

**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. 2023-\_\_\_\_\_  
NECESSITY TO CONSTRUCT A WATER SYSTEM )  
IMPROVEMENT PROJECT PURSUANT TO THE )  
PROVISIONS OF KRS 278.020 AND 807 KAR 5:001 OR  
ALTERNATELY A DECLARATORY ORDER ESTABLISHING  
THAT A CERTIFICATE OF PUBLIC NEED AND CONVENIENCE  
IS NOT NECESSARY AS TO A WATERLINE EXTENSION  
(Five Mile WLE), PURSUANT TO 807 KAR 5:001(15) &/OR 807  
KAR 5:001(19)**

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The Applicant, Breathitt County Water District (the “District”), electronically files this Application pursuant to KRS 278.020(1) and 807 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, or in the alternative, issue a Declaratory Order that a certificate of Public Need and Convenience is not necessary for this 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](mailto: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 2023 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:

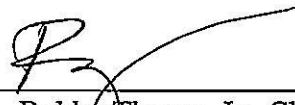
- (i) Section 15(2)(a): Facts Relied Upon to Show Public Necessity: the proposed water improvements project (hereinafter the "Project") and the need for the Project is described in **Exhibit "A"** attached hereto.
- (ii) Section 15(2)(b): Copies of Permits: Required permits include a Kentucky Division 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 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 ARPA grant in the amount of two hundred eighty-two thousand dollars (\$282,000.00). (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 Declaratory Order establishing that a Certificate of Public Need and Convenience is not necessary for construction of this project, or alternately, issue 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  
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Email: breathittwater@yahoo.com

By   
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Counsel for Breathitt County Water District

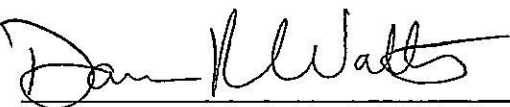
STATE OF KENTUCKY            )  
  ) SS  
COUNTY OF BREATHITT        )

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   1    
day of   August  , 2023.

  
\_\_\_\_\_  
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   1   day of   August  , 2023.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE  
My Commission Expires:   08-26-2024    
Notary ID#:   KYNP 13913

DISTRIBUTION LIST

Case No. 2023-\_\_\_\_\_

Re: Breathitt County Water District Application

District Officials

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Mr. Estill McIntosh, Manger  
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1137 Main Street  
Jackson, Kentucky 41339

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Local Counsel

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