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Louisville Kentucky 40203-1911
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November 17, 2009

James R. Goff
Public Service Commission of Kentucky
211 Sower Blvd
Frankfort, KY 40601

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COMMISSION

Subject: Notice

Dear Mr. Goff:

Per our e-mail correspondence, please find attached MSD's withdrawal of its application and notice of intent to refile. As we have previously discussed, MSD has withdrawn its original application so that it can refile with additional information related to the operation of the plant and compliance with both state and federal law. If you have any questions, please feel free to contact me at 540-6623

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Scott Porter".

Douglas Scott Porter,
Environmental Attorney



Beneficial Use of Louisville's Biosolids
www.louisvillegreen.com

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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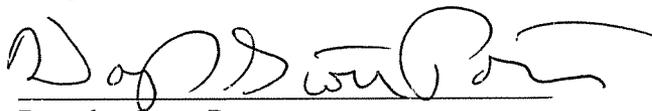
In the Matter of:

APPLICATION OF THE LOUISVILLE AND)
JEFFERSON COUNTY METROPOLITAN SEWER) CASE NO.
DISTRICT FOR AN ORDER APPROVING A) 2009-00336
TRANSFER OF OWNERSHIP AND CONTROL)

WITHDRAWAL OF APPLICATION AND
NOTICE OF INTENT TO REFILE

Comes now the applicant, the Louisville and Jefferson County Metropolitan Sewer District (“MSD”), by and through counsel and gives notice that it would like to withdraw its application to approve the acquisition of the Shadowwood wastewater treatment plant, Case No. 2009-00336. MSD is requesting to withdraw its application so that it can resubmit a supplemental application to clarify certain facts relating the acquisition and to submit additional information concerning financial expenditures pertaining to improvements made by MSD to Shadowwood. MSD will also be tendering information relevant to the overriding federal consent decree between the United States Environmental Protection Agency and MSD concerning MSD’s operations and compliance with the Clean Water Act, 33 U.S.C. §1251 et seq. MSD will file the new, supplemental application on or before, December 11, 2009.

Respectfully submitted,



Douglas Scott Porter
Louisville and Jefferson County
Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203-1911
Phone: (502) 540-6623
(Fax): (502) 540-6565