

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF KENTUCKY-AMERICAN	)	
WATER COMPANY TO REVISE THE	)	CASE NO.
KENTUCKY RIVER AUTHORITY WITHDRAWAL	)	2009-00124
FEE	)	

O R D E R

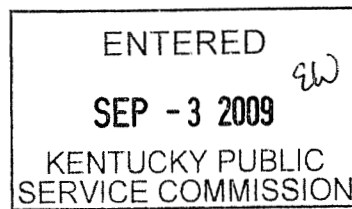
This matter arises upon the motions of the city of Lawrenceburg (“Lawrenceburg”) and the Kentucky Municipal Utility Association (“KMUA”), both filed August 31, 2009, for full intervention. It appears to the Commission that such interventions are likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission, being otherwise sufficiently advised, finds that Lawrenceburg and KMUA should be granted full rights of parties in this proceeding.

IT IS HEREBY ORDERED that:

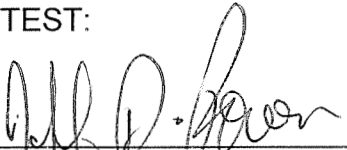
1. The motions of Lawrenceburg and KMUA to intervene are granted.
2. Lawrenceburg and KMUA shall be entitled to the full rights of parties and shall be served with the Commission’s Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should Lawrenceburg or KMUA file documents of any kind with the Commission in the course of these proceedings, Lawrenceburg and KMUA shall also serve a copy of said documents on all other parties of record.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

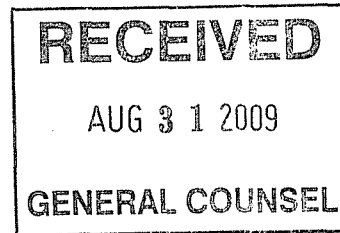


Mayor  
Edwinna Baker

City Clerk/ Administrator  
Robbie Hume

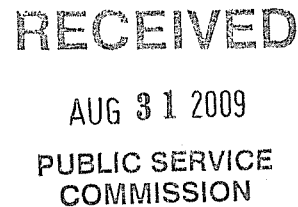
Office  
502-839-5372

Fax  
502-839-5106



August 31, 2009

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601



RE: Case No. 2009-00124

Dear Mr. Derouen,

Please find enclosed the Motion for Intervention tendered in the above referenced matter by the City of Lawrenceburg.

Thank you for your attention to this matter. Please feel free to contact me should you have any questions. I can be reached at 502-839-5372 as well as by e-mail at [rwm316@gmail.com](mailto:rwm316@gmail.com).

Sincerely,

Robert Warren Myles  
City Attorney  
Lawrenceburg, Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of :

TARIFF FILING OF KENTUCKY-AMERICAN )  
WATER COMPANY TO REVISE THE ) Case No.  
KENTUCKY RIVER AUTHORITY ) 2009-00124  
WITHDRAWAL FEE )

**MOTION TO INTERVENE**  
**BY THE**  
**CITY OF LAWRENCEBURG**

Comes now the Movant, the City of Lawrenceburg, by and through Counsel, pursuant to the Order of the Public Service Commission entered in this matter on August 18, 2009 and all other applicable statutes and regulations, and moves to intervene in the said above-styled proceeding and to be grant full intervenor status herein.

In support of this Motion, the City of Lawrenceburg states as follows:

1. That in an Order dated August 19, 2009, the Public Service Commission stated and found as follows:

...we find that all water utilities, public and municipal, that are subject to the Commission jurisdiction and that are assessed a withdrawal fee by the KRS should be given notice of this proceeding and an opportunity to intervene and to submit written memoranda on the issue.

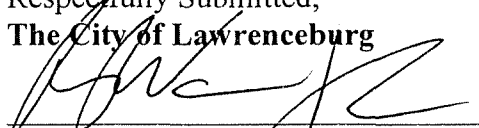
2. That the City of Lawrenceburg, 100 North Main Street, Lawrenceburg, Kentucky 40342, is a municipal subdivision of the Commonwealth of Kentucky, and in such capacity operates the Lawrenceburg Water Company.

3. That as a continuing and substantial portion of its operations, the City of Lawrenceburg actively withdraws water from the Kentucky River Basin and pays Tier I and Tier II user fees assessed by the Kentucky River Authority.

4. That a decision in the matter before the Commission styled as Case No.2009-00124 will have a direct impact on the Movant's customers, the ability of the Movant to provide services to its current and future water customers and may well dramatically effect the relationship between the Movant and the current water company bond holders.

**WHEREFORE**, the Movant, City of Lawrenceburg, respectfully requests that it be granted full rights and status as an intervenor herein.

Respectfully Submitted,  
**The City of Lawrenceburg**



BY: Robert Warren Myles, City Attorney  
100 North Main Street  
Lawrenceburg, Kentucky 40342

**CERTIFICATE OF SERVICE**

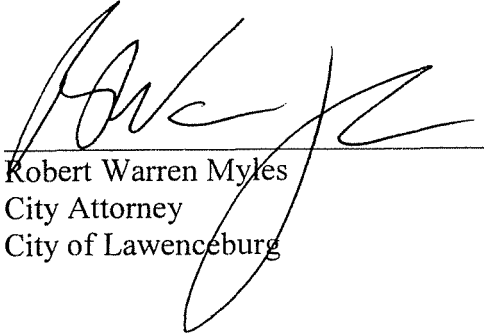
This is to certify that an original and ten (10) photocopies of this Motion to Intervene were served, filed and hand delivered to Mr. Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Blvd. Frankfort, Kentucky 40601 and that a true and accurate copy of this Motion was mailed, first class postage prepaid, to the following:

Hon. Lindsey W. Ingram, III  
Stoll Keenon Ogden PLLC  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507-1801

Hon. David E. Spenard  
Utility and Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601-8204

Hon. Hance Price  
Attorney for the Frankfort Plant Board  
317 West Second Street  
Frankfort, Kentucky 40601

all on this the 31<sup>st</sup> day of August, 2009.



Robert Warren Myles  
City Attorney  
City of Lawrenceburg

RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

AUG 31 2009  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

TARIFF FILING OF KENTUCKY-AMERICAN )  
WATER COMPANY TO REVISE THE ) CASE NO. 2009-00124  
KENTUCKY RIVER AUTHORITY )  
WITHDRAWAL FEE )

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SEP - 1 2009  
GENERAL COUNSEL

**MOTION FOR FULL INTERVENTION**

\* \* \* \* \*

Comes the Kentucky Municipal Utility Association (“KMUA”), by counsel, and pursuant to 807 KAR 5:001, Section 3(8), moves that it be granted leave to intervene in this matter and that it be granted full intervention.

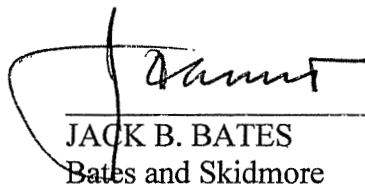
The Commission, according to its August 18, 2009 Order, will investigate the reasonableness and lawfulness of Kentucky-American Water Company’s (“KAWC”) proposed tariff revision.

KMUA is an association of fifty-nine (59) municipal utilities in Kentucky. Its address is 110-A East Todd Street, Frankfort, KY 40601, and its Executive Director is Annette DuPont-Ewing. Certain of KMUA’s membership provide water service to customers in the Kentucky River Basin, and as a consequence must pay water use fees imposed by the Kentucky River Authority. KAWC’s proposed tariff revision and its handling of the water use fees will have an impact on KMUA members. As an association KMUA has a special interest in this proceeding and will provide a perspective which will not be presented by the other parties to this proceeding. KMUA’s interests are not adequately represented by the other parties to this proceeding. KMUA will present issues and develop facts that will be helpful to the Commission in fully hearing this matter, and participation by KMUA will not unduly delay these proceedings, or unduly complicate or disrupt them.

WHEREFORE, KMUA requests that:

1. Full intervention be granted and that KMUA be certified as a full party;
2. KMUA be served with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties, and orders of the Commission;
3. KMUA be allowed to file a written memorandum addressing the issues identified in the Commission's August 18, 2009 Order; and
4. KMUA be granted the right to present testimony and exhibits, present witnesses, cross-examine witnesses, as may be necessary or appropriate.

Respectfully submitted,



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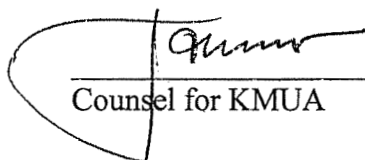
JACK B. BATES  
Bates and Skidmore  
415 West Main St., Suite 2  
Frankfort, KY 40601  
Telephone: (502)-352-2930  
Facsimile: (502)-352-2931

COUNSEL FOR KMUA

#### CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2009, a true and accurate copy of the foregoing MOTION FOR FULL INTERVENTION was served by United States mail, postage prepaid, to the following:

Lindsey W. Ingram III  
Stoll Keenon & Ogden PLLC  
300 West Vine Street, Suite 2100  
Lexington, KY 40507-1801



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Counsel for KMUA



Honorable Lindsey W Ingram, III  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

Honorable Hance Price  
Attorney at Law  
Frankfort Electric & Water Plant Board  
317 W. Second Street  
P. O. Box 308  
Frankfort, KY 40602