

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CARROLL COUNTY WATER)	
DISTRICT NO. 1)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2007-00202
)	
GALLATIN COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

COMMISSION STAFF'S FIRST DATA REQUEST
TO GALLATIN COUNTY WATER DISTRICT

Gallatin County Water District ("Gallatin District"), pursuant to 807 KAR 5:001, is requested to file with the Commission the original and six copies of the following information, with a copy to all parties of record. The information requested herein is due on or before October 1, 2007. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, shall be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Gallatin District shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any requests to which Gallatin District fails or refuses to furnish all or part of the requested information, Gallatin District shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

1. Provide a copy of all ordinances and resolutions of Gallatin County Fiscal Court that address the territory of Gallatin District.

2. Provide a copy of all orders of the Gallatin County Judge/Executive that address the territory of Gallatin District.

3. a. State whether, prior to October 8, 1998, Gallatin District territory included any of the geographical area that the County Judge/Executives of Carroll, Gallatin, and Owen counties added to Carroll County Water District's ("Carroll District") territory by their Order of October 8, 1998.

- b. If the response to Item 3(a) is yes, provide a copy of the Order of the Gallatin County Judge/Executive striking off the territory from Gallatin District's territory.

4. Refer to the Carroll District's complaint at ¶ 4.

a. Provide a detailed description of the “new commercial development.” This description should include an estimate of the new commercial development’s water supply requirements.

b. Describe the current status of the construction of the new commercial development.

c. State the name and mailing address of the owner of the new commercial development.

d. Provide an exact description of the location of the new commercial development. The description set forth in the complaint does not constitute an exact description.

5. Provide a map of the area within a 4-mile radius of the new commercial development. The scale of this map should not be less than 1 inch = 1000 feet. The map should indicate, at a minimum, the new commercial development, all existing roads, all existing Carroll District and Gallatin District water distribution facilities, and the territorial boundaries of each water district and all political subdivisions in the area.

6. a. List and describe all facilities that Gallatin District must construct or install to provide water service to the new commercial development.

b. State the cost of each facility listed in response to Item 6(a).

c. State the length of time necessary to plan and construct each facility listed in response to Item 6(a).

7. Provide all correspondence between Carroll District and Gallatin District regarding water service to the disputed area.

8. List and describe all contacts between representatives of Gallatin District and the new commercial development regarding water service to that development.

9. Provide all correspondence that Gallatin District has sent to and received from representatives of the new commercial development.

10. Provide the minutes of each meeting of the Gallatin District Board of Commissioners in which water service to the new commercial development was discussed.

11. State whether Gallatin District takes the position that a water district does not have the exclusive right to provide water service within its territory. List the legal authorities upon which Gallatin District bases its position.

12. State whether Gallatin District takes the position that a geographical area can be in the territory of more than one water district. List the legal authorities upon which Gallatin District bases its position.

13. State whether the area in dispute is in the territorial boundaries of Gallatin District.

14. Refer to Gallatin District's answer at ¶ 6.

a. Identify and describe the facilities to which Gallatin District refers. This description should include the cost of the facilities, the number of customers currently served through the facilities, the date(s) on which the facilities were placed into service, and the method through which the facilities were financed.

b. State whether the Commission issued a Certificate of Public Convenience and Necessity for the facilities in questions. If yes, state the case(s) in which the Certificate(s) was issued.

c. State the facts upon which Gallatin District relies to conclude that Carroll District “approved of and consented to” construction of the facilities in question.

d. State the facts upon which Gallatin District relies to conclude that Carroll District “participated in” the construction of the facilities in question.

15. List and describe all facilities that Gallatin District believes that Carroll District must construct or install to provide water service to the new commercial development. For each listed facility, state the basis for Gallatin District’s belief for its need.

16. Provide the minutes of each meeting of the Gallatin District Board of Commissioners since January 1, 1996 in which water service to the disputed area was discussed, including any discussions regarding Carroll District’s annexation of the disputed area.

17. List and describe all inquiries for water service within the disputed area that Gallatin District has received since January 1, 1999. For each inquiry, state at a minimum the name of the inquiring party, the date of the inquiry, the type of structure to be served, the location of the served structure, and the expected customer demand.

18. State whether Gallatin District agrees that a water district may not provide water service outside its territory except as KRS 74.414 provides. Explain

19. State whether Gallatin District agrees that any water district facilities constructed to serve areas that are not within the district’s territory are not extensions in the ordinary course of business. Explain.

20. State whether Gallatin District agrees that any water district facilities constructed to serve areas that the district lacks the legal authority to serve represents "excessive investment."


Beth O'Donnell
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

DATED: 9-10-07

cc: Parties of Record

Case No. 2007-00202