

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF HENRY COUNTY WATER)	
DISTRICT NO. 2 TO AMEND ITS POLICY)	CASE NO. 2009-00440
REGARDING CERTIFICATION OF WATER)	
AVAILABILITY)	

COMMISSION STAFF'S FIRST SET OF INFORMATION REQUESTS
TO HENRY COUNTY WATER DISTRICT NO. 2

Pursuant to 807 KAR 5:001, Henry County Water District No. 2 ("Henry District") shall file with the Commission no later than February 21, 2010, the original and eight copies of the following information, with a copy to all parties of record. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Henry District shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which

Henry District fails or refuses to furnish all or part of the requested information, Henry District shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Refer to Henry District's Response to the Commission's Order of November 30, 2009, Item 1. State whether Mr. Derossett's letter of December 10, 2009 to Mr. James Simpson is the only correspondence that Henry District has received from the Henry County Planning Commission in which the certification of subdivision plats is discussed.

2. In its response to the Commission's Order of November 30, 2009, Item 1, Henry District states that "[s]everal times since 1999, representatives of the Henry District have asked the Planning Commission for clarification of the meaning of the plat certification of Henry County subdivision."

- a. List each instance when the request for clarification was made.
- b. For each instance listed:
 - (1) State how Henry District made the request;
 - (2) Identify who made the request on Henry District's behalf;
 - (3) State the means by which the Planning Commission responded; and
 - (4) Provide a copy of the response if in written form.

3. Describe the reason(s) for Mr. Derossett's presence at the December 8, 2009 meeting of Henry District's Board of Commissioners.

4. Provide the minutes of Henry District's Board of Commissioners' meetings held since January 1, 2007.

5. State whether Henry District requested the written clarification that Mr. Derossett provided in his letter of December 10, 2009.

6. Refer to Henry District's Response to the Commission's Order of November 30, 2009, Item 2. State whether, aside from Mr. Derossett's letter of December 10, 2009 to Mr. James Simpson, the Henry County Planning Commission has issued any written policy statements, regulations, or other guidance regarding the certification of water availability. If yes, provide a copy of all such statements, regulations, or other guidance.

7. Define "developer" as the term is used in Henry District's proposed tariff sheet.

8. Refer to Henry District's Response to the Commission's Order of November 30, 2009, Item 7.

a. Identify the persons from Oldham County Water District with whom Henry District personnel spoke.

b. Provide the written policy statement, regulation, or written guidance of the Oldham County Planning and Zoning Commission that specifies that a developer must provide "a letter from the water utility which certifies capacity."


9. Provide a copy of Henry County Planning and Zoning Commission's current regulations.

10. Refer to Mr. Derossett's letter of November 30, 2009 to Mr. Jeff Derouen and its enclosures. Identify the sections of the enclosed materials that require a subdivider of land to obtain a reservation of hydraulic capacity from a water utility.

11. Describe the planning horizon (e.g., the amount of plant or facility capacity in use or expected use) that Henry District uses to determine that existing facilities are inadequate and additional facilities must be built.

12. State whether Henry District's certification of availability of water on a subdivision plat extends to the availability of fire protection service. Explain.

13. Describe how Henry District determined that, to the extent that certification constitutes a reservation of hydraulic capacity, the reservation must be on a 1:1 basis rather than a percentage of estimated usage.



Jeff Derouen
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Public Service Commission
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DATED: FEB 11 2010

cc: Parties of Record

Case No. 2009-00440

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