

Larry R. Anderson, PE

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December 28, 2015

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40602-0615

RECEIVED
JAN - 4 2016
PUBLIC SERVICE
COMMISSION

**Subject: Status Report # 4 on Transfer of Wastewater Facilities
Case No. 2014-00425**

Dear Mr. Derouen:

On February 13, 2015, the Kentucky Public Service Commission (PSC) entered an Order approving the transfer of the wastewater facilities, services and customers of the Estill County Water District No. 1 (Estill No. 1) to the City of Irvine through its Irvine Utility Commission (IMU). Paragraph No. 8 of this Order requires Estill No. 1 to provide a Status Report of its efforts to complete this transfer within 60 days. This Status Report # 4 is as follows (the Items shown as complete in Status Reports # 2 and 3 will not be repeated in Status Report # 4):


1. **Decommission Plant:** Paragraph 5 of the Agreement requires that Estill No. 1 decommission its plant. This plant has been decommissioned under a Closure Plan submitted to the DOW on October 27, 2014 and approved by the DOW. DOW has completed its inspection of the decommissioned plant and Estill No. 1 has received an Agreed Order of Dismissal from the Energy and Environment Cabinet which states "... The Cabinet's Complaint and ECWD's Petition for Hearing in this action have been rendered moot by the completion of the decommissioning of the facility in August 2015 ... ". Please file a copy of this Agreed Order of Dismissal in the general correspondence file of Estill No. 1.
2. **Relief from Fines and Penalties:** Paragraph 14.b. of the Agreement provided that the Agreement is contingent on the written assurances that Estill No. 1 would be relieved from responsibility for any fines, assessments or penalties for its prior activities. The Closure Plan has been completed including the fill material, reseeding and other various activities. DOW has completed its inspection of the decommissioned plant and Estill No. 1 has received an Agreed Order of Dismissal from the Energy and Environment Cabinet

which states “. . . The Cabinet will not access any fees, penalties, or other financial obligations against ECWD in regards to this action. . . “.

In summary, all items have now been completed and this will be the last Status Report that will be submitted. If any further information is needed from Estill No. 1, please contact them directly.

If you have any questions or need additional information, please let me know.

Sincerely,

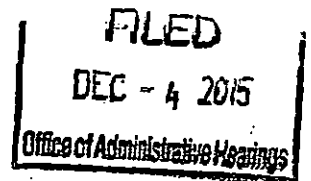


Larry R. Anderson
Attorney for Estill No. 1

cc. Ms. Audrea Miller, Office Manager, Estill County Water District #1, 76 Cedar Grove Road, Irvine, KY 40336/with attachment – Audie, please make a copy for the Board Members and Dwight.
Michael R. Eaves, Sword, Floyd & Moody, PLLC, 218 Main Street, P. O. Box 300, Richmond, Kentucky 40476-0300

attachment

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
OFFICE OF ADMINISTRATIVE HEARINGS
CASE NO. DOW-33772-046



ENERGY AND ENVIRONMENT CABINET

PETITIONER

VS.

ESTILL COUNTY WATER DISTRICT #1

RESPONDENT

AND

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
OFFICE OF ADMINISTRATIVE HEARINGS
CASE NO. DOW-45286-046

ESTILL COUNTY WATER DISTRICT #1

PETITIONER

VS.

ENERGY AND ENVIRONMENT CABINET

RESPONDENT

AGREED ORDER OF DISMISSAL

Comes the Energy and Environment Cabinet (hereinafter "Cabinet"), by counsel, and states the following facts:

Whereas, the Cabinet filed a Complaint on February 25, 2014 against Estill County Water District #1 (hereinafter "ECWD"), citing violations of KRS 224 and 401 KAR Chapter 5.


Whereas, ECWD filed a Petition for Hearing in this action pursuant to KRS 224.10-420(2) and 401 KAR 100:010 Section 13 on February 26, 2014, to contest the revocation of the Kentucky Discharge Elimination System (hereinafter "KPDES") permit; and

Whereas, ECWD is no longer operating the waste water treatment system and Irvine has completed the hookup of all residents formerly served by ECWD.

Now therefore, based on the foregoing facts, the parties agree:

1. The Cabinet's Complaint and ECWD's Petition for Hearing in this action have been rendered moot by the completion of the decommissioning of the facility in August 2015; and
2. The Cabinet's Complaint and ECWD's Petition for Hearing should be dismissed, with prejudice, with each party to pay its own costs and fees.
3. The Cabinet will not assess any fees, penalties, or other financial obligations against ECWD in regards to this action.

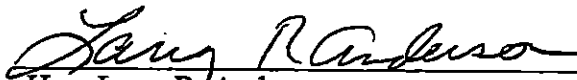
HAVE SEEN AND AGREED:



Hon. Kathleen M. Saunier
2 Hudson Hollow
Frankfort, KY 40601

Counsel for Cabinet

9.24.15
Date



Hon. Larry R. Anderson
4115 Woodmont Park Lane
Louisville, KY 40245

8/24/2015
Date

Counsel for Estill County Water District #1

HAVE SEEN:

 11/20/15


SUSAN ROSE GREEN, HEARING OFFICER

CASE NOS. DOW-33772-046, DOW-45286-046

ORDER

Wherefore, the foregoing Agreed Order of Dismissal is entered as the final Order of the Energy and Environment Cabinet this 4th day of ~~August~~ ^{Dec}, 2015.

ENERGY AND ENVIRONMENT CABINET



LEONARD K. PETERS, SECRETARY

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER OF DISMISSAL** was mailed, postage prepaid, to the following this 4th day of ~~August~~^{Dec}, 2015:

Hon. Larry Anderson
4115 Woodmont Park Lane
Louisville, KY 40245

Counsel for Petitioner

Estill Co. Water District No. 1
76 Cedar Grove Rd.
Irving Ky 40336

AND HAND-DELIVERED TO:

Kathleen M. Saunier
2 Hudson Hollow
Frankfort, Kentucky 40601

Office of General Counsel



DOCKET COORDINATOR

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file

FBT

SEH

BGD

SRG