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October 26, 2012

***HAND DELIVERED***

Hon. Jeff Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40601

Re: Jessamine South Elkhorn Water District  
Case No. 2012-00470

RECEIVED

OCT 26 2012

PUBLIC SERVICE  
COMMISSION

Dear Mr. Derouen:

We enclose for filing an original and ten (10) copies of the Motion of Forest Hills Residents' Association, Inc. and William Bates for Full Intervention in the above-captioned case. We would appreciate your placing this motion in the file and bringing it to the attention of the Commission. Thank you in advance for your assistance.

Sincerely,

Robert M. Watt, III

rmw:rmw  
Enclosure  
cc: Counsel of Record (w/encl.)

114681.140074/4087967.1

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

|  |   |                            |
|--|---|----------------------------|
| <b>APPLICATION OF JESSAMINE-SOUTH</b>  | ) |                            |
| <b>ELKHORN WATER DISTRICT FOR A</b>    | ) |                            |
| <b>CERTIFICATE OF PUBLIC</b>           | ) |                            |
| <b>CONVENIENCE AND NECESSITY TO</b>    | ) | <b>CASE NO. 2012-00470</b> |
| <b>CONSTRUCT AND FINANCE A</b>         | ) |                            |
| <b>WATERWORKS IMPROVEMENT</b>          | ) |                            |
| <b>PROJECT PURSUANT TO KRS 278.020</b> | ) |                            |
| <b>AND 278.300</b>                     | ) |                            |

**MOTION OF FOREST HILLS RESIDENTS’  
ASSOCIATION, INC. AND WILLIAM BATES  
FOR FULL INTERVENTION**

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Forest Hills Residents’ Association, Inc. (“Forest Hills”) and William Bates (“Mr. Bates”) respectfully move the Commission for the entry of an order granting them full intervention in the within styled case pursuant to 807 KAR 5:001, Section 3(8)(b). In support of the foregoing motion Forest Hills and Mr. Bates state as follows:

1. Forest Hills is a Kentucky corporation with its address at 704 Chinkapin Drive, Nicholasville, Kentucky 40356. Forest Hills is an association of homeowners in the Forest Hills subdivision in Jessamine County, Kentucky. There are 29 one acre lots and two five acre lots in Forest Hills subdivision.

2. Mr. Bates is the president of Forest Hills and owns a lot and home in Forest Hills subdivision. Mr. Bates’ home address is 704 Chinkapin Drive, Nicholasville, Kentucky 40356.

3. On April 15, 2011, Forest Hills and Mr. Bates filed a complaint against Jessamine-South Elkhorn Water District (the “Water District”) alleging, among other

things, that the Water District had acted and was acting in an unreasonable manner in connection with the site selection for an above-ground water storage tank. Case No. 2011-00138, *In the Matter of: Forest Hills Residents' Association, Inc. and William Bates v. Jessamine South Elkhorn Water District*. The complaint proceeding is still pending before the Commission.

4. According to the plat filed with Application in this proceeding, it appears that the above-ground water storage tank that is the subject of this proceeding is proposed to be located in the same location as the above-ground water storage tank that is the subject of the complaint proceeding, to-wit: on a tract of land that is adjacent to the lot that is designated 733 Chinkapin Drive within the Forest Hills Subdivision.

5. As such, the homeowners within Forest Hills Subdivision represented by Forest Hills and Mr. Bates would be directly and adversely affected by the construction of the proposed one million gallon above-ground water storage tank. Forest Hills and Mr. Bates therefore have a special interest in this proceeding under 807 KAR 5:001, Section 3(8)(b) that is not otherwise adequately represented.

6. In addition, full intervention by Forest Hills and Mr. Bates will permit them to present issues or to develop facts that assist the Commission in fully considering the application herein without unduly complicating or disrupting the proceedings. Specifically, Forest Hills and Mr. Bates will present the issues of whether the Water District conducted a thorough and proper review of all reasonable alternatives for the location of the above-ground water storage tank, whether the decision making process of the Water District in the selection of the proposed site was reasonable and whether the

proposed site is a reasonable site. Each of these issues is within the Commission's jurisdiction and relevant to the Commission's decision in this matter.

WHEREFORE, Forest Hills Residents' Association, Inc. and William Bates respectfully request the Commission to enter an order granting them full intervention in this proceeding.

Dated: October 26, 2012.

Respectfully submitted,

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By Robert Watt

*Counsel for Forest Hills Residents'  
Association, Inc. and William Bates*

**Certificate of Service**

This is to certify that the foregoing pleading has been served by mailing a copy of same, postage prepaid, to the following person on this 26<sup>th</sup> day October 2012:

W. Randall Jones, Esq.  
Rubin & Hays  
Kentucky Home Trust Building  
450 South Third Street  
Louisville, Kentucky 40202

Robert Watt

*Counsel for Forest Hills Residents'  
Association, Inc. and William Bates*

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