit No. 06-0194-07

ROAD APPROACH



SECTION A-A

PLAN VIEW

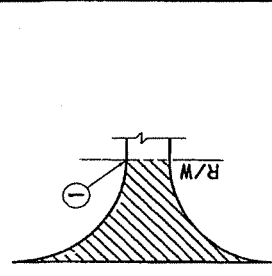


- ⑧ MAXIMUM GRADE FOR ENTRANCES 50' OR GREATER IN LENGTH:
MOUNTAINOUS TERRAIN - 20%
ROLLING TERRAIN - 16%
FLAT TERRAIN - 12%

SECTION B-B

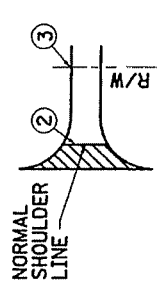
~ APPROACHES AND ENTRANCES ~

- ROAD APPROACH ILLUSTRATION IS FOR MAINLINE ROAD, ADT 400 OR GREATER. PAVED SHOULDER PORTION SHOWN SHALL ONLY BE APPLICABLE WHERE THE MAINLINE SPECIFIES STABILIZED OR PAVED SHOULDERS. IF THE MAINLINE SHOULDER IS PAVED, THIS SHOULDER PORTION SHALL ALSO BE PAVED.
- WHEN THE MAINLINE ADT IS UNDER 400, USE A 25' RADIUS WITH NO DECELERATION WIDTH PROVIDED.
- THE PAVEMENT ON ENTRANCES AND APPROACHES THAT IS DISTURBED DURING NEW CONSTRUCTION OPERATIONS SHALL BE REPLACED WITH A PAVEMENT EQUIVALENT TO THE EXISTING PAVEMENT, REGARDLESS OF THE SURFACE MATERIAL USED ELSEWHERE. THE PAVEMENT DESIGN SHALL BE AS SHOWN ON THE PLANS OR AS APPROVED BY THE ENGINEER.
- THE RADIUS ON COUNTY OR SECONDARY ROADS SHALL NOT BE LESS THAN 25' MEASURED TO THE INSIDE EDGE OF THE SURFACE. EACH ADDITIONAL FOOT OF SURFACE WIDTH WILL REQUIRE AN ADDITIONAL FOOT OF PIPE.
- PIPE ILLUSTRATION IS BASED ON THE USE OF 15" PIPE. LARGER SIZES MAY BE INSTALLED WITH APPROPRIATE MODIFICATIONS. PIPES SMALLER THAN 15" DIAMETER ARE NOT TO BE USED EXCEPT IN SPECIAL CASES, WHEN SPECIFICALLY AUTHORIZED.
- IN CUT SECTION, SIGHT DISTANCE SHALL BE PROVIDED ON ENTRANCES AND APPROACHES BY DAYLIGHTING THE CUT FROM THE POINTS WHERE THE RADIUS BEGINS, TO POINTS NOT LESS THAN 100' ON EACH OF THE INTERSECTING ROADWAY.
- ⑨ IF FEASIBLE, ALL APPROACHES AND ENTRANCES SHALL INTERSECT. SHOULDER LINE AT RIGHT ANGLES. IF NOT AT RIGHT ANGLES, PIPE LENGTH SHALL BE INCREASED TO PROVIDE ACCURATE RADIUS.
- MINIMUM PAVED AREAS FOR ENTRANCES AND APPROACHES. THESE PAVED AREAS MAY BE EXTENDED TO TOUCHDOWN OR TIE-DOWN POINT PROVIDED THE EXISTING IS PAVED.
- ~ MAIL BOX TURNOUT ~
- THE 2'-0" WIDE FLEXIBLE PAVEMENT FOR THE LENGTH AS SHOWN, OR AS DETERMINED BY THE ENGINEER, SHALL BE APPLIED TO ALL MAIL BOX TURNOUTS. THE PAVEMENT DESIGN SHALL BE AS SHOWN ON THE PLANS OR AS APPROVED BY THE ENGINEER.
- FOR STABILIZED SHOULDERS, THIS AREA SHALL RECEIVE THE SAME TREATMENT AS THAT FOR ADJOINING STABILIZED SHOULDERS. FOR EARTH SHOULDERS, THIS AREA SHALL RECEIVE 3" TO 5" OF COMPACTED DENSE GRADED AGGREGATE BASE, BANK GRAVEL, OR TRAFFIC BOUND BASE.
- ⑦ HIGH SPEED EQUALS 50 MILES PER HOUR OR GREATER. LOW SPEED EQUALS LESS THAN 50 MILES PER HOUR.
- ⑥ ADD 2'-0" FOR EACH ADDITIONAL MAIL BOX.



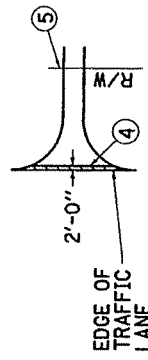
- ① PAVE TO R/W LINE OR END OF RADIUS, WHICHEVER IS FURTHER FROM THE EDGE OF TRAFFIC LANE.

ROAD AND STREET APPROACHES



- ② PAVED TO SHOULDER LINE
- ③ SURFACE TO R/W LINE OR TOUCHDOWN WITH TRAFFIC BOUND BASE.

ENTRANCE (RESIDENTIAL AND COMMERCIAL)



ENTRANCE (FARM FIELD)

- ④ PAVE AS SHOWN WITH FLEXIBLE PAVEMENT.
- ⑤ SURFACE TO R/W LINE WITH TRAFFIC BOUND BASE.

KENTUCKY DEPARTMENT OF HIGHWAYS	
APPROACHES ENTRANCES AND MAIL BOX TURNOUT	
STANDARD DRAWING NO. RPM-110-04	
SUBMITTED 06/12/99 DATE	APPROVED 12/1/99 DATE

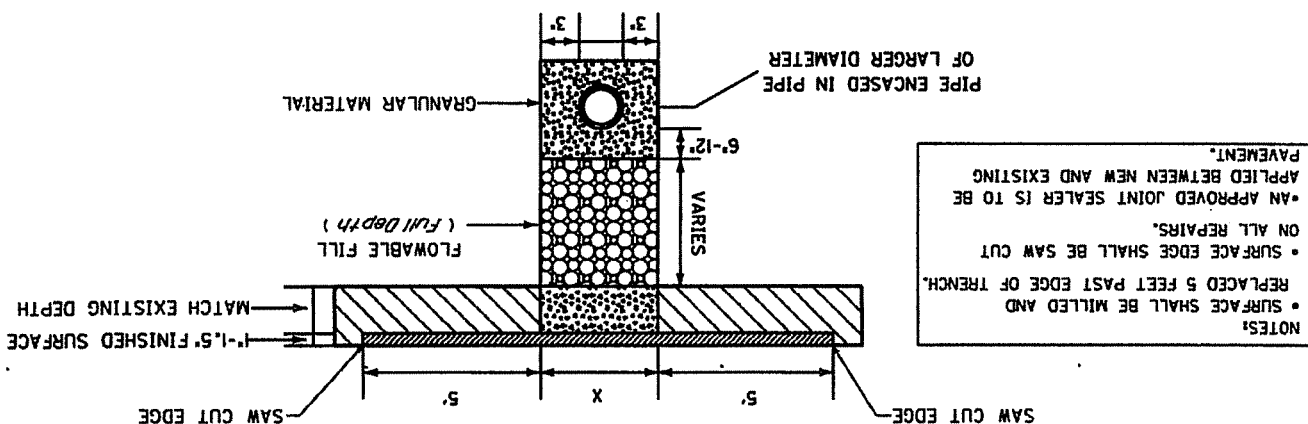
KENTUCKY TRANSPORTATION CABINET

Permits Branch

Permit No. 06-0194-07

SURFACE RESTORATION METHODS

Bituminous Surfacing



Concrete Pavement

