

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

**THE APPLICATION OF THE BREATHITT COUNTY)
WATER DISTRICT FOR THE ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) Case No. 2020-00218
NECESSITY TO CONSTRUCT A WATER SYSTEM)
IMPROVEMEMNTS PROJECT PURSUANT TO THE)
PROVISIONS OF KRS 278.020 AND 807 KAR 5:001)**

*** *** *** *** *** *** ***

The Applicant, Breathitt County Water District (the “District”), files this Application pursuant to KRS 278.020(1) and KAR 5:001, and all other applicable laws and regulations, and requests the Kentucky Public Service Commission (the “Commission”) grant the District a Certificate of Public Convenience and Necessity to construct a water system improvements project. In support of the Application, and in compliance with the rules and regulations of the Commission, the District states as follows:

1. The District was established in accordance with the provisions of Chapter 74 of the Kentucky Revised Statutes pursuant to an Order of the County Judge/Executive of Breathitt County, which Order is on file in the County Court Order Books in the office of the Clerk of Breathitt County, Kentucky. The District is now, and has been since its inception, regulated by the Commission, and all records and proceedings of the Commission with reference to the District are incorporated in this Application by reference. The District does not have any Articles of Incorporation due to the fact that it is a statutory entity.

2. The governing body of the District is its Board of Commissioners which is a public body corporate, with power to make contracts in furtherance of its lawful and proper purpose as provided for in KRS 74.070 and all applicable law and regulations.

3. The mailing address of the District is as follows:

Breathitt County Water District
c/o Mr. Estill McIntosh, Superintendent
1137 Main Street
Jackson, Kentucky 41339
Telephone: (606) 666-3800
Fax: (606) 666-2860
Email: breathittwater@yahoo.com

4. A general description of the District's water system property, together with a statement of the original cost, is contained in the District's Annual Report for 2019 which is on file with the Commission. The Annual Report is incorporated herein by reference.

5. Pursuant to 807 KAR 5:001, Section 15 – Applications for Certificates of Public Convenience and Necessity, the District hereby responds as follows:

- (i) Section 15(2)(a): Facts Relied Upon to Show Public Necessity: the proposed water improvements project (hereinafter the "Project") and the need for the Project is described in **Exhibit "A"** attached hereto.
- (ii) Section 15(2)(b): Copies of Permits: Required permits include a Kentucky Division of Water Construction Permit and Kentucky Transportation Cabinet Encroachment permit. Copies of both required permits are attached hereto as **Exhibit "B"**.
- (iii) Section 15(2)(c): Description of Proposed Location or Route. A description of the proposed location and routes of the construction are shown on the maps being filed herewith. The proposed Project will not

compete with any other public utilities and will not result in any wasteful duplication.

- (iv) Section 15(2)(d)(1) and (2): Maps to Suitable Scale and Plans and Specifications: two paper maps showing the location and route of the proposed Project are included with this Application. Also the Plans and Specifications in .pdf format on electronic storage medium are being filed with this Application.
- (v) Section 15(2)(e) Financing: The District is financing the Project with the proceeds of an Appalachian Regional Commission grant (ARC# KY-19554-302-19, DLG 19A-002) in the amount of seven hundred fifty thousand dollars (\$750,000.00). (See the grant documentation attached hereto as **Exhibit “C”**.)
- (vi) Section 15(2)(f) Statement of Estimated Annual Cost of Operation: the proposed annual production and operation costs after the Project is placed in service are attached hereto as **Exhibit “D”**).


6. Certified copies of the bid tabulations for the Project are attached hereto as **Exhibit “E”**.


7. No rate adjustment will be necessary.

WHEREFORE, the District respectfully requests the Commission take the following actions:

A. Grant the District a Certificate of Public Convenience and Necessity permitting the District to construct the Project; and

B. Grant the District any other relief to which said District is entitled.

By 
Bobby Thorpe, Jr., Chairman
1137 Main Street
Jackson, Kentucky 41339
Telephone: (606) 666-3800
Fax: (606) 666-2860
Email: breathittwater@yahoo.com

By 
Dawn R. Watts
14 Howell Lane
P.O. Box 944
Jackson, Kentucky 41339
Telephone: (606) 666-7725
Fax: (606) 666-0044
Email: drs.law@outlook.com
Counsel for Breathitt County Water District

STATE OF KENTUCKY)
) SS
COUNTY OF BREATHITT)

The affiant, Bobby Thorpe, Jr., being first duly sworn, states: That is the Chairman of the Breathitt County Water District, the Applicant in this case; that he has read the foregoing Application and has noted the contents thereof; that the same are true of his own knowledge and belief, except as to matter which are herein stated to be based on information or belief, and that these matters, believes to be true and correct.

IN TESTIMONY WHEREOF, witness the signature of the undersigned on the 7
day of July, 2020.

Bobby Thorpe, Jr.
Bobby Thorpe, Jr., Chairman

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Bobby Thorpe, Jr., Chairman of the Breathitt County Water District on this the 7 day of July, 2020.

Mary Napier
NOTARY PUBLIC, STATE AT LARGE
My Commission Expires: 11-9-2020
Notary ID#: 568306

MARY NAPIER
Notary Public, State at Large
KENTUCKY - Notary ID# 568306
My Commission Expires: 11-9-2020

DISTRIBUTION LIST

Case No. 2020-_____

Re: Breathitt County Water District Application

District Officials

Mr. Bobby Thorpe, Jr., Chairperson
Mr. Estill McIntosh, Manger
Breathitt County Water District
1137 Main Street
Jackson, Kentucky 41339

Telephone: (606) 666-3800
Fax: (606) 666-2860

Engineer

Mr. Paul Nesbitt
Nesbitt Engineering, Inc.
227 North Upper Street
Lexington, Kentucky 40507

Telephone: (859) 233-3111
Fax: (859) 259-2717

Local Counsel

Hon. Dawn R. Watts
14 Howell Lane
P.O. Box 944
Jackson, Kentucky 41339

Telephone: (606) 666-7725
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CERTIFICATE of CHAIRPERSON of BREATHITT COUNTY
WATER DISTRICT, as to STATEMENT REQUIRED by
SECTION 1 (5) of 807 KAR 5:06

I, BOBBY THORPE, JR., hereby certify that I am the duly qualified and acting Chairperson of the Breathitt County Water District, and that said District is in the process of arranging to finance the construction of extensions, additions and improvements to the existing waterworks system of the District (the "Project"), in cooperation with Nesbitt Engineering, Inc., Lexington, Kentucky, the Engineers for the District (the "Engineers").

Based on information furnished to me by said Engineers for the District, I hereby certify as follows:

1. The proposed plans and specifications for the Project have been designated to meet the minimum construction and operating requirements set out in 807 KAR 5:066, Section 4 (3) and (4); Section 5 (1); Sections 6 and 7; Section 8 (1) through (3); Section 9 (1) and Section 10.
2. All other state approvals have already been obtained, including the approval of the Kentucky Division of Water.
3. The Existing rates of the District filed with the Public Service Commission of Kentucky are contemplated to produce total revenue requirements set out in the Engineering Reports, prepared by the Engineers and filed with the Public Service Commission.
4. That it is now contemplated that construction of the "Robinson Fork, Rode Fork, and War Shoal" begin on or about August 1, 2020, and will end on or about November 31, 2020.

IN TESTIMONY WHEREOF, witness my signature this 7 day of July, 2020.

BREATHITT COUNTY WATER DISTRICT

By: _____

Bobby Thorpe, Jr.
BOBBY THORPE, JR., Chairperson

STATE OF KENTUCKY
COUNTY OF BREATHITT

Subscribed and sworn to before me by Bobby Thorpe, Jr., Chairperson of the Board of Commissioners of the Breathitt County Water District, on this the 7 day of July, 2020

Mary Napier
NOTARY PUBLIC
My Commission Expires: 11-9-2020