

March 18, 2009

Jeff Derouen
Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

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PUBLIC SERVICE
COMMISSION

Re: Case No. 2009-00096

Dear Mr. Derouen:

Please consider this letter as an amendment to my letter of February 25, 2009, which was assigned Case No. 2009-00096.

I have requested that Case No. 2007-00134 be reopened given changed circumstances. This amendment submits that in addition to changed circumstances, this project has changed so much that it is no longer the same project that the PSC approved.

Specifically, I learned yesterday that Kentucky American Water (KAW) had applied to the state for a permit to close Jones Lane, which runs from the Switzer Bridge to the Woodlake Road. (Personal communication, Chuck Knowles, Deputy State Highway Engineer, 3-17-09). KAW testified under oath that their project would involve only 10-15 minute delays. Concerns about road closures were raised during the administrative proceedings for 2007-00134. KAW testified that they had all the necessary permits in place and that there would only be temporary road delays.

The company's application for a road closure represents a significant change in the project.

I believe that KAW grossly misrepresented their project in order to gain your agency's approval. Choosing to apply for road closures when their heavy equipment is approaching is an intimidating and inappropriate maneuver which must not be tolerated.

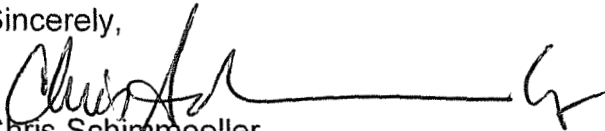
Jones Lane will not be the only road closure that KAW will need. Pipeline construction crews have hop scotched at least two other areas (Sections of 2919 and Rocky Branch/1262) in Franklin County where narrow roads and steep slopes make widening the ROW impossible. This means more petitions for road closures in the future. This construction strategy also involves costly and dangerous transport of heavy equipment, added expense, and further

deterioration of county and state roads – factors that were also not considered in the original project before the commission.

If KAW wants to change its project it must first get approval from the PSC. As it stands today, the project that is being implemented on the ground is a different project than the one your agency approved.

Please consider this matter with urgency.

Sincerely,



Chris Schimmöeller
660 Mt. Vernon Rd
Frankfort, KY 40601
502-226-5751 x3

3-20-09

Since drafting this letter I have learned that KAW has applied to close the other sections of road mentioned in this letter. They have also requested to waive the requirements to limit their hours of operation and to sod the ditchlines, measures that were in place to protect the public and the environment.

