

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

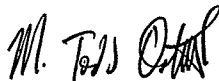
AN INVESTIGATION INTO THE CONDITION)
AND MANAGEMENT OF BIG VALLEY)
SANITATION, INC. AND WOODLAND ACRES) CASE NO. 2009-00378
SANITATION, INC. SEWAGE TREATMENT)
FACILITIES)

NOTICE OF FILING OF HEARING EXHIBITS
AND VIDEO TRANSCRIPT

The undersigned, counsel for Commission Staff, gives notice of the filing of the video transcript of the June 4, 2010, hearing in this matter and the exhibits presented at that hearing. I certify that the video transcript is an accurate and complete copy of the proceedings and that the appended documents represent all exhibits admitted into the hearing record. A written list of these exhibits is appended also.

A copy of this Notice and Exhibit List has been served on all parties.

Respectfully,



M. Todd Osterloh
P.O. Box 615
Frankfort, Kentucky 40602-0615
(502) 564-3940

Counsel for Commission Staff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing of Hearing Exhibits and Video Transcript was served by first class mail, postage prepaid, upon the following this 14th day of June, 2010:

Robert J. Bohnert, Esq.
1500 Kentucky Home Life Building
Louisville, KY 40202

Mr. Charles Gibbons
7726 Heights Drive
Louisville, KY 40291

Ms. Sandy Gruzesky
Division of Water
200 Fair Oaks Lane
Fourth Floor
Frankfort, KY 40601

Robert C. Moore, Esq.
Hazelrigg & Cox, LLP
415 West Main Street
P.O. Box 676
Frankfort, KY 40602

Josh W. Nacey, Esq.
Office of General Counsel
200 Fair Oaks, 1st Floor
Frankfort, KY 40601

David E. Spenard, Esq.
Assistant Attorney General
1024 Capital Center Drive
Frankfort, KY 40601



M. Todd Osterloh

EXHIBIT LIST

Exhibit No.	Description
1	Deed – Book 0521, Pages 806-809
2	Letter of December 27, 2006 From Lawrence W. Smither to Mike Mudd

86940

This DEED made and entered into this 15th day of February, 2001, by and between EUGENE MCGRUDER, Unmarried, dba LOTS OF LOTS, INC. of P.O. Box 708, Shepherdsville, Kentucky 40165, and MARILYN MCGRUDER, Unmarried, of P.O. Box 708 Shepherdsville Ky, first parties, and BIG VALLEY SANITATION, INC., a Kentucky corporation, of 303 Overdale Drive, Louisville, Kentucky, second party.

WITNESSETH: The first parties does hereby remise, release, quitclaim and convey unto the second party, its successors and assigns forever, any interest or claim of the first parties in and to the following described real property in Bullitt County, Kentucky, to-wit:

BEING ALL OF LOT 13, Big Valley Subdivision, Section 6, Revised, plat of which is of record in Plat Cabinet 1, Slide 558 in the Office of the County Court Clerk of Bullitt County, Kentucky.

BEING part of the same property conveyed to Eugene McGruder and Marilyn McGruder dba Lots of Lots, Inc., (not a Kentucky corporation) by deed dated May 19, 1988, of record in Deed Book 304, Page 464 in the Office of the County Court Clerk of Bullitt County, Kentucky.

The first parties hereto states the fair market value of the property herein conveyed is the sum of SIX THOUSAND DOLLARS (\$6,000.00). The grantee joins this Deed for the sole purpose of certifying the fair market value pursuant to KRS Chapter 382.

It is the intention of the parties that the second party shall be the fee simple owner of said real estate and that first parties shall have no interest whatsoever in said real estate.

IN TESTIMONY WHEREOF witness the hands of the parties this day and year first herein written.

Eugene McGruder
EUGENE MCGRUDER

Marilyn McGruder
MARILYN MCGRUDER

BIG VALLEY SANITATION, INC.

BY: John Ford
JOHN FORD, PRESIDENT

LAND CONVEYANCE FORM
DELIVERED TO P. V. A.
MAR 30 2001

PORTER & ASSOCIATES
37 MAIN STREET
P.O. BOX 509
TAYLORSVILLE, KY 40071

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **EUGENE MCGRUDER**, unmarried, to be his true act and deed.

WITNESS my hand this 27th day of February, 2001.

Mary P. Back
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 11-06-04

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **MARILYN MCGRUDER**, unmarried, to be her true act and deed.

WITNESS my hand this 15th day of February, 2001.

Mark K. Rudd
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 02/23/02

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **JOHN FORD, President of BIG VALLEY SANITATION, INC.**, to be his true act and deed and the true act and deed of the corporation.

WITNESS my hand this 27th day of February, 2001.

Jo Will
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 10/01/03

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
THIS INSTRUMENT PREPARED BY:

Linda S. Bouvette
Linda S. Bouvette
PORTER & ASSOCIATES
312 Main Street
Taylorsville, Kentucky 40071
502/477-6412

BY Nora Hoggawley D.C.
NORA HOGGA WLEY
BULLITT COUNTY CLERK
01 MAR 29 PM 2:40
DEED TAX
LODGED AND RECORDED THIS
FEE PD. ST. 3.90
CLK 9.00

BOOK 0521 PAGE 807

This DEED made and entered into this 15th day of February, 2001, by and between EUGENE MCGRUDER, Unmarried of P.O. Box 708, Shepherdsville, Kentucky 40165, and MARILYN MCGRUDER, Unmarried, of P.O. Box 708 Shepherdsville, Ky 40165 first parties, and BIG VALLEY SANITATION, INC., a Kentucky corporation, of 303 Overdale Drive, Louisville, Kentucky, second party.

WITNESSETH: The first parties does hereby remise, release, quitclaim and convey unto the second party, its successors and assigns forever, any interest or claim of the first parties in and to the following described real property in Bullitt County, Kentucky, to-wit:

BEING ALL OF LOT 27, Big Valley Subdivision, Section 6, Revised, plat of which is of record in Plat Cabinet 1, Slide 558 in the Office of the County Court Clerk of Bullitt County, Kentucky.

BEING part of the same property conveyed to Eugene McGruder and Marilyn McGruder by deed dated June 30, 1981, of record in Deed Book 244, Page 761 in the Office of the County Court Clerk of Bullitt County, Kentucky.

The first parties hereto states the fair market value of the property herein conveyed is the sum of ONE HUNDRED DOLLARS (\$100.00). The grantee joins this Deed for the sole purpose of certifying the fair market value pursuant to KRS Chapter 382.

It is the intention of the parties that the second party shall be the fee simple owner of said real estate and that first parties shall have no interest whatsoever in said real estate.

IN TESTIMONY WHEREOF witness the hands of the parties this day and year first herein written.

Eugene McGruder
EUGENE MCGRUDER

Marilyn McGruder
MARILYN MCGRUDER

BIG VALLEY SANITATION, INC.

BY: John Ford
JOHN FORD, PRESIDENT

LAND CONVEYANCE FORM
DELIVERED TO P. V. A.
MAR 30 2001

PORTER & ASSOCIATES
37 MAIN STREET
P.O. BOX 509
TAYLORSVILLE, KY 40371

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **EUGENE MCGRUDER**, unmarried, to be his true act and deed.

WITNESS my hand this 27th day of February, 2001.

Mary P. Back
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 11-06-04

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **MARILYN MCGRUDER**, unmarried, to be her true act and deed.

WITNESS my hand this 15th day of February, 2001.

M. K. Reed
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 4/23/02

STATE OF KENTUCKY
COUNTY OF SPENCER

I, the undersigned Notary Public, for and in the County and State aforesaid hereby certify that the foregoing instrument was produced before me in said County and State and acknowledged and sworn to by **JOHN FORD, President of BIG VALLEY SANITATION, INC.**, to be his true act and deed and the true act and deed of the corporation.

WITNESS my hand this 27th day of February, 2001.

Joe Will
NOTARY PUBLIC, KENTUCKY STATE AT LARGE
My Commission expires: 10/01/03

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
THIS INSTRUMENT PREPARED BY:

Linda S. Bouvette
Linda S. Bouvette
PORTER & ASSOCIATES
312 Main Street
Taylorsville, Kentucky 40071
502/477-6412

BOOK 0521 PAGE 809

BY B. J. F. D.C.
NOKA HOGAN WILEY
BULLITT COUNTY CLERK
01 MAR 29 PM 2:40
DEED TAX .50
LOGGED AND RECORDED THIS
REC PD. ST. 3⁰⁰ CLK 9⁰⁰

**Smither Consulting Company
P.O. Box 1077
Crestwood, Kentucky 40014
502-241-4809 Fax 502-241-7943**

December 27, 2006

Mr. Mike Mudd
Louisville Regional Office
Division of Water
9116 Leesgate Road
Louisville, KY 40222-5084

Re: Big Valley Subdivision WWTP
KY0072168: AI 4287
Bullitt County, Kentucky

Dear Mr. Mudd:

On behalf of John Ford, owner of the Big Valley Subdivision WWTP, I am pleased to present the following summary of actions planned or taken to ensure that this system will come into compliance with all Kentucky Administrative Regulations:

- 1) Effective January 1, 2007 I will be the operator of record for this facility. I am currently a class II operator, license # 13390. John will continue to do the hands on operating of this facility, making at least 3 visits per week and I will make at least one inspection per month. In addition I will make certain that the laboratory is doing the permit testing as required and will discuss the analyses results with John. I will submit the DMR's and take care of most all the administrative duties.
- 2) The application for the renewal of the KPDES permit was completed and hand delivered to the permits branch in Frankfort on 9/25/06. To this date we have not received the draft of the new permit.
- 3) Effective immediately the receiving stream will be inspected at least once per week and any clean up that may be necessary will be done promptly. John inspected the stream on 12/26/06 and found it to be clean and free of any solids. Prior to this John cleaned the receiving stream on 9/19/06.
- 4) John and I have discussed the need for prompt reporting of any and all bypasses and system upsets and this will be done within 24 hours of each occurrence.
- 5) The chlorine contact tank as been pumped and cleaned on two separate occasions, 10/19/06 and 12/22/06. In the future, this will done as soon as conditions warrant such action.

EXHIBIT NO. 2

(2)

6) Both lagoon aerators are now in service. The #1 aerator was repaired by Quality Electric and as soon as the repairs were complete, John picked the aerator up and reinstalled it in the lagoon on 9/5/06. The #2 aerator had a defective circuit breaker which John replaced himself.

7) Both pumps are in service in the remote lift station. And in addition to the two pumps that are working in the station, there is now a third pump that is in storage, in the event it is needed. Also, John had found that there was a bypass pipe in the station wet well, John did not install this, that would pass sewage to the creek in the event the pumps were to fail. He sealed this pipe so that it could not longer be used. Note: It was from this bypass pipe that Brad and John had seen some leakage and were unable to identify the source.

8) One new gate was installed on 10/20/06, the other gate repaired and some repairs made to the fencing.

9) John rented a backhoe and scooped up all of the trash that had been dumped around the lift station and at the treatment plant site. As instructed by Larry Hatfield of the Bullitt County Works Department, he placed all of it in one pile and this pile will be picked up and properly disposed of by Bullitt County. He also informed John, that they would demolish and haul off the old mobile homes that could not be inhabited

10) Those mobile homes that had been identified as not being connected to the sewers and were discharging right out on the ground have now all been inspected by John and he has determined that they are all now connected.

Mary Ann Blanton with the Bullitt County Health Department was notified of this, the week of the 18th of December. However, there was one mobile home at 431 Big Valley that he could not confirm until yesterday the 26th and he will let her know about this one tomorrow the 28th.

11) A walking, house to house survey has been performed and except for one street has been completed, to determine the correct name and mailing address of all residents that are on the Big Valley sewers.

We are contracting with Linda Wood to do the monthly customer sewer billing, collecting, making deposits, paying operating expenses and keeping the books. She will start the customer billing the first of January 2007.

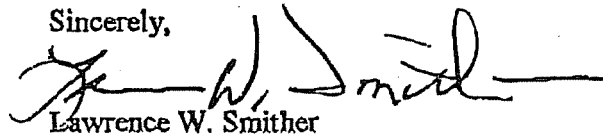
12) Tomorrow, the 28th, I will contact Rob Moore, an attorney in Frankfort that I use, to take care of filing the appropriate documents to legally incorporate this utility. We will be filing to establish this sewer utility as Big Valley Utilities Inc. We will notify you when this process is complete.

After many conversations with John, I can assure you that it is his goal as the owner of this utility and mine, as his agent, that this treatment plant will progressively be brought in to compliance and maintained there.

(3)

I hope that I have addressed the issues to your satisfaction. If you have questions or need additional information please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "L. W. Smither", with a long horizontal line extending to the right.

Lawrence W. Smither

Cc: John Ford