

SUIT, McCARTNEY, PRICE, PRICE & RUARK, PLLC
Attorneys at Law

Marvin W. Suit

Frank H. McCartney

Patrick E. Price

John C. Price

Darrell K. Ruark

207 Court Square
Flemingsburg, KY 41041

Phone (606) 849-2338
Fax (606) 845-8701

February 19, 2010

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PUBLIC SERVICE
COMMISSION

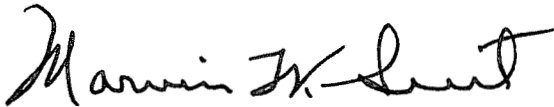
Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

IN RE: Complaint of Wilmer and Pauline Conn Case No. 2010-00049
v.
Fleming County Water Association

Dear Sir:

Please find enclosed an original and ten copies of the Answer of
Fleming County Water Association in the above referenced matter.

Sincerely,



Marvin W. Suit

MWS/mc

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

WILMER and PAULINE CONN

COMPLAINANT

VS.

CASE NO. 2010-00049

FLEMING COUNTY WATER ASSOCIATION DEFENDANT
2772 Morehead Road
Flemingsburg, KY 41041

● * * * * * * *

ANSWER

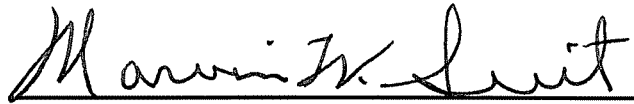
Comes the Fleming County Water Association Inc. by counsel and for answer to the Complaint filed herein by Wilmer Conn and Pauline Conn, with a mailing address of P. O. Box 218, Rowan County, Clearfield, KY 40313, states the following:

1. Historically, the FCWA served water to members on Upper Rock Lick Road in Fleming County, Kentucky from 1985 to sometime in 1997. By an action filed in U. S. District Court for the Eastern District of Kentucky, Civil Action No. 95-98, styled United States v. US Ecology, et al, a Consent Decree was entered which resulted in the water line which originally served water in this area to be discontinued.
2. This area of land lies within the drainage area of the Maxey Flat Nuclear Disposal Plant which was determined to

be leaking sometime in the 1990's and it was determined that there was possibility of radioactive water entering our water line. This would have been dangerous to recipients of water from this particular line and would have potentially destroyed the entire Fleming County Water Association system with radioactive matter infiltrating the system from Maxey Flat Nuclear Disposal Plant.

3. Consequently, over one mile of distribution line on Upper Rock Lick Road was abandoned and cut off from the FCWA system and meter refunds were made to approximately ten customers on the abandoned line. The Association was paid the sum of \$35,000.00 for the capital cost of the abandoned line as of May 28, 1997. (A copy of the release is attached hereto.)
4. One of the meters removed was the one Wilmer and Pauline Connant reinstalled at 1860 Upper rock Lick Road, Hillsboro, KY 41039. It was in the name of Roscoe Johnson in 1997.
5. The Association has offered to make water available to the Conns by an alternate route through an unaffected area but he wants a meter installed in the original contaminated area which the Association cannot prudently do.

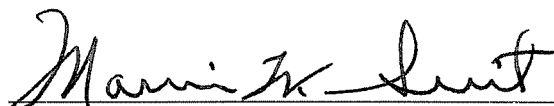
Respectfully submitted,



MARVIN W. SUIT
SUIT, MCCARTNEY, PRICE, PRICE &
RUARK, PLLC
207 Court Square
Flemingsburg, KY 41041
(Ph) 606-849-2338

CERTIFICATE OF SERVICE

This is to certify that an original and ten copies of the foregoing Answer of Fleming County Water Association in the above referenced case was mailed to Jeff Derouen, Executive Director, Public service Commission, 211 Sower Boulevard, Frankfort, KY 40601, and a copy was mailed to Wilmer and Pauline Conn, PO Box 218, Clearfield, KY 40313, this 19th day of February, 2010.



MARVIN W. SUIT

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COMMISSION

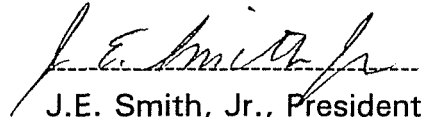
RELEASE

In consideration of the sum of thirty five thousand dollars (\$35,000.00), the undersigned, on behalf of the **Fleming County Water Association**, its legal representatives, agents, successors, and assigns, releases the **Commonwealth of Kentucky and its agencies, the United States of America and its agencies and departments, and the Settling Private Parties and the Non-Federal *De Minimis* Settlers** who were signatories to the **Consent Decree entered in Civil Action No. 95-58, styled *United States v. US Ecology, et al.***, (a list of whom is attached), their respective agents, successors, assigns, officers, directors, shareholders, employees, attorneys, guarantors, sureties, and any persons acting on their behalf, from any and all injuries, losses, damages, liabilities, costs, expenses, attorney fees, defenses, claims, actions, causes of action, suits, debts, promises, demands, or agreements, of whatever nature or kind, known or unknown, whether based in law or equity under federal, state, or common law, including any claim for penalties, punitive damages, or exemplary damages, that the **Fleming County Water Association** ever had or now has or that anyone claiming through or under the **Fleming County Water Association** may have or claim to have which was raised or asserted or could have been raised or asserted by the **Fleming County Water Association** against the parties named

above, including, but not limited to any and all claims arising out of, by reason of, or in any way related to the acquisition of property by or on behalf of the parties named above pursuant to the terms of the Consent Decree entered in Civil Action No. 95-58, the subsequent alleged loss of customers and/or revenue by the **Fleming County Water Association**, and the cost of installation and/or abandonment of piping, connections, cut-offs, and all other associated labor, equipment, and materials necessary to supply water to the area within a two mile radius of the state-owned property at the Maxey Flats Superfund Site, it being expressly understood that acceptance of this sum is in full accord and satisfaction of a disputed claim and that the payment of said sum is not an admission of liability.

5-28-97

DATE



J.E. Smith, Jr., President
Fleming County Water
Association