



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

John W. Clay  
Commissioner

June 17, 2009

W. Randall Jones, Esq.  
Rubin & Hays  
450 South Third Street, Suite 300  
Louisville, Kentucky 40202

Re: Case No. 2009-00206  
Breathitt County Water District

Dear Mr. Jones:

The enclosed electronic mail messages between counsel for Breathitt County Water District and Commission Staff have been filed in the record of the above-referenced case this day.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen  
Executive Director

2 Encls

## Wuetcher, Jerry (PSC)

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**From:** Randy Jones [wrjones@rubinhays.com]  
**Sent:** Friday, June 05, 2009 12:23 PM  
**To:** Wuetcher, Jerry (PSC)  
**Subject:** FW: Breathitt County Water District  
**Attachments:** SCAN4950\_000.pdf

Let me know if this is what you need. Thanks

*W. Randall Jones, Esq.*

Rubin & Hays

450 South Third Street, Suite 300

Louisville, Kentucky 40202

Telephone: (502) 569-7534

Fax: (502) 569-7555

Email: wrjones@rubinhays.com

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**From:** Main, Ora C. [mailto:omain@nei-ky.com]  
**Sent:** Friday, June 05, 2009 12:21 PM  
**To:** Randy Jones  
**Cc:** smithjl@kih.net; breathittwater@yahoo.com  
**Subject:** RE: Breathitt County Water District

I have attached the approval you requested. See paragraph 2, line 2.

If you need anything else just let me know.

Thanks.

Have a Great Day!!

Ora

omain@nei-ky.com  
(859) 685 - 4531 (direct line)  
(859) 797 - 6197 (cell)

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**From:** Randy Jones [mailto:wrjones@rubinhays.com]  
**Sent:** Friday, June 05, 2009 11:33 AM  
**To:** Main, Ora C.  
**Subject:** RE: Breathitt County Water District

KY 1110 Phase II

*W. Randall Jones, Esq.*

Rubin & Hays

450 South Third Street, Suite 300

Louisville, Kentucky 40202

Telephone: (502) 569-7534

Fax: (502) 569-7555

Email: wrjones@rubinhays.com

6/17/09

**From:** Main, Ora C. [mailto:omain@nei-ky.com]  
**Sent:** Friday, June 05, 2009 11:30 AM  
**To:** Randy Jones  
**Subject:** RE: Breathitt County Water District

Is this for KY 30 East or KY 1110 Phase II?

Thanks.  
Have a Great Day!!

Ora

omain@nei-ky.com  
(859) 685 - 4531 (direct line)  
(859) 797 - 6197 (cell)

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**From:** Randy Jones [mailto:wrjones@rubinhays.com]  
**Sent:** Friday, June 05, 2009 11:19 AM  
**To:** Main, Ora C.  
**Cc:** Dunahoo, Sandra K.  
**Subject:** FW: Breathitt County Water District

Ora – Jerry Wuetcher sent me this email. Would you respond to it, since I do not know the answer? Thanks

*W. Randall Jones, Esq.*  
Rubin & Hays  
450 South Third Street, Suite 300  
Louisville, Kentucky 40202  
Telephone: (502) 569-7534  
Fax: (502) 569-7555  
Email: wrjones@rubinhays.com

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**From:** Wuetcher, Jerry (PSC) [mailto:JWuetcher@ky.gov]  
**Sent:** Friday, June 05, 2009 10:44 AM  
**To:** Randy Jones  
**Subject:** Breathitt County Water District

Randy,

The PSC Staff is reviewing the application for a Certificate of Public Convenience and Necessity that you filed on behalf of Breathitt County Water District. At Exhibit B, the DOW Water Quality Certification states that Breathitt County WD must also obtain the appropriate Nationwide Permit #12 from the U.S. Army Corps of Engineers. It does not appear that a copy of such permit is included in the application. Did USACE issue such a permit?

Sincerely,

Gerald E. Wuetcher  
Executive Advisor  
Public Service Commission of Kentucky  
(502) 564-3940, Extension 259

6/17/09

(502) 229-0300 (cell)  
gerald.wuetcher@ky.gov

6/17/09



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS  
P.O. BOX 59  
LOUISVILLE, KENTUCKY 40201-0059

July 30, 2008

Operations Division  
Regulatory Branch (South)  
ID No. LRL-2008-865-jlt

Mr. Shannon Moore, Superintendent  
Breathitt County Water District  
1137 Main Street  
Jackson, KY 41339

Dear Mr. Moore:

This is in response to your request for authorization to install 2 inch to 10 inch waterline pipe, requiring the construction of and backfilling of an open trench and stabilizing of the bank upon completion of activities in reaches of the North Fork of the KY River near Haddix in Breathitt County, Kentucky. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project is considered a discharge of backfill or bedding material for utility lines. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 12, Utility Line Activities, as published in the Federal Register March 12, 2007. Under the provisions of this authorization you must comply with the enclosed:

1. Terms for Nationwide Permit No. 12;
2. Nationwide Permit General Conditions

Once you obtain your certification, or if no application was required, you may proceed with the project without further contact or verification from us.

This decision is valid for 2 years from the date of this letter. The enclosed Compliance Certification should be signed and returned when the project is completed. If your project is not completed within this 2-year period or if your project is modified, you must contact us for another permit determination. A copy of this letter is being sent to the KDOW.

If you have any questions, please contact this office by writing to the above address, or by calling Mr. Jim Thomas at (606)-642-3053. All correspondence pertaining to this matter should refer to our ID No. LRL-2008-865-jlt.

Sincerely,

A handwritten signature in cursive script that reads "Jim Thomas".

Jim Thomas  
Project Manager  
Eastern Kentucky Regulatory Office

Enclosures

ADDRESS FOR COORDINATING AGENCY

Ms. Sandra Gruzesky, Acting Director  
Kentucky Division of Water  
14 Reilly Road  
Frankfort, Kentucky 40601

Bob Scott  
Division of Abandoned Mine Lands  
2521 Lawrenceburg Rd.  
Frankfort, KY 40601