

**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.


TARIFF BRANCH  
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COMMISSION  
OF KENTUCKY

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



ESTILL COUNTY WATER DISTRICT

NUMBER 1\_SEWER

P.S.C. Ky. No. 2

Cancels P.S.C. Ky. No. \_\_\_\_\_

ESTILL COUNTY WATER DISTRICT NO. 1 SEWER  
(Utility)

OF

IRVINE  
(City)

RATES, RULES AND REGULATIONS FOR FURNISHING

SEWER SERVICE

AT

WEST IRVINE AND SOUTH IRVINE AREAS  
(Location)

FILED WITH PUBLIC SERVICE COMMISSION OF  
KENTUCKY

ISSUED April 16, 19 93 EFFECTIVE April 16, 1993

PUBLIC SERVICE COMMISSION  
OF KENTUCKY ISSUED BY ESTILL COUNTY WATER DIST. 1  
EFFECTIVE (Name of Utility)

BY Archie Mc Intosh  
(Signature)  
Chairman

APR 16 1993

PURSUANT TO 307 KAR 5:011,  
SECTION 9 (1)

BY: Quentin L. Paul  
FOR THE PUBLIC SERVICE COMMISSION

P.S.C. NO. \_\_\_\_\_

SHEET NO. \_\_\_\_\_

ESTILL COUNTY WATER DISTRICT NO. 1  
Name of Issuing Corporation

CANCELLING P.S.C. NO. \_\_\_\_\_

SHEET NO. \_\_\_\_\_

CLASSIFICATION OF SERVICE

				RATE PER UNIT
<u>Minimum Bill</u> (2,000 gallons)	<u>User Charge</u> \$10.06	<u>Debt Service Charge</u> \$2.94	<u>Combined Rate</u> \$13.00	
Charge for every 1,000 gallons	5.03	1.47	6.50	
Surcharge Rates	BOD		\$.173 per pound	
	SS		.189 per pound	
	NH(3)-N		.699 per pound	
<p>Sewer Connection Fee: The fee will be imposed on customers who connect to the system after the date of substantial completion as determined by the consulting engineers. The sewer connection fee shall include the purchase, installation and inspection of the septic tank, service lines and any other appurtenances needed for satisfactory operation. Such connection fee shall be based upon actual cost and shall be paid by the property owner.</p>				
<p>PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE</p> <p>FEB 16 1993</p> <p>PURSUANT TO 807 KAR 5:011, SECTION 9 (1)</p> <p>BY: <u>[Signature]</u> PUBLIC SERVICE COMMISSION MANAGER</p>				

DATE OF ISSUE February 16, 1993

DATE EFFECTIVE February 16, 1993

ISSUED BY Archie McIntosh  
Name of Officer

TITLE Chairman [Signature]

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 91-216 dated February 16, 1993

FOR ESTILL COUNTY WATER DISTRICT NO.1 SEWER

P.S.C. KY. NO. 2

Original SHEET NO. 1

ESTILL COUNTY WATER DISTRICT NO. 1 SEWER  
(Utility)

CANCELLING P.S.C. KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

**RULES AND REGULATIONS**

This schedule of Rules and Regulations governs the furnishing of sewage service by Estill Co. Water Dist. 1 Sewer, hereinafter referred to as the Utility and applies to all service received from the Utility. All Rules and Regulations are to be in effect so long as they are not in conflict with the rules and regulations of the Public Service Commission. The Utility is further subject to all Rules and Regulations of the Public Service Commission.

SERVICE AREA

The utility furnishes sewer service to West Irvine and South Irvine Areas  
(Subdivision)  
located at Irvine in Estill County, Kentucky  
(City)

SUBSTANCES NOT TO BE DISCHARGED INTO SEWERS

No substances shall be placed into the sanitary sewer system which will create a combustible, gaseous, explosive or inflammable condition nor shall any substances or objects be placed or discharged into the system which will not dissolve and which will thus cause an obstruction and clogging within the system. No petroleum products shall be placed or discharged into the system. No storm water or surface water drain shall be connected with the sanitary sewer system nor shall any storm or surface water be otherwise introduced into the system.

SEWER LINES

A sewer service pipe shall not be laid in the same trench with a water pipe.

If a governmental agency requires an inspection of the customer's plumbing, the Utility shall not connect the customer's service pipe until it has received notice from the inspection agency certifying that the customer's plumbing is satisfactory. When necessary to move or relocate facilities, the cost will be paid by the party or parties requesting such relocation.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

APR 16 1995

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

DATE OF ISSUES April 16, 1995  
MONTH DATE YEAR

BY: James C. Wood  
DATE EFFECTIVE April 16, 1995  
FOR THE PUBLIC SERVICE COMMISSION MONTH DATE YEAR

ISSUED BY Archie Mc Intosh  
SIGNATURE OF OFFICER

Chairman 76 Old Richmond Rd., Irvine, KY 40336  
TITLE ADDRESS

FOR ESTILL COUNTY WATER DISTRICT NO. 1 SEWER

P.S.C. KY. NO. 2

Original SHEET NO. 2

ESTILL COUNTY WATER DISTRICT NO. 1 SEWER  
(Utility)

CANCELLING P.S.C. KY NO. \_\_\_\_\_

SHEET NO. \_\_\_\_\_

RULES AND REGULATIONS

SEWER FAILURE

The utility is responsible for the maintenance of that portion of the service line installed by the Utility and the customer is responsible for the maintenance of that portion installed by the customer.

PROTECTION BY CONSUMER

The Consumer shall protect the equipment of the Utility on his premises and shall not interfere with the Utility's property or permit interference except by duly authorized representatives of the Utility.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

NOTICE OF TROUBLE

The Consumer shall give immediate notice to the Utility of any irregularities or unsatisfactory service and of any known defects.

APR 16 1995

PURSUANT TO 207 KAR 50.11,  
SECTION 9 (1)

CONNECTION CHARGES

Normal connections to existing sewer lines shall be made at actual cost of installation for a prospective consumer who shall apply for and contract to use service for (1) one year or more and provides a guarantee for such service. Any connection shall include the purchase, installation and inspection of the septic tank, service lines and any other appurtenances needed for satisfactory operation.

BY: Jordan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION

Any prospective customer, and any subdivider, developer, contractor, or other entity which is not a prospective customer, requiring service for a defined undeveloped area that is determined feasible to serve, will be charged the full cost of installation. In such instances the prospective customer, subdivider, developer, contractor, or other entity which is not a prospective customer will be charged a contribution in aid of construction.

If any prospective customer is directly charged a contribution in aid of construction, the contribution charged shall be subject to Public Service Commission approval. If any subdivider, developer, contractor, or any other entity which is not a prospective customer is directly charged a contribution in aid of construction, the contribution charged shall be subject to negotiation between the utility and the subdivider, developer, contractor or other entity which is not a prospective customer, and such charge shall not be subject to Public Service Commission approval.

DATE OF ISSUES April 16, 1995  
MONTH DATE YEAR

DATE EFFECTIVE April 16, 1995  
MONTH DATE YEAR

ISSUED BY Jordan C. Neal  
SIGNATURE OF OFFICER

Chairman 76 Old Richmond Rd., Irvine, KY 40336  
TITLE ADDRESS

FOR ESTILL COUNTY WATER DISTRICT NO. 1 SEWER

P.S.C. KY. NO. 2

Original SHEET NO. 3

CANCELLING P.S.C. KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

ESTILL COUNTY WATER DISTRICT NO. 1 SEWER  
(Utility)

RULES AND REGULATIONS

Any customers ultimately connected under this arrangement shall be charged according to the utility's current approved rates filed with the Public Service Commission.

For purposes of this provision the term "prospective customer" shall mean any person, firm or corporation which expresses an intent to become an ultimate user or customer of the utility at the time of the contribution in aid of construction is charged. A subdivider, developer or contractor is not considered a "prospective customer" for purposes of this section.

DISCONTINUANCE OF SERVICE BY THE UTILITY

The Utility may refuse or terminate service for noncompliance with its tariffed rules or commission regulations after having made a reasonable effort to obtain customer compliance. Said customer will be given at least ten (10) days written notice prior to termination.

If a dangerous condition is found to exist service may be terminated without notice however, the utility will notify the customer in writing and if possible orally of the reasons for termination or refusal. The notice will be recorded along with the corrective action to be taken by the customer or the utility before service is restored or provided.

The utility may terminate service for nonpayment of tariffed charges after a five (5) day written notice of intent to terminate. Service will not be terminated before twenty (20) days after the mailing date of the original bill. If a medical certificate is presented service will not be terminated for thirty (30) days beyond the termination date.

When payments are delinquent the Utility may file a complaint with the Public Service Commission. The Utility may request that all court costs be included in any judgement or award awarded to the Utility.

DISCONTINUANCE AT CUSTOMER'S REQUEST

Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days notice. The notice may be given in person or via telephone. Notice to discontinue prior to expiration of contract term will not relieve the customer from any minimum or guaranteed payment.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

APR 16 1995

PURSUANT TO 297 KAR 50.11, SECTION 18.01  
By Robert C. Neal  
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUES April 16, 1995  
MONTH DATE YEAR

DATE EFFECTIVE April 16, 1995  
MONTH DATE YEAR

ISSUED BY Robert M. Suttell  
SIGNATURE OF OFFICER

Chairman, 76 Old Richmond Rd., Irvine, KY 40336  
TITLE ADDRESS



FOR ESTILL COUNTY WATER DISTRICT NO. 1 SEWER

P.S.C. KY. NO. 2

original SHEET NO. 4

CANCELLING P.S.C. KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

ESTILL COUNTY WATER DISTRICT NO. 1 SEWER  
(Utility)

RULES AND REGULATIONS

LINE RELOCATIONS

When necessary to move or relocate facilities, the cost will be paid by the party or parties requesting such relocation.

BILLING, COLLECTION, PENALTIES

Bills for sewage service furnished by the sewer system will be mailed no later than the last day of the month and will be due and payable within 10 days (or by the 10th day of the following month). A 10% late payment penalty charge will be applicable after the due date of any account.

DEPOSITS

The Utility may required from any customer or applicant for service a cash deposit or other guaranty to secure payment of bills not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant where bills are rendered monthly, or three-twelfths (3/12) of the estimated annual bill where bills are rendered bimonthly, or four-twelfths (4/12) of the estimated annual bill where bills are rendered quarterly. Interest at the rate of six percent (6%) per annum will be paid on deposits so required, accruing from the date of deposit. Refundable annually.

LEAK ADJUSTMENT

Customers with a water loss which does not enter the septic system will be charged an average sewer bill for said customer. The average for each customer will be determined by usage history for a six (6) month period. This average usage shall then be computed from the rate schedule. **PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE**

APR 16 1995

PURSUANT TO 807 KAR 5011,  
SECTION 9(1)

BY:  Gordon C. Nail   
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUES April 16, 1995  
MONTH DATE YEAR

DATE EFFECTIVE April 16, 1995  
MONTH DATE YEAR

ISSUED BY  Gordon C. Nail  Chairman, 76 Old Richmond Rd, Irvine, Ky, 40336  
SIGNATURE OF OFFICER TITLE ADDRESS

FOR Estill County, Kentucky  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original SHEET NO. 5

Estill County Water District Sewer

CANCELLING P.S.C. KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

CLASSIFICATION OF SERVICE

RATE  
PER UNIT

DEPOSITS

The company may require a minimum cash deposit or other guaranty to secure payment of bills.

Service may be refused or discontinued for failure to pay the requested deposit. Interest as preceived by KRS 278.460, will be paid annually either by refund or credit to the customer's bill, except that no refund or credit will be made if the customer's bill is delinquent on the anniversary date of the deposit.

The Deposit may be waived upon a customer's showing of satisfactory credit or payment history, and required deposits will be returned after one (1) year if the customer has established a satisfactory payment record for that period. If a deposit has been waived or returned and the customer fails to maintain a satisfactory payment record, a deposit may then be required. The Company may requiare a deposit in addition to the initial deposit if the customer's classification of service changes or if there is a substantial change in usage. Upon termination of service, the deposit, any principal amount, and any interest earned and owing will be credited to the final bill with any remainder refunded to the customer.

In determining whether a deposit will be required or waived, the following criteria will be considered:

1. Previous payment history with the company. If the customer has no previous history with the Company, statements from other utilities, banks, etc. may be presented by the customer as evidence of good credit.
2. Whether the customer has an established income or line of credit.
3. Length of time the customer has resided or been located in the area.
4. Whether the customer owns property in the area.
5. Whether the customer has filed bankruptcy proceedings within the last seven years.
6. Whether another customer with a good payment history is willing to sign as a guarantor for an amount equal to the required deposit.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
MARCH 5, 1999  
PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

If a deposit is held longer than 18 months, the deposit will be recalled at the customer's request based on the customer's actual usage. If the deposit on account

DATE OF ISSUE 01 / 31 / 99  
MONTH | DATE | YEAR

DATE EFFECTIVE 01 / 31 / 99  
MONTH | DATE | YEAR

ISSUED BY Rory L. Embler  
SIGNATURE OF OFFICER

TITLE Chairman

Issued by authority of an Order of the Public Service Commission of Kentucky in Ca No. \_\_\_\_\_ dated \_\_\_\_\_.

Form for filing Rate Schedules

FOR Estill County, Kentucky  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original SHEET NO. 6

Estill County Water District Sewer

CANCELLING P.S.C. KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

CLASSIFICATION OF SERVICE

RATE  
PER UNIT

DEPOSITS CONT.

differs from the recalculated amount by more than \$10.00 for a residential customer or 10 percent for a non-residential customer, the Company may collect any underpayment and shall refund any overpayment by check or credit to the customer's bill. No refund will be made if the customer's bill is delinquent at the time of the recalculation.

EQUAL DEPOSITS

ALL

(Insert above; Business/Commercial or residential or all) Customers will pay equal deposits in the amount of \$ 60.00. This amount does not exceed the average bill of residential customers served by the Company and is equal to 2/12 of the average annual bill. (3/12 where bills are rendered bimonthly, 4/12 where bills are rendered quarterly.) The Company will pay to such customer interest on such deposit a rate no greater than received and at no time to exceed 6 percent annually.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

MAR 05 1999

PURSUANT TO 807 KAR 5.011,  
SECTION 9(1)

BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

DATE OF ISSUE 01 | 31 | 99  
MONTH | DATE | YEAR

DATE EFFECTIVE 01 | 31 | 99 <sup>3-5-99</sup>  
MONTH | DATE | YEAR

ISSUED BY Roy L. Embert  
SIGNATURE OF OFFICER

TITLE Chairman

Issued by authority of an Order of the Public Service Commission of Kentucky in Ca No. \_\_\_\_\_ dated \_\_\_\_\_.