Prestonsburg City's Utilities Commission

Water, Waste Water and Natural Gas System

(Municipally Owned) 2560 South Lake Drive Prestonsburg, Kentucky 41653-1048

Phone (606) 886-6871 • Fax (606) 886-8779 TDD: Ky Relay #711

December 5, 2018

Gwen R. Pinson **Executive Director Kentucky Public Service Commission** P.O. Box 615 Frankfort, KY 40602

Re:

Notice of Filing

Martin County Water District PSC Case No. 2016-00142 PSC Case No. 2018-00017

Dear Ms. Pinson:

Enclosed please find the Second Amendment to Joint Operation Agreement between the Martin County Water District and Prestonsburg City's Utilities Commission.

This Second Amendment is a result of negotiations between our two entities regarding the rate per thousand gallons of water usage to be applied per the Joint Operation Agreement. As in the past this new rate of \$4.05 per thousand gallons will be utilized to calculate compensation due either entity in any month water is provided by either entity to the other.

If you or your staff have any questions or need any clarification please do not hesitate to contact me.

Respectfully,

Turner E. Campbell Superintendent/CEO

Copy: Kipley J. McNally, Esq.

Brian Cumbo, Esq.

John Horn, Martin County Water District

File

SECOND AMENDMENT TO JOINT OPERATION AGREEMENT

THIS SECOND AMENDMENT TO JOINT OPERATION AGREEMENT dated as of the 1st day of November, 2018, by and between the MARTIN COUNTY WATER DISTRICT (hereinafter "District") and PRESTONSBURG CITY'S UTILITIES COMMISSION (hereinafter "PCUC") (collectively, as "parties").

RECITALS

WHEREAS, the parties entered into a certain Joint Operation Agreement, dated July 3, 2000 (hereinafter "Joint Operation Agreement"), which was filed by PCUC with the Kentucky Public Service Commission (hereinafter the "Commission") on July 11, 2007.

WHEREAS, the parties entered into a certain First Amendment to the Joint Operation

Agreement dated as of the 1st day of January, 2017.

WHEREAS, the parties desire to modify the water rate established by the First Amendment.

NOW, THEREFORE, in consideration of the covenants and agreements set forth in the Second Amendment and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

The provisions in Sections 13 and 14, and, as amended by the First Amendment,
 setting the water rates shall be deleted in its entirety and the following is substituted therefore:

First 112,000 gallons per month

\$348.50

All over 112,000 gallons per month

\$4.05 per 1,000 gallons

- This Second Amendment shall be filed by PCUC with the Public Service
 Commission ("Commission"), and shall be subject to the Commission's jurisdiction and review.
- 3. The rate adjustment set forth herein shall become effective thirty (30) days after the date the Second Amendment is filed with the Commission, unless the Commission approves this Second Amendment earlier, and then it shall become effective on the date of such approval.
- In all other respects, the parties hereto approve, confirm and ratify the terms
 and conditions of the Joint Operation Agreement.

This Second Amendment is made as of the year and date first above written, and shall be effective as of that date without regard to the fact that execution hereof by the parties shall have been effected at the same or different times.

MARTIN COUNTY WATER DISTRICT

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PRESTONSBURG CITY'S UTILITIES COMMISSION

BY:

TURNER E. CAMPBELL, SUPERINTENDENT/CEO

ATTEST:

TMINY A. CALHOUN, CHAIRMAN OF

THÉ PRESTONSBURG CITY'S UTILITIES COMMISSION

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BRIAN CUMBO

86 W. Main St., Suite 100 P.O. Box 1844 Inez, KY 41224 (606) 298-0428 FAX: (606) 298-0316 cumbolaw@cumbolaw.com

ADMITTED IN KY AND WV

November 19, 2018

Turner E. Campbell, Superintendent Prestonsburg City's Utilities Commission 2560 South Lake Drive Prestonsburg, KY 41653

RE: Second Amendment to Joint Operation Agreement between Martin County Water District and Prestonsburg City's Utilities

Dear Mr. Campbell:

Enclosed please find the executed Second Amendment to Joint Operation Agreement.

Thank you for your time and attention to this matter.

Very truly yours,

BRIAN CUMBO

BC/ld Enclosure

cc: Martin County Water District (w/enc.) Hon. Kipley J. McNally (w/enc.)

