

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HENRY COUNTY WATER )  
DISTRICT NO. 2 FOR APPROVAL TO ADJUST )  
WATER RATES AND CHARGES AND TO ) CASE NO. 2009-00370  
IMPLEMENT A SYSTEM DEVELOPMENT )  
CHARGE )

HENRY COUNTY WATER DISTRICT'S MOTION TO BE  
RELIEVED FROM RESPONDING TO CERTAIN INFORMATION  
REQUESTS TO THE COMMISSION STAFF'S SECOND SET  
OF INFORMATION REQUESTS TO HENRY COUNTY  
WATER DISTRICT NO. 2

The Henry County Water District No. 2, by counsel, moves for an Order relieving it from responding to certain requests for information associated with its rate case no. 2009-00370. In support hereof the Henry County Water District announces that it intends to and is formally requesting that all portions of the rate case that relate to its request for a system development charge be withdrawn and formally requests that it not be compelled to answer requests for information associated with that system development charge. Specifically, the District requests that it be relieved from responding to questions 1, 2, 3, question 4, parts a, b, c and d, question 5, parts a and b, question 6, question 7, parts a and b, questions 8, 9, 10, question 12, parts a, b, c, d, e, f, g, h, i, j and k and questions 13 and 14. The District believes that these requests for information all apply to the system development charge which is being withdrawn and as such would rather not spend time and resources responding to same. Attached hereto is a copy of an email communication between District personnel and Gerald Wuetcher wherein this issue was discussed between the parties.

Respectfully submitted,

BERRY, FLOYD & BAXTER, PSC  
117 WEST MAIN STREET  
LaGRANGE, KY 40031  
TELE: 502-225-0050  
ATTORNEYS FOR HENRY COUNTY  
WATER DISTRICT NO. 2

BY: 

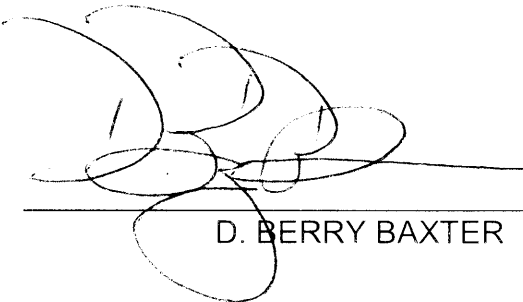
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D. BERRY BAXTER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was this April 13, 2010, mailed, postage prepaid, to the following and also filed electronically:

Mr. David Spenard  
Assistant Attorney General  
1024 Capital Center Drive  
Suite 200  
Frankfort, KY 40601

Mr. Gerald Wuetcher,  
Assistant General Counsel  
Public Service Commission of Kentucky  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, KY 40602

  
\_\_\_\_\_  
D. BERRY BAXTER

**From:** Wuetcher, Jerry (PSC) <JWuetcher@ky.gov>  
**Subject:** Case No. 2009-00370  
**Date:** April 06, 2010 09:07:13 AM EDT  
**To:** jamestsimpson@att.net  
**Cc:** D. Baxter , jamestsimpson@att.net , cjee52@roadrunner.com ,  
Spenard, David (KYOAG) <david.spenard@ag.ky.gov> ,  
Reid, Sam H (PSC) <shreid@ky.gov>, 5 more

Mr. Simpson:

This message is to confirm our telephone conversation of 5 April 2010.

In the conversation, you advised that Henry County Water District No. 2 is considering the withdrawal of its application for a system development charge. You inquired whether, if HCWD2 withdrew its application, it would be required to answer those portions of Commission Staff's 2nd Set Information that relate to the proposed system development charge. I responded that Commission Staff would not expect HCWD2 to respond to those requests that related to a withdrawn application for an SDC and that HCWD2 should, in the event it withdrew its application for an SDC, respond by those questions by noting that the application for an SDC had been withdrawn.

In our conversation, I also advised that, if HCWD2 is unable to supply all the documents requested with the allotted time, it should provide as many of the documents as possible and supplement its response when additional documents related to a particular request are found.

If your recollection of our telephone conversation differs, please advise. A copy of this message will be placed in Case File No. 2009-00370.

Sincerely,

Gerald E. Wuetcher

Executive Advisor

Public Service Commission of Kentucky

(502) 564-3940, Extension 259

(502) 229-6500 (cell)

gerald.wuetcher@ky.gov