

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF: APPLICATION FOR DECLARATORY ORDER
BY BULLOCK PEN WATER DISTRICT
PURSUANT TO 807 KAR 5:001 SECTION 19

Comes now the Bullock Pen Water District (“District”), by and through its Chairman, Charles Givin, and respectfully submits this Application for a Declaratory Order (“Application”) for the purpose of determining whether a Certificate of Public Convenience and Necessity (“CPCN”) is required for the District to purchase a certain tract of real estate. In support of this Application, the District states as follows:

1. The full name and post office address of the Applicant is:

Bullock Pen Water District
One Farrell Drive
Crittenden, KY, 41030
Email: bullockpen@bpwd.org
Phone: 859-428-3060.
2. The governing body of the District is its Board of Commissioners with the power to make contracts in furtherance of the lawful and proper purposes as provided for in KRS 74.010, *et.seq.*
3. The District is a non-profit Water District created pursuant to KRS 74.010, *et.seq.* The District has no separate Articles of Incorporation.
4. This Application is made pursuant to 807 KAR 5:001, Section 19.
5. Pursuant to 807 KAR 5:001, Section 19(2)(d), all statutes, administrative regulations and Orders to which the Application relate includes KRS 278.010, *et.seq.*; and 807 KAR 5:001, *et.seq.*

6. Pursuant to 807 KAR 5:001, Section 19(2), the District states as follows:
- a. The District is currently in the process of working with Kentucky Engineering Group (“KEG”) to conduct a preliminary investigation and preparation of preliminary engineering plans for expansion and/or replacement of the District’s current Water Treatment Plant (“WTP”).
 - b. The District’s WTP was originally constructed in the 1960s. Since then, the WTP has only undergone one significant improvement project. This occurred during the early 1990s. Due to age, condition and general obsolescence, the District’s current WTP is not able to provide water treatment necessary to adequately service the District’s approximate 8,700 customers. The District has been purchasing significantly higher quantities of water on a wholesale basis from various entities including Northern Kentucky Water District, Boone County Water District, City of Walton, and the City of Williamstown¹. Moreover, wholesale water rates from the District’s wholesale suppliers have increased significantly over the last few years. Since the District can produce water at a significantly lower cost than purchasing water on a wholesale basis, the District has determined that expansion and/or replacement of its WTP is in its customers’ best interest.
 - c. The District has considered increasing wholesale water purchases from its wholesale suppliers, however, this scenario is problematic. In order for the District to increase wholesale water purchases, significant infrastructure improvements would be needed. These infrastructure improvement costs would be very expensive.
 - d. The District’s current WTP will continue to deteriorate thereby requiring significant ongoing repairs, maintenance and improvements to simply maintain the status quo. In addition, water quality standards will invariably increase in the foreseeable future. The District’s current WTP has difficulty in maintaining current water quality standards. Any additional water quality standards would be more problematic for the District.
 - e. The District has made a decision to move forward with the improvement and/or replacement of the current WTP in order to meet future water demands

¹A detailed analysis of the District’s recent history of wholesale water purchases is provided in the District’s most recent Rate Increase Application before the Public Service Commission in Case No. 2022-00363. The District would incorporate by reference all of the District’s wholesale water purchase information and data contained in the Rate Increase proceeding for consideration herein.

and to insure the District's ability to meet and/or exceed current and future water quality standards and demands.

- f. Based upon preliminary engineering reports from KEG, the District has determined that a 2,000,000 gallon per day WTP would be best suited for the District. The District's current WTP has a practical treatment capacity between 400,000 and 500,000 gallons per day. In order to accommodate a larger WTP, the District will be required to purchase adjoining acreage.
- g. The District's current WTP is located on Bullock Pen Lake occupying an approximate 2 acre tract.² The Catlett property contains approximately 12.97 acres and is immediately adjacent to the District's current WTP (Exhibit "1"). For the most part, the Catlett property is characterized by severe topographical features. That portion of the Catlett property best suited for the District's expanded and/or replaced WTP is a flat area near the existing barn on the Catlett property.
- h. The District has been advised by KEG that the proposed WTP expansion/replacement will need to be located on the Catlett property where the barn is located (Exhibit "2"). The proposed location of the WTP would also be very close to the current single family residence on the Catlett Property. Accordingly, KEG has recommended that the District purchase the entire Catlett Property.
- i. Over the last few months, the District has been informed that the Catlett Property would be for sale as the current residents anticipate moving. Over the last few weeks, the District and the Catletts have negotiated a purchase of the Catlett Property for \$350,000.00. The Catletts have informed the District that unless a quick sale is reached, the Catlett Property would be sold on the open market.
- j. The District had the Catlett Property appraised. The District believes the District's appraisal of \$290,000.00 is low. The Catletts have informed the District that their asking price for the Catlett Property is \$400,000.00. The District further believes that the negotiated purchase price for the Catlett Property of \$350,000.00 is fair and reasonable. The District has been advised by the Catletts that a Closing for the Catlett Property must occur on or before October 15, 2023.

²Exhibit "2" is an aerial photograph and plat of the District's current WTP and the adjoining Catlett property.

- k. Once the District closes on the Catlett Property, it intends to begin the process of performing its due diligence for the expansion/replacement of the WTP onto the Catlett Property.
 - l. The District will purchase the Catlett Property by paying cash, which the District has on hand. No financing will be required. No increase in customer rates will be necessary as a result of this purchase.
 - m. The District is currently investigating various sources of funding for the proposed WTP. To date, the District has received approximately \$305,000.00 in ARPA grants (Grant #22CWW213 - \$189,379.00 and Grant #22CWW305 - \$115,085.00). ARPA funds will not be used for the purchase of the Catlett Property. Rather, ARPA funds will be used cover KEG engineering costs.
 - n. The District has authorized KEG to prepare preliminary engineering plans for the WTP for submittal to the Kentucky Division of Water. Once the preliminary engineering plans are completed and the District is reasonably certain of funding sources for the proposed WTP, a Cost of Services Study (“COSS”) will be conducted by KEG for the District. The District will also be filing an Application with the Public Service Commission for approval of WTP financing. KEG estimates that the time for completing preliminary engineering documents, drawings, shop drawings, and related specifications for the design of the WTP will be February 2024. At that time, the District should have a reliable estimated construction cost for the WTP. The February 2024 date will also allow the District time to investigate and secure financing sources for the WTP project. The District is currently exploring several avenues for financing options, including grants and the like.
 - o. Once all engineering plans are completed, DOW approval is secured and financing is in place, the District will begin the process of filing an application with the Public Service Commission requesting a CPCN and approval of financing.
 - p. The District is currently working on obtaining grants to assist in the financing of the WTP. The District is hopeful that additional grant monies will be available. The District is also currently looking into alternate options for financing the WTP, including KIA, RD, and any other available financing resources.
7. The District is requesting this Declaratory Order in order to move forward with its plans to purchase the Catlett Property. The District is of the opinion that a CPCN is

not necessary for the authorization of the purchase of the Catlett Property. The District believes that permitting the purchase of the Catlett Property by the District would expedite the process of moving forward with the District's proposed WTP plans. Moreover, purchasing the Catlett Property at this time would avoid a likely and costly eminent domain proceeding.

8. Pursuant to 807 KAR 5:001, Section 19(2)(e), the District would propose the following resolution:
 - a. The Public Service Commission enter a Declaratory Order determining that a CPCN is not necessary for the District to purchase the Catlett Property.
 - b. Te District be permitted to purchase the Catlett Property for the expansion/replacement of the District's current WTP.
 - c. The District be permitted to finance the purchase of the Catlett Property from cash reserves which the District currently has on deposit.
9. The District does not believe that any other person or entity not named in this Application would be adversely affected by this Application and/or the relief requested by the District.
10. The District would request an expedited review of this Application. The District has been informed by the Catletts that unless a quick closing is scheduled, the Catlett Property will be placed on the open market for sale. The District believes that if a Purchase Agreement is not entered into with the Catletts, a costly and protracted eminent domain proceeding would be necessary. Such a proceeding would not be in the District's best interest. The District believes that the \$350,000.00 purchase price is fair and reasonable and would eventually save the District money in the long run.

Respectfully submitted,


THOMAS R. NIENABER
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., PO Box 756
Florence, KY 41022-0756
Phone: 859.371.7407/Fax: 859.371.9872
Email: tnienaber@fuse.net

VERIFICATION

Comes now the Applicant, Bullock Pen Water District, by and through its Chairman Charles Givin and states that the statements made in the foregoing Application are true and correct to the best of the Applicant's knowledge and belief.

BULLOCK PEN WATER DISTRICT

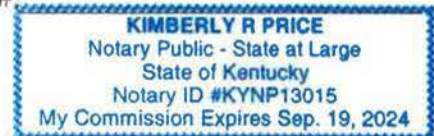
BY: 
CHARLES GIVIN, CHAIRMAN

COMMONWEALTH OF KENTUCKY

COUNTY OF GRANT

Subscribed, sworn to and acknowledged before me by Charles Givin, Chairman, for and on behalf of Bullock Pen Water District this 7th day of September, 2023.


NOTARY PUBLIC, State at Large
My Commission Expires: _____
Notary ID#: _____



File: 79281/Catlett

Return To:

DEED

KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

KNOW ALL PERSONS BY THESE PRESENTS:

That Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, for and in consideration of One Hundred Fifty Thousand 00/100 Dollars (\$150,000.00) paid by the Grantees, herein, the receipt of which is acknowledged, does bargain, sell and convey to Colton Catlett and Bailey Held, for and during their joint and natural lives, with the remainder in fee simple title to the survivor, his or her heirs and assigns, the following described real estate, County of Grant and Commonwealth of Kentucky, to-wit:

Present Street Address: 235 Catlett Road, Crittenden, Kentucky 41030

Grantee Mailing Address: 235 Catlett Rd, Crittenden, Kentucky 41030

Tax Mailing Address: Same

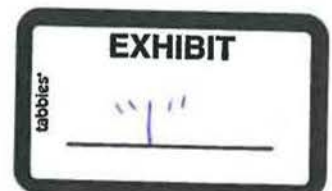
Grantor Mailing Address: X15587 Violet Rd. Crittenden, Ky. 41030

PIDN: 030-00-00-008.01

See attached Exhibit "A" for legal description which is incorporated by reference herein.

Being the same property conveyed to Mary Lou Catlett by deed recorded in Deed Book 141, page 752 of the Grant County Clerk's records at Williamstown, Kentucky. Mary Lou Catlett died on March 24, 2021 and, by the Order and Last Will and Testament recorded in Will Book 9, page 176, Jackie Crupper and Rekenna Hopperton were appointed Co-Executrices, with power of sale. This sale is made with the knowledge and consent of all of the heirs of Mary Lou Catlett.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantees, Colton Catlett and Bailey Held, for and during their joint and natural lives, with the remainder in fee simple title to the survivor, his or her heirs and assigns forever, the Grantors, Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, their successors and assigns hereby covenanting with the Grantees that the title so conveyed is clear, free and unencumbered and that they will warrant and defend the same against all legal claims whatsoever.



IN WITNESS WHEREOF, the said Grantors, Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, hereunto set their hands, this 3rd day of December, 2021.

GRANTORS:
Estate of Mary Lou Catlett, deceased

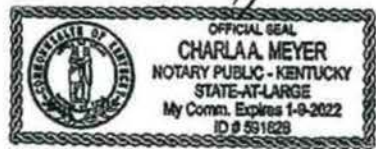
Jackie Crupper, Co-Executrix Rekenna Hopperton, Co-Executrix
By: Jackie Crupper, Co-Executrix By: Rekenna Hopperton, Co-Executrix

STATE OF KENTUCKY
COUNTY OF GRANT

The foregoing instrument was acknowledged before me this 3rd day of December, 2021 by the Grantors, Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, to be their voluntary act and deed.

My commission expires: 1/9/2022

Charla A. Meyer
NOTARY PUBLIC



CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantors, Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, and the Grantees, Colton Catlett and Bailey Held, in a certain deed dated December 3rd, 2021, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify, pursuant to K.R.S. Chapter 382, that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTORS:

Estate of Mary Lou Catlett, deceased

Jackie Crupper, Co-Executrix
By Jackie Crupper, Co-Executrix

Rekenna Hopperton, Co-Executrix
By: Rekenna Hopperton, Co-Executrix

GRANTEES:

Colton Catlett
Colton Catlett

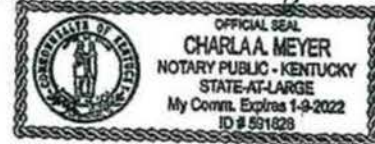
Bailey Held
Bailey Held

STATE OF KENTUCKY
COUNTY OF GRANT

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 3rd day of December, 2021 by the Grantors, Jackie Crupper and Rekenna Hopperton, Co-Executrices of the Estate of Mary Lou Catlett, deceased, to be their voluntary act and deed.

My commission expires: 1/9/2022

Charla A. Meyer
NOTARY PUBLIC

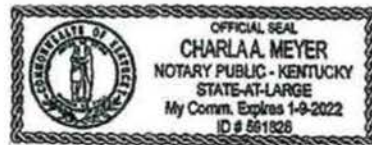


STATE OF KENTUCKY
COUNTY OF GRANT

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 3rd day of December, 2021 by the Grantees, Colton Catlett and Bailey Held, to be their voluntary act and deed.

My commission expires: 1/9/2022

Charla A. Meyer
NOTARY PUBLIC



THIS INSTRUMENT PREPARED BY:

Ronald G. Mullen

RONALD G. MULLEN, ATTORNEY
KENTUCKY LAND TITLE AGENCY, INC.
2362 Grandview Drive
Ft. Mitchell, KY 41017
(859) 344-1919

EXHIBIT "A"

Group: Grant
PIDN: 030-00-00-008.01
235 Catlett Road, Crittenden, KY 41030

The following is a description of a parcel of ground lying and being on the West side of Kentucky Route #1548, 1.9 miles West of Interstate "75" in Grant County, Kentucky and more particularly described as follows:

Beginning at a P.K. Nail in the center of Kentucky Route #1548 at its intersection with the Old Hopewell Road; thence with the center of Kentucky Route #1548, N 61° 36' W - 100.0 feet; thence N 52° 32' W - 102.0 feet; thence N 43° 34' W - 114.6 feet; thence N 37° 10' W - 172.7 feet; thence N 35° 38' W - 250.1 feet; thence N 29° 13' W - 98.7 feet; thence N 20° 38' W - 137.5 feet; thence N 7° 35' W - 141.1 feet to a P.K. Nail; thence leaving said road and with the South line of a 1.30 Acre tract of Charles L. Thomas, S 80° 47' W - 94.25 feet to a iron pin; thence crossing a hollow with a new made line of the Grantors, S 73° 43' W - 189.1 feet to a post being the Southeast corner of the Bullock Pen Water District; thence with said lines, S 73° 58' W - 255.7 feet to a post; thence N 12° 30' W - 246.7 feet to a post near the water of Bullock Pen Lake; thence with the edge of said lake, S 55° 44' W - 194.0 feet; thence S 84° 12' W - 89.0 feet; thence S 72° 13' W - 100.8 feet; thence S 44° 17' W - 220.2 feet; thence S 5° 55' E - 85.2 feet to a point at the edge of said lake with its intersection with the center of the Old Hopewell Road; thence with the center of said road, S 86° 55' E - 681.5 feet; thence S 41° 11' E - 677.1 feet; thence S 46° 09' E - 50.0 feet; thence S 69° 48' E - 50.0 feet; thence S 77° 45' E - 299.5 feet; thence N 83° 58' E - 75.0 feet; thence N 61° 39' E - 114.0 feet to the place of beginning containing 12.97 Acres more or less exclusive of all easements and right of ways of record or in existence.

The above description is in accordance with a survey made by HICKS & MANN INC. on the 23 September 1980. (Phillip G. Hicks, Registered Land Surveyor, Lic. #1770).

Subject to easements and restrictions of record and/or in existence.

DOCUMENT NO: 190922
RECORDED: December 07, 2021 10:41:00 AM
TOTAL FEES: \$50.00 TRANSFER TAX: \$150.00
COUNTY CLERK: TABATHA CLEMONS
DEPUTY CLERK: ALLISON CONNER
COUNTY: GRANT COUNTY
BOOK: D425 PAGES: 145 - 148

AOC-806 Doc. Code: OWF
Rev. 5-14
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS Chapters 394 and 395



ORDER PROBATING WILL AND
APPOINTING EXECUTOR/EXECUTRIX

Case No. **W9 21-P-87** **EG176**
Court District Probate
County GRANT
Division _____

IN RE: Estate of MARY LOU CARTER

Decedent's Date of Death: 3/24/2021

SSN: XX-XX-6730

ENTERED
GRANT CIRCUIT DISTRICT COURT
MAY 19 2021
BY: Wray J. Jump D.C.

The Petition for probate of the Will of the above-named Decedent and for appointment of an Executor/Executrix came on for hearing on MAY 18, 2021. The Will was produced in open court and was self-proved under KRS 394.225 OR proved by Self

IT IS THEREFORE ORDERED that the Will be, and it is, hereby admitted to probate as the Last Will and Testament of the Decedent. IT IS FURTHER ORDERED that JACKIE CRUPPER REXANA HOPPERMAN with an address of 15567 VIOLET ROAD 900 Hopperman Lane Crittenden, KY 41030 Dry Ridge, Ky 41035

be and is, hereby appointed Executor/Executrix of said estate. The Court fixes bond in the sum of \$ _____.

WHEREUPON said Executor/Executrix took the oath prescribed by law and entered into and acknowledged the above-mentioned bond with approved Surety OR Surety having been waived.

Date: 5/17, 2021 [Signature] Judge

NOTICE OF ENTRY WAIVED:

Petitioner's/OR Attorney's Signature

CERTIFICATION
I, Wray Jump, Clerk of the Grant District Court, do certify this constitutes a true and correct copy of the Order Admitting Will to Probate and Appointing Executor/Executrix, as recorded in my office.
Date: 5-19, 2021 Wray Jump Clerk
By: K.C. D.C.

Distribution:

- Original - Court File (with certified copy of Will)
- Copies - Executor/Executrix
- Revenue Cabinet (Inheritance Tax Section)
- Certified Copy - County Clerk (with original of Will); Petitioner is responsible for recording fee.

LAST WILL AND TESTAMENT
OF
MARY LOU CATLETT

I, **MARY LOU CATLETT**, of Grant County, Kentucky, being of lawful age and sound mind and memory, do hereby make, publish and declare this to be my **LAST WILL AND TESTAMENT**, hereby revoking all Wills and Codicils heretofore made by me.

ITEM I: I direct that all of my just debts, funeral expenses, taxes and the costs of administration of my estate be paid out of my estate as soon as practicable after my death.

ITEM II: All the rest, residue and remainder of my estate which I may own at the time of my death, real, personal or mixed, tangible or intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, I give, devise and bequeath to my brothers and sisters, namely **JAMES CATLETT, HELEN HUDSON-BROWN, WILLIAM CATLETT, and ANN UNKRAUT**, to share and share alike, to be theirs absolutely and in fee simple.

ITEM III: In the event that any one or more of my brothers or sisters predecease me and leave surviving issue then I direct that the share which would have been given to such deceased brother or sister be divided equally among the issue of such deceased brother or sister or their descendants, per stirpes.

mlc

ITEM IV: I make, nominate and appoint my nieces, **JACKIE ANN CRUPPER and REKENNA HOPPERTON**, as Executrices of this my Last Will and Testament, with the power of substitution, and I give to them full and complete power and authority to sell and convey any or all of my real or personal property, the same as I could do if I were then living.

ITEM V: It is my desire, and I hereby direct that my Executrices be permitted to qualify without the necessity of providing surety on any bond and without the intervention of any Court except as expressly required by law. It is not my intention to limit my Executrix in the administration of my estate, but to grant all powers which are not prohibited by law.

ITEM VI: In addition to the general powers of personal representatives, I hereby give to my Executrices full power and authority, whenever such representative deems it advisable, to sell all or any part of my real or personal property at public or private sale at such price and upon such terms and conditions as such representative deems advisable, and to execute and deliver deeds and other papers of transfer necessary or desirable to transfer title thereto and the purchasers thereof shall not be required to look into the application of the proceeds of any such transaction; to invest and reinvest all or part of the property comprising my estate in such securities, real estate and other property as such representative may select, irrespective of any limitation prescribed by law as to investments; to compromise and settle any and all claims in favor of or against my estate for such sums, upon such terms and in such manner as such representative shall

deem for the best interest if my estate; to hold and retain as representative therefore, whether or not such other assets are of the character prescribed by law; and to do such other things and perform such other acts as said representative may deem necessary or desirable for the proper administration of my estate.

IN WITNESS WHEREOF, I have subscribed my name to this my **LAST WILL AND TESTAMENT** this the 16th day of September 2011 and being duly sworn do hereby declare to the undersigned authority that I sign and execute this instrument as my **LAST WILL AND TESTAMENT** and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am at least eighteen (18) years of age or over, of sound mind, and under no constraint or undue influence.

Mary Lou Catlett

 MARY LOU CATLETT

Signed, published and declared by the above named, as and for her Last Will and Testament, in the presence of us, who in her presence and the presence of each other, and at her request, have hereunto set our hands as witnesses.

Kristina Schuster residing at 2520 Knoxville Rd, Dry Ridge

 Ky 41035


Deborah Collins residing at 440 Reeves Rd Dry Ridge Ky

 41035

mcc


STATE OF KENTUCKY)
) Notary's Certificate of Acknowledgement
COUNTY OF GRANT)

Before me, the undersigned authority, on this day personally appeared MARY LOU CATLETT, KRISTINA SCUALTI-R and Deborah Collins known to me to be MARY LOU CATLETT and the witnesses, respectively, whose names are signed to the attached instrument and all of these persons being by me first duly sworn, MARY LOU CATLETT declared to me and to the witnesses in my presence, that the instrument is her Last Will and Testament and that she has willingly signed, and that she executed it as her free and voluntary act for the purposes therein expresses and each of the witnesses stated to me in the presence and hearing of MARY LOU CATLETT and they signed the Will as witnesses, and to the best of their knowledge MARY LOU CATLETT was 18 years of age or over, of sound mind and under no constraint or undue influence.


NOTARY COMMISSION
My Comm. Exp. 2/12/14

This Instrument Prepared By:

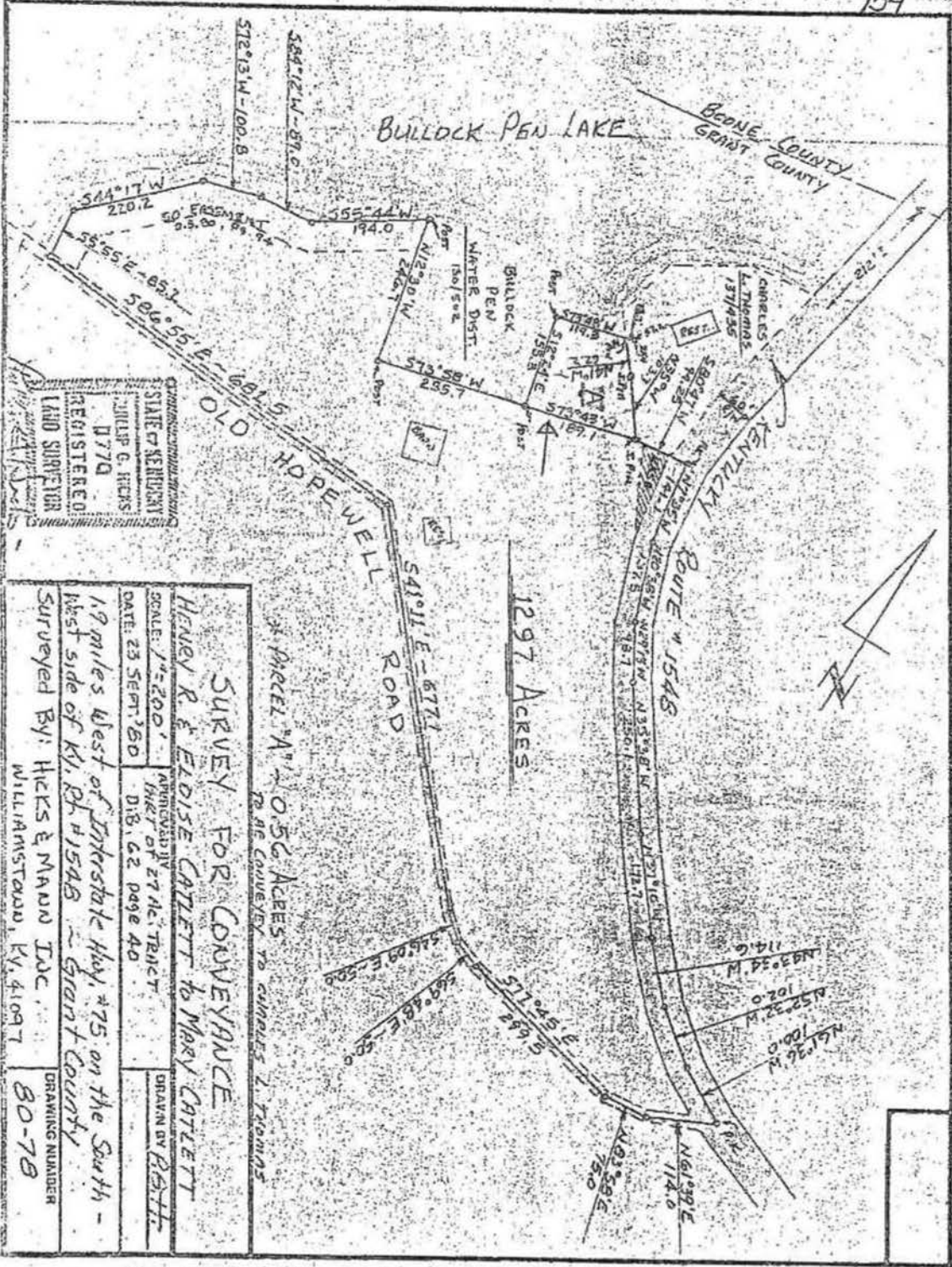
STEVEN N. HOWE, P.S.C.


STEVEN N. HOWE
94 South Main Street
Dry Ridge, Kentucky 41035
(859) 824-0500

DOCUMENT NO: 180065
RECORDED: May 26, 2021 10:09:00 AM
TOTAL FEES: \$47.00
COUNTY CLERK: TABATHA CLEMONS
DEPUTY CLERK: ALLISON CONNER
COUNTY: GRANT COUNTY
BOOK: W9 PAGES: 176 - 180

MLC

BULLOCK PEN LAKE
BOONE COUNTY
GRANT COUNTY



1297 Acres

* PARCEL "A" - 0.56 ACRES
TO BE CONVEYED TO CHARLES L. THOMAS

SURVEY FOR CONVEYANCE

HENRY R. & EDUISE CATLETT to MARY CATLETT

SCALE: 1" = 200'
DATE: 23 SEPT '60
DRAWN BY: PSH

1.9 miles West of Interstate Hwy. #75 on the South - West side of KY. Rt. #1548 - Grant County

Surveyed By: Hicks & Mann Inc.
WILLIAMSTOWN, KY. 41097
DRAWING NUMBER: 80-78

REGISTERED LAND SURVEYOR
STATE OF KENTUCKY
JULIUS G. HICKS
D770



030-00-00-008.01



CATLETT COLTON &
HELD BAILEY
CATLETT RD 235
13.00 Acres Value
\$150,000

View: [Report](#) | [Google Maps](#)