

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the matter of:

FOREST CREEK, LLC)

COMPLAINANT)

vs.)

JESSAMINE- SOUTH ELKHORN WATER DISTRICT)

DEFENDANT)

Case No. 2011-00297

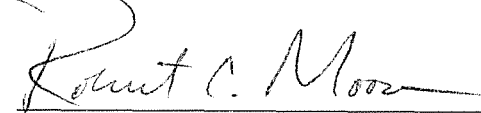
**PRE-FILED TESTIMONY OF JIHAD HALLANY FILED
ON BEHALF OF FOREST CREEK, LLC**

Comes Forest Creek, LLC (“Forest Creek”), by counsel, and hereby submits the Pre-Filed Testimony of Jihad Hallany Filed on Behalf of Forest Creek, LLC, which testimony is to be introduced at the hearing to be held in this matter.

Forest Creek hereby reserves the right to amend its Pre-filed Testimony to respond to the answers of Jessamine-South Elkhorn Water District (“Water District”) to the Information Requests and Supplemental Information Requests that were served by Forest Creek upon the Water District. Forest Creek has served a Motion requesting the Commission to compel the Water District to provide full and complete answers to the Information Requests served upon it, and may have additional information to include in its Pre-Filed Testimony after reviewing the Water District’s full and complete answers to its Information Requests.

The Pre-Filed Testimony of Jihad Hallany is attached hereto as Attachment A.

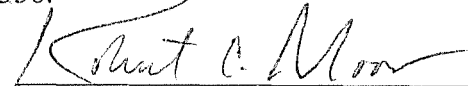
Respectfully submitted,



Robert C. Moore
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P. O. Box 676
Frankfort, KY 40602-0676
Counsel for Forest Creek, LLP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served by first class mail, postage prepaid, this the 31st day of May, 2012, to, Hon. Bruce E. Smith, **BRUCE E. SMITH LAW OFFICES, PLLC**, 201 South Main Street, Nicholasville, Kentucky 40356.



Robert C. Moore

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PRE-FILED TESTIMONY OF JIHAD HALLANY

1. What is your name and business address?

Answer: My name is Jihad Hallany and my business address is Vision Engineering, LLC, 3399
Tates Creek Road, Suite 130, Lexington, Kentucky 40502.

2. What is your relationship to Forest Creek, LLC?

Answer: I have been employed by Forest Creek, LLC (hereinafter referred to as "Forest Creek")
to perform the engineering work for its 458.60 acre development located off of Murphy's Lane
and Harrodsburg Road/US 68 in Jessamine County, Kentucky. Forest Creek's preliminary plat
was approved for 661 residential units and an eighteen (18) hole golf course (hereinafter referred
to as the "Development"). However, the final development plan has been approved for 531
residential units.

3. Please identify the water district that is to provide water service to the Development.

Answer: The Development is within the jurisdiction of the Jessamine - South Elkhorn Water
District (hereinafter referred to as "Water District").

4. Please identify the plans that you have prepared and submitted to the Water District or to its engineer, John Horne with John Horne Engineering, in connection with the Development.

Answer: I have submitted plans providing the route for the off-site water line connecting the Development to the Water District, and the sanitary sewer force main. The plans were submitted to the Water District on the following dates: during 2008, 4-06-2009, 5-13-2009, 7-15-2009, 8-25-2009, 11-07-2009, 11-23-2009, 4-12-2010 and 8-16-2010, as well as in 2011 and 2012.

Other plans submitted to the Water District include the on-site construction plans for the Development, the off-site construction plans for the water line and force main within the right-of-way, and the Preliminary Plat and the Final Development Plan for the Development.

5. Please state whether the plans to connect the Development to the Water District's line proposed to locate the water line in the right of way of state and/or county roads.

Answer: The plans prepared by Vision Engineering initially proposed to locate the off-site water line connecting the Development to the Water District's line in the right-of-way of US 68 and Ky 29, based on the Kentucky Transportation Cabinet's approval of this location. Initially the Water District would not approve the location of the water line in the right-of-way to a state road. By letter dated February 28, 2009, John Horne advised me that the Water District's policy requires "that all of its facilities be constructed off right-of-way in private easements". On March 27, 2012, the Water District issued its letter approving the location of the majority of the water line and the sanitary sewer force main within the right of way of US 68.

6. Please state whether the Water District advised you in your capacity as engineer for the Development that Option I set forth in the Request for Extension was a valid option for obtaining potable water from the Water District for the Development.

Answer: On April 27, 2007, Forest Creek completed the Request for Extension that was provided to it by the Water District in order to obtain potable water for its Development. The Water District advised Forest Creek that Option II was the appropriate option to select in order to obtain water service to the Development because it was Forest Creek's responsibility to design and build the water lines under that Option. The Water District did not explain Option I to Forest Creek and did not indicate that it was available for Forest Creek to use to obtain potable water for the Development.

7. Please state whether Forest Creek has requested to obtain water service from the Water District using Option I set forth in the Request for Extension.

Answer: Because of the large number of problems and delay encountered in attempting to obtain water service from the Water District using Option II, Forest Creek made the decision to obtain water service from the Water District using Option I. In May of 2010, Forest Creek informed the Water District of its desire to obtain water service using Option I, and the Water District has denied Forest Creek that option.

8. Please state whether the Water District has been an obstacle to completion of Forest Creek's Development and describe how it has been an obstacle.

Answer: The Water District has been an obstacle because: a) there was no clear direction and indication about the location of the water line and the force main; b) the Water District refused to review the on-site construction plans until the plans for the off-site route of the water line were approved; c) this is a very large development and the Water District refused to review the plans in phases. In fact, John Horne stated by letter dated December 19, 2008, that he "tossed" the plans submitted on behalf of Forest Creek because "it is the customary requirement for the plan

review of water and sewer that we have a 'complete set of construction plans.'; d) the ten state standard and the Kentucky Division of Water provide for the use of a standard of 400 gallons per day for water usage calculations and the Water District required Forest Creek to use a water usage calculation of approximately 600 gallons per day; and, e) the Water District required me to submit the plans for the route of the off-site water line on a single sheet approximately 36 inches wide by 32 feet long, but then after receiving that document, required submittal of the route plans on 24" by 36" sheets.

9. Why did Forest Creek request the Water District to allow the City of Wilmore's engineer (GRW), to review Forest Creek's plans for the location of the water line construction plans.

Answer: Forest Creek made this request because it was aware that GRW was familiar with the project because GRW was to review the portion of the route located within the boundaries of the City of Wilmore. Additionally, GRW had the necessary expertise to perform the work and would review the off-site water line route plans in a fair and unbiased manner. Furthermore, the Development is within the City of Wilmore. Therefore, GRW could also review the on-site and off-site construction plans as well.

JIHAD HALLANY

STATE OF KENTUCKY

COUNTY OF FAYETTE

Subscribed and sworn to before me by Jihad Hallany this 31st day of May, 2012.

My commission expires: _____

Notary Public, Kentucky at Large