

P.S.C. Ky. No. 3

Cancels P.S.C. Ky. No. 2

Elk Lake Property Owners Association, Inc.

DBA

Elk Lake Water Company

OF

Owenton, Kentucky 40359

Rates, Rules and Regulations for Furnishing
Water

AT

Elk Lake Shores Subdivision

Owenton, Owen County, Kentucky

Filed with PUBLIC SERVICE COMMISSION OF
KENTUCKY

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7/19/2002

ISSUED..... July 15....., 19.94.....

EFFECTIVE..... June 17....., 19.94.....

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 1995

ISSUED BY..... Elk Lake Water Company
(Name of Utility)

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY *Carl J. Stich Sr*

BY: *Jordan C. Neal*
FOR THE PUBLIC SERVICE COMMISSION

Carl J. Stich, Sr.

Administrator

FOR ELK LAKE SHORES SUBDIVISION

P.S.C. Ky. No. 3

Original Sheet No. 1

ELK LAKE PROPERTY OWNERS ASSOC. INC.

Cancelling P.S.C. Ky. No. 2

Original Sheet No. 1

RULES AND REGULATIONS

In addition to the Rules and Regulations of the Public Service Commission of Ky., which rules and regulations so far as same are applicable to water service form a part of the contract for service between Elk Lake Water Company and its customers, the following rules and regulations shall also be applicable to water service furnished by the Elk Lake Water Company to its customers.

1. ORIGINAL APPLICATION FOR SERVICE

On written application of the customer and upon compliance with the rates, rules, and regulations of the Company, the Company will install a water connection from the Company's main line to the customer's property line.

2. APPLICATION FOR SERVICE AFTER CONNECTION

On application of the customer or any authorized agent or tenant of the customer, water will be furnished by the Company through connections already made or applied for by the customer, and on compliance by the applicant with the rates, rules, and regulations of the Company and after the approval of the application by the Company endorsed thereon.

The application shall state the name of the customer, the owner of the premises, the character and extent of the service desired, a description of the premises, the name of the street and house number or lot number, if any, and such other information as may reasonably be required by the Company to enable it to give the desired service.

The application shall be in writing and on a special form that shall be furnished by the Elk Lake Water Company.

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3. CHANGE IN OWNERSHIP, TENANCY OR SERVICE

A new application must be made and approved by the Company upon any change in ownership or in the tenancy or in service as described in the application, and the Company shall have the right to discontinue the water supply until such new application is made and approved.

PURSUANT TO 807 KAR 5011,
SECTION 9 (1)

BY C. Neel
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUE July 15 1994
Month Day Year

DATE EFFECTIVE June 17 1994
Month Day Year

ISSUED BY Carl J. Stuch Sr Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Owenton, Kentucky 40359
Address

FOR ELK LAKE SHORES SUBDIVISION

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ELK LAKE PROPERTY OWNERS ASSOC. INC.

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RULES AND REGULATIONS

4. DEPOSIT

The Elk Lake Water Company reserves the right to request that a nominal amount be placed on deposit with the Company for the purpose of establishing or maintaining any customer's credit, such amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer, upon the payment of such deposit, showing the name of the customer, the location of the initial premises occupied by the customer, and the date and amount of the deposit. The Company will pay to such customer interest on such deposit at the rate of return from the bank to the Company. The interest will be paid per annum, until such deposit is reimbursed to the customer.

5. INSPECTION

All pipes, meters and fixtures, at reasonable hours, shall be subject to inspection by the Company or its duly authorized agents.

6. METERS

All meters shall be furnished by the Company and shall remain its property and accessible to and subject to its control. The meter shall be conveniently located at a point approved by the Company.

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7. TERMS OF PAYMENT

All charges for metered service, or otherwise, shall be billed and mailed monthly and payment must be received no later than the 15th of each month. All bills not paid before the past due date shall be deemed delinquent.

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8. DISCONTINUANCE

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The Elk Lake Water Company may refuse or discontinue to serve an applicant or customer under the following conditions:

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)
BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUE July 15 1994
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ISSUED BY Carl J. Stich Sr. Administrator 445 Elk Lake Resort Rd.
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FOR ELK LAKE SHORES SUBDIVISION

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RULES AND REGULATIONS

(a) For noncompliance with its rules and regulations. However, Elk Lake Water Company shall not discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the Commission. After such effort on the part of Elk Lake Water Company, service may be discontinued or refused only after the customer shall have been given at least ten (10) days written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that Elk Lake Water Company notifies the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property, Elk Lake Water Company may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days written notice of such intention.

(d) Elk Lake Water Company shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) Elk Lake Water Company may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with the state, municipal or other codes, rules and regulations applying to such service. Customer shall be given at least ten (10) days written notice unless ordered to terminate immediately by a governmental official.

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PURSUANT TO 807 KAR 5011
SECTION 9(1)

DATE OF ISSUE July 15 1994
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DATE EFFECTIVE BY: Jordan C. Neal
Month Day Year

ISSUED BY Carol J. Steinhilber Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Owenton, Kentucky 40359
Address

FOR ELK LAKE SHORES SUBDIVISION

P.S.C. Ky. No. 3

Original Sheet No. 4

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RULES AND REGULATIONS

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(2) Elk Lake Water Company may discontinue service under the following conditions:

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(a) For nonpayment of bills. However, Elk Lake Water Company shall not discontinue service to any customer for nonpayment of bills (including delinquent charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least five (5) days written notice, but the cut-off shall not be effected before twenty (20) days after the mailing date of the last monthly bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made or as the residential services where a written certificate is filed, signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certificate, discontinuance of the service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of Elk Lake Water Company's notification.

PURSUANT TO 807 KAR 5:011,
SECTION 9(1)
BY Carl J. Stinch
FOR THE PUBLIC SERVICE COMMISSION

(b) For fraudulent or illegal use of service. When Elk Lake Water Company has discovered evidence that by fraudulent or illegal means a customer has obtained service or has diverted the service for unauthorized use or has illegally obtained service without same being properly measured, the service to the customer may be discontinued without notice. Elk Lake Water Company shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the Commission and have been reimbursed for the estimated amount of the service rendered and the cost the utility incurred by reason of the fraudulent use. Within twenty-four (24) hours after such termination, Elk Lake shall send written notification to the customer of the reasons for termination or refusal of service upon which Elk Lake relies, and of the customer's right to challenge the termination by filing a formal complaint with the Public Service Commission.

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(3) It shall be the duty of Elk Lake Water Company before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that the prior fraudulent use of the facilities, if any, will not be

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Month Day Year

ISSUED BY Carl J. Stinch Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Owenton, Kentucky 40359
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FOR ELK LAKE SHORES SUBDIVISION

P.S.C. Ky. No. 3

Original Sheet No. 5

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RULES AND REGULATIONS

attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. Elk Lake Water Company shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of Elk Lake Water Company and the Commission have been complied with, Elk Lake Water Company shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by Elk Lake Water Company by mailing by United States mail, postage prepaid, to the last known address of the customer or applicant.

(6) If, after all efforts to collect a delinquent account have failed and all notices have been mailed, it becomes necessary to make a service run, service will be disconnected.

(7) If the customer desires to make payment to the service representative to avoid the discontinuance (turn-off) of service, payment must be made in full of all indebtedness to the company, including the cost of the service run as set out in the rules and regulations.

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(8) If, at the customer's request, it becomes necessary to make a service run to check the customer's lines for a maintenance problem, and the problem is not the utility's fault, a charge for said service run will be assessed.

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OF KENTUCKY
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PURSUANT TO 807 KAR 5.011.
SECTION 9 (1)

DATE OF ISSUE July 15 1994
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DATE EFFECTIVE BY: Jordan C. Neal
Month Day Year

ISSUED BY Carol J. Steinhilber Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Owenton, Kentucky 40359
Address

FOR ELK LAKE SHORES SUBDIVISION

P.S.C. Ky. No. 3

Original Sheet No. 6

ELK LAKE PROPERTY OWNERS ASSOC. INC.

Cancelling P.S.C. Ky. No. 2

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RULES AND REGULATIONS

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(8) RENEWAL OF SERVICE

PURSUANT TO 807 KAR 5:011,
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When service has been disconnected it will be renewed under a special application when conditions under which the services were suspended are corrected and on the payment of all charges provided in the schedule of rates or tariff of the Company.

By: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

Where water has been turned off for non-payment of a bill or any other valid reason, it shall not be turned on again until the consumer shall have paid the Reconnection Charge (turn-on) as fixed in the schedule of rates.

(9) BAD CHECKS

If a check rendered by a customer in payment of services is returned from the bank for "Insufficient Funds," or any other reason which would prevent the Company from receiving payment, a Returned Check fee will be charged as set out in the Rules and Regulations.

(10) METER TEST

When, at the customer's request, the meter is removed for testing under the P.S.C. Regulation 807KAR5:006, Section 20, and the test indicates meter accuracy within the limits of 2%, a Service Run fee will be charged as set out in the Rules and Regulations

(11) ADDITIONAL REGULATIONS AND RESTRICTIONS

Elk Lake Water Company has filed certain restrictions of record in the office of the Clerk of the County Court of Owen County, Kentucky, with reference to the various property owners in the Elk Lake Shores area. Said restrictions make reference to the water service and contain rules and regulations therein; also, the individual property owners of the Elk Lake Shores area have certain restrictions in reference to water, in their respective Deeds. Said additional regulations and restrictions, and any amendments thereto, are additional covenants to those set forth herein and are in addition to the Rules and Regulations of the Public Service Commission, in so far as they are not inconsistent therewith. The said regulations and restrictions are attached hereto and made a part of this tariff.

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DATE OF ISSUE July 15 1994
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ISSUED BY Curt J. Steinh Sr. Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Address
Owenton, Kentucky 40359

Form for filing Rate Schedules

For Elk Lake Shores Subdivision
Community, Town or City

P.S.C. NO. 3

Original SHEET NO. 7

CANCELLING P.S.C. NO. 2

Original SHEET NO. 7

Elk Lake Property Owners Association, Inc.
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

| | RATE PER UNIT |
|---|------------------------|
| <u>METERED MONTHLY RATES</u> | |
| <u>Gallonage Blocks</u> | <u>Monthly Rates</u> |
| 5/8 inch x 3/4 inch metered | |
| First 2,000 gallons | 20.95 minimum Bill |
| Next 2,000 gallons | 2.35 per 1,000 gallons |
| Over 4,000 gallons | 1.70 per 1,000 gallons |
| <p>All meters shall be read to the nearest one hundred (100) gallons each month.</p> <p>The monthly bill for a customer served by a 5/8" x 3/4" meter shall be \$20.95 for metered usages of zero (0) to two thousand (2,000) gallons. The additional charge for usage in excess of two thousand gallons shall be computed to the nearest one hundred (100) gallons of usage on the basis of the above unit costs per one thousand (1,000) gallons.</p> | |
| <u>SIZE OF SERVICE LINE</u> | |
| <p>The service line of all service shall be 3/4" with 5/8" x 3/4" meter.</p> | |
| <p>PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE</p> <p>FEB 01 1995</p> <p>PURSUANT TO 807 KAR 5.011, SECTION 9 (1)</p> <p>BY: <u>Jordan C. Neal</u> FOR THE PUBLIC SERVICE COMMISSION</p> | |

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DATE OF ISSUE July 15, 1994

DATE EFFECTIVE June 17, 1994

ISSUED BY *Carl J. Steinhilber Sr.*
Name of Officer

TITLE Administrator

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. _____ dated _____.

FOR ELK LAKE SHORES SUBDIVISION

P.S.C. Ky. No. 3

Original Sheet No. 8

ELK LAKE PROPERTY OWNERS ASSOC. INC.

Cancelling P.S.C. Ky. No. 2

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PENALTY CLAUSE

The rates, as listed, are net and all bills will be rendered in the net amount. A penalty of 10% shall be added to the bill if payment is not received by the 15th of the month. A penalty will be assessed only once on any bill for rendered service.

RETURNED CHECK FEE

Customer will be charged \$10.00 on any returned checks.

RECONNECTION CHARGE

A Reconnection Charge of \$40.00 shall be made by the Company to cover the cost incurred for reconnecting the meter or service when the customer's service has been disconnected at his request, or for any other reason, as set forth in these Regulations.

METER REMOVAL CHARGE

A Meter Removal Charge of \$56.00 shall be made when the customer's service has been disconnected at his request, or for any other reason, as set forth in these Regulations.

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SERVICE RUN

The cost of a Service Run shall be \$40.00.

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PURSUANT TO 807 KAR 5.011,
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BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

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ISSUED BY Carl J. Steh Sr. Administrator 445 Elk Lake Resort Rd.
Name of Officer Title Owenton, Kentucky 40359
Address

Form for filing Rate Schedules

For Elk Lake Shores Subdivision
Community, Town or City

P.S.C. NO. 3

Original SHEET NO. 9

CANCELLING P.S.C. NO. 2

Original SHEET NO. 9

Elk Lake Property Owners Assn. Inc.
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

| | RATE PER UNIT |
|---|-----------------------------|
| <u>CHARGES FOR METER INSTALLATIONS</u> | |
| <p>The following prices as listed, includes the meter, meter vault, meter yoke where required, any necessary valve required, and the service line of the required size running to the customer's property line.</p> | |
| 5/8" x 3/4" Meter Installation | \$360.00 |
| Larger Meters | Actual cost of installation |
| <p>Each customer must fill-out and sign the Meter application furnished by Elk Lake Water Company and pay the connection fee in advance. There are no exceptions to this requirement.</p> | |
| <u>NEW ACCOUNT SET UP</u> | |
| <p>A Service Fee of \$40.00 shall be charged to setup a new account when there is a change in ownership or tenancy. This will cover the cost of meter reading and record setup.</p> | |

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BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUE July 15, 1994

DATE EFFECTIVE June 17, 1994

ISSUED BY Carl J. Steinh Sr.
Name of Officer

TITLE Administrator

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. _____ dated _____.

WARRANTY DEED

For and in consideration of the sum of \$10.00 and other good and valuable considerations, cash in hand, paid the receipt of all which is hereby acknowledged, ELK LAKE DEVELOPMENT CORPORATION, a Kentucky Corporation, acting by and through its duly authorized and empowered officers, does hereby grant, bargain, sell, convey and warrant unto _____ of _____ the following land located approximately 6 miles SE of the City of Owenton, in Owen County, Kentucky, described as follows: Lot No. _____ as shown on map _____ of Elk Lake Shores, a subdivision, according to the plat thereof on file in the office of the Clerk of County Court of Owen County, Kentucky, reference to which plat is made in aid of this description.

There is excepted from the covenants of warranty herein contained, all rights of way for road purposes, together with restrictions therein contained; Telephone, Telegraph and Electric Line right of way easements, together with minerals, heretofore conveyed to R. C. Ford Jr. by deed recorded in Deed Book 102, page 601, Owen County Court Clerk's office, subject to exceptions; and undivided 1/2 interest in and to all oil, gas and minerals heretofore conveyed to D. A. Hudson by deed of record in Deed Book 102, page 599, Owen County Court Clerk's office.

Together with the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation areas, and other public areas, as shown on the said plat, and the right in common with the other owners of lots in said subdivision to use the lake and beaches for swimming, fishing and boating, in accordance with the rules and regulations of Elk Lake Development Corporation or its assigns.

This conveyance is made subject to the following restrictions, which:

1. Said lots shall be used exclusively for residential purposes except those lots designated as business or commercial areas on the maps or said plats aforesaid.

2. Not more than one single family dwelling house may be erected or constructed on any one lot, nor more than one other building for garage or storage purposes, and provide further that no building shall be erected prior to the erection of a dwelling house. No accessory or temporary building shall be used or occupied as living quarters. No structure shall have tar paper, roll brick siding or similar material on the outside walls. No house trailers, tents, shacks, or other similar structures shall be erected, moved to, or placed upon said premises. All buildings must be completed within six months from the date construction commences.

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BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

3. No residence shall have less than 600 square feet of living space on the ground or first floor, exclusive of porch area. All building plans are subject to the approval of the Elk Lake Development Corporation, or its assigns. No porch or projections of any building shall extend nearer than twenty (20) feet from any road right of way nor nearer than ten (10) feet from the property line of any abutting property owner, nor within fifty (50) feet from the normal high water line of Elk Lake.

4. No outside toilets shall be allowed. No waste shall be permitted to enter Elk Lake and all sanitary arrangements must be inspected and approved by local and/or state health officers before any septic tank or other waste disposal system shall be constructed. No drain field or other disposal system shall be allowed nearer than sixty (60) feet from normal high water mark of Elk Lake.

5. No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done thereon which shall be or become an annoyance or nuisance to the neighborhood. No animals or fowl shall be kept or maintained on said lots except customary household pets. No signs of any kind shall be displayed on any lot without the written permission of Elk Lake Development Corporation, its successors or assigns. Use of lake shall be in compliance with the rules and regulations of Elk Lake Property Owners Association, Inc.

6. No boat docks, floats, or other structures extending into the lake shall be constructed or placed into or on said lake without prior written approval of Elk Lake Development Corporation, its successors or assigns. Use of lake shall be in compliance with the rules and regulations of Elk Lake Property Owners Association, Inc.

7. Elk Lake Development Corporation for itself, its successors, assigns and licensees reserves a ten (10) foot wide easement along all roads rights-of-way and a five (5) foot wide easement along the side and rear lines of each and every lot for the purpose of installing, operating, and maintaining utility lines and mains thereon, together with the right to trim and/or cut or remove any trees and/or brush and the right to locate guy wires, braces and anchors wherever necessary for said installation, operation or maintenance (a map or maps showing location of utility poles, guy wires, braces, and other appurtenances has or will be filed for record and shall constitute an easement as shown on said map or maps) together with the right to install, operate and maintain gas and water mains and appurtenances thereto; sewer lines, culverts and drainage ditches, reserving also the rights of ingress and egress to such areas for any of the purposes mentioned above. Except where an owner of two or more adjoining lots constructs a building which will cross over or through a common lot line, said common lot line shall not be subject to the aforementioned five (5) foot wide easement except as shown on above mentioned utility maps. Also except that no easement

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PURSUANT TO 807 KAR 5.011,
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BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

ment shall exist on that portion of any waterfront lot running along or abutting the shoreline of Elk Lake. Elk Lake Development Corporation for itself, its successors, assigns and licensees also reserves the right to cause or permit drainage of surface waters over and/or through said lots. The owner of said lots shall have no cause of action against Elk Lake Development Corp., its successors, assigns or licensees either at law or in equity excepting in cases of willful negligence, by reason of any damages caused said lots in installing, operating or maintaining above installations.

8. These restrictions shall be considered as covenants running with the land and shall bind the purchasers, their heirs, executors, administrators and assigns, and if said owners, their heirs, executors, successors or assigns shall violate or attempt to violate any of the covenants or restrictions herein contained, it shall be lawful for any person or persons owning any such lots in the subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing, or to recover damages for such violation. All of the restrictions, conditions, covenants or agreements contained herein shall continue until January 1, 1970. The same may be thereafter, and from time to time, changed, altered, amended or revoked in whole or in part by the owners of the lots in the subdivision whenever, by written vote, at least 2/3 of the purchasers who have paid dues for the year immediately prior to the year for which the change, alteration, amendment or revocation of the restrictions, covenants or agreements contained herein are sought, so concur. Provided however that no changes shall be made which might violate the purpose set forth in Restriction #1. Any invalidation of any one of these covenants and restrictions shall in no way affect any other of the provisions thereof which shall thereafter remain in full force and effect.

9. Each purchaser in Elk Lake Shores shall be subject to annual dues of \$350.00, which purchaser agrees to pay to the Elk Lake Property Owners Association, its successors and assigns, annually on the first day of March, commencing the second year following the date of this agreement, for the maintenance and upkeep of the various areas reserved for the use of the property owners, irrespective of whether the privileges of using said areas are exercised or not. Purchaser further agrees that the use of any of the common areas of Elk Lake Shores, its facilities, lake or any of the various areas reserved for the use of the property owners shall be subject to and entirely contingent upon purchaser's membership in good standing in Elk Lake Property Owners Association and compliance with all regulations, resolutions, and by-laws from time to time promulgated by Elk Lake Property Owners. Purchaser further agrees that the DUES as herein set forth shall be and constitute a debt which may be collected by suit in any Court of competent jurisdiction, or otherwise. Purchaser agrees that jurisdiction and venue over any dispute between
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FOR THE PUBLIC SERVICE COMMISSION

Property Owners Association and purchaser, including but not limited to collection of dues, shall be vested exclusively in Kentucky courts of justice sitting in Owen County, Kentucky; AND that upon the conveyance of any part of the lands described herein, the grantee thereof, and each and every successive owner and/or owners shall from the time of acquiring title and by acceptance of such title by deed or otherwise, be held to have covenanted and agreed as aforesaid to pay Elk Lake Property Owners Association, its successors and assigns, all charges AND/OR DUES, past and/or future, as provided for in, and in strict accordance with, the terms and provisions hereof.

Each purchaser in Elk Lake Shores subdivision may be subject to assessment of additional charges for maintenance, upkeep or improvement of the various areas reserved for the use of the property owners only under the following conditions:

- (a) The purpose of any proposed assessment must be for a specified item of maintenance, upkeep or improvement of the various common areas reserved for the use of property owners only, and no other purpose.
- (b) Elk Lake Property Owners Association must be unable to pay for that specified item out of its general operating budget during that fiscal year in which the item is proposed to be undertaken.
- (c) The expenditure must be proposed at a regular meeting of the Board of Directors. Before any further action on that proposal can be taken, at least 2/3 of the number of members of the Board of Directors, then serving, must concur in the expense.
- (d) Upon approval of the expenditure by 2/3 of the number of members of the Board of Directors, then serving, the proposal must then be set out in writing and sent by mail to all members of Elk Lake Property Owners Association who are entitled to vote at the next membership meeting not more than 45 days and not less than 21 days prior to the Annual Meeting of members.
- (e) The written vote of 2/3 of the members entitled to vote in favor of the expenditure shall be required for approval of the assessment.
- (f) If approved as aforesaid, the expenditure may be funded by a special assessment levied upon each property owner in Elk Lake Shores, equally.

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BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

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- (g) The amount of any such levy shall become a charge upon the property owner and shall also be paid as part of an initiation fee by any new member who has not, at the time of assessment, been accepted for membership in Elk Lake Property Owners Association. All such assessments shall continue to accumulate into an initiation fee until canceled by the same procedure as was used to validate the assessment as set out above.

Annual dues may be increased only upon the written vote of a majority of those members who have paid dues for the year immediately prior to the year in which a dues change is sought. Dues increases shall be binding upon all owners upon written validation of the vote by the President and Secretary of Elk Lake Property Owners Association.

Whenever notice of any action is required by this deed, the by-laws, or by any court of competent jurisdiction to be sent to a purchaser, notice sent by first class mail, postage prepaid, to the last known address as it appears in the records of Elk Lake Property Owners Association shall be deemed sufficient for any purpose. Whenever notice to Elk Lake Property Owners Association is required, notice sent by first class mail, postage prepaid, RR #4, Owenton, Kentucky 40359, shall be deemed sufficient.

It is understood and agreed that all of the above mentioned dues, assessments and obligations, if unpaid, constitute a lien on or against said lot, tract or parcel of land, which lien shall be equal to and shall participate jointly with other first liens placed on said land and inferior only to those imposed for governmental purposes.

C
7/19/2002

The Purchaser agrees to conditions for water service in accordance with the Water Service Agreement now or heretofore executed, which Water Service Agreement is in words and figures as follows:

The Purchaser agrees that as a consideration of sale, and as a condition precedent to the installation of water mains adjacent to the lot herein described on the map of Elk Lake Shores, which said mains are to be located by the Seller, or its assigns, that the undersigned Purchaser jointly and severally promise to pay to the Seller, or order, the payments herein set forth:

- (a) \$3.00 per month, payable monthly on the first day of the month beginning with which ever month immediately follows availability of water service to said Purchaser, whether or not actual connection is made by Purchaser to mains.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 1995

- continued -

PURSUANT TO 807 KAR 8.011,
SECTION 8 (1)
BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

(b) The Seller or its assigns, upon receiving a written request from purchaser and \$360.00, will install a water connection from the main to Purchaser's lot line. Upon installation of water connection, in place of payment as described in paragraph (a) above, the monthly minimum fee will be \$20.95, payable monthly so long as water is available for use. The \$360.00 connection fee is subject to change on or after January 1, 1963, if request and payment has not theretofore been made for said service.

It is understood and agreed that the above mentioned consideration, if unpaid, shall constitute a lien on or against said lot, tract or parcel of land, which lien shall be equal to and shall participate jointly with other first liens for construction purposes hereafter placed on said land, but inferior to those imposed for governmental purposes. Exceptions and further explanations pertaining to conditions for water service have been recorded in the Office of the Clerk of Owen County, Kentucky and are hereby incorporated in and expressly made part of this agreement.

Purchaser agrees to pay taxes on the property herein conveyed for current and subsequent years.

TO HAVE and TO HOLD the same with all the appurtenances thereunto belonging unto the PURCHASER, his, her or their heirs and assigns forever.

IN TESTIMONY WHEREOF, Elk Lake Development Corporation, has caused this conveyance to be signed and delivered on its behalf, by its duly authorized officers on this _____ day of _____ 19 _____.

C
7/19/2002

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 1995

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

ELK LAKE WATER COMPANY

FOR _____
 P.S.C. Ky. No. _____
 _____ Sheet No. _____
 Cancelling P.S.C. Ky. No. _____
 _____ Sheet No. _____

FORWARD & ADDRESS CORRECTION

FIRST CLASS MAIL
 U.S. POSTAGE PAID

 PERMIT NO.:

ACCOUNT NO. _____
 ITEM AMOUNT CODE READING DATE PREVIOUS READING CURRENT READING USAGE UC MR AMOUNT

NET BILL DUE NOW

GROSS AMOUNT DUE AFTER DUE DATE

NET BILL DUE NOW

THIS BILL DUE AFTER
 ENTER READING
 RETURN STUB WITH PAYMENT

C
7/19/2002

445 ELK LAKE RESORT ROAD
 OWENTON, KY. 40359

PHONE: OFFICE (502) 484-0014
 PLANT (502) 484-0911

RATES AVAILABLE UPON REQUEST

TO AVOID 10% PENALTY, PAYMENT MUST BE RECEIVED IN OUR OFFICE BY DUE DATE.

ENCLOSE THIS STUB WHEN PAYING BY MAIL FOR PROPER CREDIT

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

FEB 26 1994

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

BY: *Shirley Sallee*
 PUBLIC SERVICE COMMISSION MANAGER

- | | | |
|--------|----------------------------|-------------------|
| CODES: | WT = WATER | UC (USAGE CODES): |
| | SWR = SEWER | E = ESTIMATED |
| | GS = GAS | M = METER CHANGE |
| | FP = FIRE PROTECTION | |
| | TP = TRASH PICK-UP | |
| | BC = BAD CHECK CHARGE | |
| | SC = SERVICE CHARGE | |
| | CF = CONNECTION FEE | |
| | CR = CREDIT BALANCE | |
| | AR = PAST DUE BALANCE | |
| | TX = TAXES | |
| | EA = ESTIMATION ADJUSTMENT | |
| | EF = ESTIMATION FEES | |
| | RA = RATE ADJUSTMENT | |
| | LO = LOT ONLY | |
| | AL = ADD'L LOTS | |

ELK LAKE WATER CO.
 445 ELK LAKE RESORT ROAD
 OWENTON, KY. 40359

PHONE: OFFICE (502) 484-0014
 PLANT (502) 484-0911

RATES AVAILABLE UPON REQUEST

TO AVOID 10% PENALTY, PAYMENT MUST BE RECEIVED IN OUR OFFICE BY DUE DATE.

NOT RESPONSIBLE FOR MAIL DELIVERY

DATE OF ISSUE

ISSUED BY

APPROVED BY STATE BOARD OF ACCOUNTS

©1989 COMPUTER RESOURCES CORPORATION LOUISVILLE KY 40205

Name of Officer Title Address

AGREEMENT

ELK LAKE WATER COMPANY

In accordance with the policies of the above named Water System and in order to either prevent the disconnection of or restore the water service in my name, I hereby agree to pay the sum of \$ _____ today and \$ _____ per _____ on the unpaid balance plus keep current my regular water payments on the account listed below, until the account is paid up-to-date.

I understand that if at any time I do not live up to this agreement and make the payments exactly as stated, that my service will be discontinued at the account listed below plus any other accounts listed in my name. I also understand that none of these services will be restored until all accounts are paid up-to-date and any necessary Service Charges are paid.

C
7/19/2002

ACCOUNT NUMBER _____

CUSTOMER'S NAME _____

ADDRESS OF SERVICE DELINQUENT _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE _____

DATE OF SIGNATURE _____

JAN 8 1993

SIGNATURE _____

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

EMPLOYEE _____

BY: Glenn Hallett
PUBLIC SERVICE COMMISSION MANAGER

**ELK LAKE WATER COMPANY
445 ELK LAKE RESORT ROAD
OWENTON, KENTUCKY 40359
502-484-2482**

Welcome to the Elk Lake Water Company. We're glad to have you as a customer. Below you will find some information we hope will be helpful to you as a new customer of our water system.

RATES: \$19.70 for the first 2,000 gallons
4.40 for the next 2,000 gallons
1.60 for each 1,000 gallons thereafter

OFFICE HOURS: The office is open Mon., Tues., Thurs., Fri., from 8:00 a.m. to 4:00 p.m. and on Wednesday and Saturday from 8:00 a.m. to 12 noon.

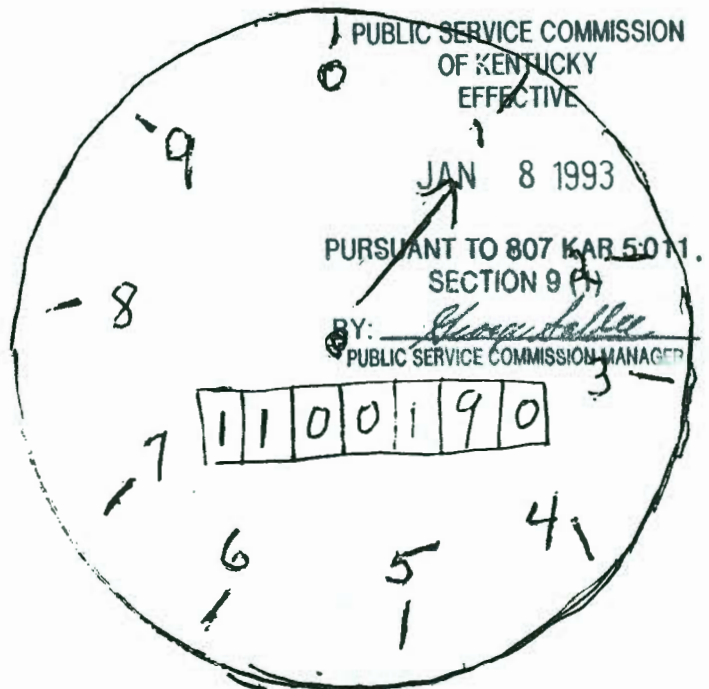
REQUIREMENTS FOR SERVICE LINE FROM THE METER TO YOUR RESIDENCE OR BUSINESS

- #1. Service line shall be at least 24 inches depth. First 6 inches of backfill shall be minus of rock.
- #2. 3/4" service line shall be at least 200 PSI.
- #3. Cut off valve shall be installed for your use in case of a leak in your line. This cut off shall be located behind the meter on the customer's side.
- #4. A check valve or an approved back flow prevention device shall be installed to prevent back flow. This will prevent water heater element from burning out in case of a leak or shut off on the Company's line.
- #5. Copper or brass fittings shall be used when connecting to the meter or valve.

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7/19/2002

Your water meter will be read around the twenty-fifth of every month by an employee of our company. Should you, for your own information, ever wish to read your meter, the diagram below shows you how.

**This meter reads;
One million, one hundred
sixty thousand, one hundred
ninety gallons. 1,100,190**



WATER USER CONTRACT

This Water User Contract, made and entered into by and between _____
known to and referred to as **CUSTOMERS**, and **ELK LAKE WATER COMPANY**, of 445 Elk Lake Resort Road, Owenton, Kentucky, 40359, hereinafter known and referred to as **Water Company**.

WITNESSETH:

The undersigned Customer does hereby agree to purchase water from the Water Company and to pay all initial installation and connection fees, together with all standard monthly water charges which may be fixed by The Board Of Directors of the Elk Lake Water Company and/or Utility Regulatory Commission for the Commonwealth of Kentucky. The Customer agrees to pay each consecutive monthly payment, at all appropriate rates, for water service, when due, and to further comply with, and be bound by the provisions of the policy and/or amendments of the Water Company together with such rules and regulations as may, from time to time, be adopted by the Water Company.

The Customer Agrees to permit the Water Company to lay, maintain, repair, remove, and disconnect a service line and meter, and read such meter at a point on Customer's property to be designated by the Water Company for each meter, with the right of ingress and egress in these purposes over Customer's property, and further to grant a Water Line Easement to the Water Company for the construction and operation of said water line.

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7/19/2002

The Customer will install and maintain a service in at his own expense, which service line will begin at the water meter and extend to the dwelling or other portions of Customer's property. The Customer assumes responsibility for any damage to metering equipment in making such connection to the meter or water main.

The Customer agrees that the water meter may be located at any point along the Customer's property, at the closest point to the existing water line, or at some other point which is deemed to be most cost effective to the Water Company.

The Water Company agrees to provide to the Customer, potable water at reasonable pressure and volume, provided, however, the Customer acknowledges that there is no obligation to provide such water service, unless a water main has been constructed and installed, adjacent to, or in proximity with, the property of the Customer and future no such service shall be required to be provided until the Contract is executed by the duly authorized officer of the Water Company.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
BY: _____

JAN 8 1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Sharon Keller
PUBLIC SERVICE COMMISSION

The Water Company acknowledge receipt of \$350.00 to be applied to the initial installation fee, which total fee will be established by the Board of Directors of the Water Company.

SOCIAL SECURITY #

TELEPHONE #

CUSTOMER

This proposal is accepted and this Contract is made on this the _____
day of _____, 19_____.

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1/19/2002

ELK LAKE WATER COMPANY

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 8 1993

PURSUANT TO 807 KAR 5:011.
SECTION 9 (1)

BY: *George Helle*
PUBLIC SERVICE COMMISSION MANAGER

454-2686

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

P
FEB 9 1988

CHECKED
Utility Regulatory Commission
MAR 7 1988
by *Barbara J. ...*
RATES AND TARIFFS

PURSUANT TO 807 KAR 5-011
SECTION 9 RESTRICTIVE COVENANTS GOVERNING WATER SERVICE FOR LOTS IN
ELK LAKE SHORES
BY: *Don L. ...*
PUBLIC SERVICE COMMISSION MANAGER

WHEREAS, Elk Lake Development Corporation, a Kentucky Corporation (hereinafter sometimes referred to as "SELLER"), its successors and assigns, is the owner of residential lots in Elk Lake Shores, a subdivision located about six (6) miles Southeast of Owenton, in Owen County, Kentucky, plats of which subdivision have been or will be recorded in the office of the Clerk of the County Court of Owen County, Kentucky, which lots are presently being offered for sale to members of the public (hereinafter sometimes referred to as "PURCHASER(S)"), and

WHEREAS, the Contracts of Sale and Water Service Agreements relative to said lots being entered into between the SELLER and the PURCHASERS, and the deeds for said lots being executed by the SELLER and the PURCHASERS refer to restrictions recorded or to be recorded in the office of the Clerk of the County Court of Owen County, Kentucky,

NOW THEREFORE, SELLER does hereby impose the following restrictions with respect to the furnishing of water for lots in said subdivision.

A. \$24.00 per year, payable quarterly on the first day of April, July, October, and January beginning with whichever month immediately follows availability of water service to said PURCHASER, whether or not actual connection is made by PURCHASER to mains.

B. The SELLER, or its assigns, upon receiving a written request from PURCHASER and \$150.00 will install a water connection from the main to PURCHASER'S lot line. Upon installation of water connection, in place of payment as described in paragraph (A) above, the minimum monthly fee will be \$3.50 payable quarterly so long as water is available for use. The \$150.00 connection fee is subject to change, on or after January 1, 1963, if request and payment has not theretofore been made for said service.

C. Upon installation of the water connection PURCHASER shall pay, when billed quarterly by the SELLER, a Service Fee at the rate of Forty Two and No/100 (\$42.00) Dollars per year whether or not water is actually used by the PURCHASER, which Service Fee shall thereafter be in lieu of the Availability Fee mentioned above. Said Service Fee shall apply to any connection using a standard size pipe as usually installed by SELLER. Should PURCHASER desire a

larger size pipe the Service Fee shall be increased proportionally with the volume of water in proportion to the capacity of the increased pipe size. If more than one dwelling house is constructed a Service Fee shall be paid for each dwelling.

1. Any of said fees not paid shall constitute a lien against the lot or lots of the PURCHASER which shall be equal to and participate jointly with other first liens against same for construction purposes thereafter placed on said land, but inferior to those for Governmental purposes. Said lien shall extend for ten (10) years and may be extended for additional ten (10) year periods by SELLER by appropriate extension statement of record prior to the end of the previous period.

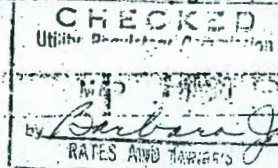
2. A PURCHASER owning one or more lots shall pay only one Availability Fee per year, but should he sell one or more parts of his boundary the SUB-PURCHASER shall be equally bound by these restrictions and each owner of a portion of the boundary shall be liable for those provisions in paragraph A, B, and C, above, commencing with the next quarterly period after the date of transfer.

3. PURCHASERS whose property is connected with water shall be entitled to use water for usual household purposes, including upkeep of lawn, which use shall be reasonable.

4. The terms hereof relating to the Availability Fee shall continue in effect for a base period of five (5) years from date of contract of sale between PURCHASER and SELLER, assuming connection is not made prior thereto. Said base period may be extended for additional three (3) years periods each upon filing of record by SELLER prior to the end of any such period of an appropriate extension statement.

5. Terms hereof relating to the Service Fee shall not be altered for a period of four (4) years from the date of recordation of this instrument. Any increase thereafter by SELLER shall not exceed the rate charged for the operation of other similar water systems within the general area, and all above rates and fees are subject to the Public Service Commission regulations of the State of Kentucky.

D. As used herein, the term "SELLER" includes successors and assigns, and the term "PURCHASER" includes heirs, representatives and assigns.



In Testimony Whereof, Elk Lake Development Corporation has caused this instrument to be executed upon its behalf by its Vice President, and its corporate seal to be affixed and attested by its (Assistant) Secretary, they being heretofore duly authorized so to do.

This 28th day of February, 1963.

SEAL

ELK LAKE DEVELOPMENT CORPORATION

/s/ BY Ralph C Gibson
Ralph C. Gibson, Vice President

Instrument prepared by
T. A. Perry
Owenton, Ky.

ATTEST:

/s/ Mary Ann Cobb
Mary Ann Cobb, Assistant Secretary

/s/ T. A. Perry
Attorney at Law

STATE OF KENTUCKY

COUNTY OF OWEN

I, R. C. Ford, Jr, Notary Public in and for the County and State aforesaid, certify that the foregoing restrictions were this day produced to me in said County and acknowledged before me by Ralph C. Gibson, Vice President of Elk Lake Development Corporation, to be the act and deed of said Corporation and to be his act and deed as Vice President on its behalf, on this 28th day of February, 1963.

SEAL

/s/ R. C. Ford, Jr.
Notary Public State at Large
My commission expires November 23,
1965

STATE OF KENTUCKY

COUNTY OF OWEN

I, R. C. Ford, Jr, Notary Public in and for the County and State aforesaid, certify that the foregoing restrictions were this day produced to me in said County and the corporate seal attached thereto was acknowledged before me and attested by Mary Ann Cobb, Mary Ann Cobb, Assistant Secretary of Elk Lake Development Corporation, to be the true corporate seal of said Corporation, on this 28th day of February, 1963.

CHECKED
Utility Service Corporation
FEB 28 1963
by Barbara Jones
RATES AND TARIFFS

SEAL

/s/ R. C. Ford, Jr.
Notary Public
My commission expires
November 23, 1965

STATE OF KENTUCKY, | Sct.
COUNTY OF OWEN.

I, Harold Hughes, Clerk of the County Court for the County and State
aforesaid, certify that the foregoing Restrictive Covenants Governing Water
Service For Lots in Elk Lake Shores was this day lodged for record, whereupon
the same, with the foregoing and this Certificate both been duly recorded in
my office.

Given under my hand, this 5th day of March 1963.

C
7/19/2002

Harold Hughes, Clerk

/s/ By Churchal Works, D.C.

STATE OF KENTUCKY, | SCT.
COUNTY OF OWEN.

I, Harold Hughes, Clerk of the County Court, of the County and State
aforesaid, certify that the above and foregoing is a true and correct copy of
the RESTRICTIVE COVENANTS GOVERNING WATER SERVICE FOR LOTS IN ELK LAKE SHORES
as appears of record in my office in Power of Attorney Contracts & Deeds Re-
leased Book No. 8, Page 470.

Given under my hand, on this the 9th day of April, 1963.

Harold Hughes, Clerk

By Churchal Works, D.C.

CHECKED
Under the Department of Transportation
MAY 7 1963
by Barbara J. ...
RATES AND TARIFFS

**ELK LAKE WATER COMPANY
445 ELK LAKE RESORT RD.
OWENTON, KY. 40359
502-484-2482**

WATER SHORTAGE RESPONSE PLAN

Section 1. Purpose. The purpose of this Plan is to provide for the declaration of official phases of water supply shortages and the implementation of voluntary and mandatory water conservation measures throughout the **Elk Lake Water Company** in the event a shortage is declared.

Section 2. Definitions. These terms are applicable only for this plan unless specifically noted.

- (a) "Customer" shall mean any person or entity using water for any purpose from the **Elk Lake Water Company's** water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.
- (b) "Raw Water Supplies" shall mean all water potentially available to persons in the **Elk Lake Water Company**.
- (c) "Treated Water" shall mean water that has been introduced by the **Elk Lake Water Company** into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

ESSENTIAL WATER USES (CLASS 1):

Domestic:

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:

Patient care and rehabilitation, including related filling and operation of swimming pools.

Water Hauling:

Sales of domestic use where not reasonable available elsewhere.

Public Use:

Fire fighting.

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7/19/2002

Health and public protection purposes, if specifically approved by health officials.

SOCIALLY OR ECONOMICALLY IMPORTANT USES (CLASS 2):

The following uses of water, listed by site or user type, are socially or economically important.

Domestic:

personal, in-house water use including kitchen, bathroom and laundry.

Water Hauling:

non-domestic, when other sources are not reasonable available elsewhere.

Commercial and Civic Use:

commercial car and truck washes,

Laundromats

restaurants, clubs and eating places.

schools, churches, motels/hotels and similar commercial establishments.

Outdoor Non-Commercial Watering:

minimal watering of vegetable gardens,

minimal watering of trees where necessary to preserve them.

Outdoor Commercial or Public Watering (using conservation methods and when other sources of water are not available or feasible to use):

agricultural irrigation for the production of food and fiber or the maintenance of livestock,

watering by arboretums and public gardens of nation, state, regional or community significance where necessary to preserve specimens,

watering by commercial nurseries at a minimum level necessary to maintain

watering at a minimum rate necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation.

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7/19/2002

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 3 1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Shirley Hallett
PUBLIC SERVICE COMMISSION MANAGER

watering of woody plants where necessary to preserve them,
minimal watering of golf course greens.

Recreational:

operation of municipal swimming pools and residential pools that serve more than 25 dwelling units.

Air Conditioning:

refilling for startup at the beginning of the cooling season,
makeup of water during the cooling season,
refilling specifically approved by health officials where the system has been drained for health protection or repair service.

NON-ESSENTIAL USES (CLASS 3):

Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

Public Use:

use of fire hydrants (excluding Class 1 and Class 2 uses), including use of sprinkler caps, testing fire apparatus and fire department drills,

flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials.

Commercial and Civic Uses:

serving water in restaurants, clubs, or eating places, except by customer request,

failure to repair a controllable leak,

increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

Ornamental Purposes:

fountains, reflecting pools and artificial waterfalls.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 3 1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Cheryl L. Lally
PUBLIC SERVICE COMMISSION MANAGER

C
7/19/2002

Outdoor Non-Commercial Watering:

- use of water for dirt control or compaction,
- watering of annual or non-woody plants, lawns, parks, golf course fairways, playing fields and other recreational areas,
- washing sidewalks, walkways, driveways, parking lots, tennis courts or others hard-surface areas,
- washing down buildings or structures for purposes other than immediate fire protection,
- flushing gutters or permitting water to run or accumulate in any gutter or street.

Outdoor Commercial or Public Watering:

- expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process,
- use of water for dirt control or compaction,
- watering of lawns, parks, golf course fairways, playing fields and other recreational areas,
- washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas,
- washing down buildings or structures for purposes other than immediate fire protection,
- flushing gutters or permitting water to run or accumulate in any gutter or street.

Recreational uses other than those specified in Class 2.

Non-commercial washing of motor and other vehicles.

Air Conditioning (see also Class 2 purposes):

- refilling cooling towers after draining.

- (d) "Base Entitlement" shall mean the monthly usage for a customer during the same month of the preceding calendar year or the average per customer usage for each class of service during the same month of the preceding year.
- (e) "Curtailed Entitlement" shall mean the monthly usage for a customer after any curtailment percentage has been applied.
- (f) "Curtailment" shall mean the reduction in entitlement by some percentage to meet anticipated

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7/19/2002

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 3 1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: [Signature]
PUBLIC SERVICE COMMISSION MANAGER

water shortages.

(g) Water Shortage Response Phases:

"Advisory" shall mean that conditions exist which indicate the potential for serious raw or treated water supply shortages.

"Alert" shall mean the raw or treated water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

"Emergency" shall mean that raw or treated water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

- (h) "Rationing" shall mean that procedures must be established to provide for the equitable distribution of critically-limited raw or treated water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

Section 3. Applicability. The provisions of this Plan shall apply to all retail and wholesale customers of the **Elk Lake Water Company**. When implemented, this Plan becomes **Elk Lake Water Company's Water Shortage Response Regulation**.

Section 4. Entitlements. Entitlements shall be established for each customer by adjusting the base entitlement to reflect any known change in usage pattern.

Section 5. Determination of Water Shortage. Water supply and usage shall be monitored on a continuous basis. Unrestricted demand shall be projected from past records and adjusted for changes such as new developments and weather conditions on a regular basis. (Note: A sample calculation page is attached as Appendix A to assist in determining overall water levels. It is important that accurate water measurements be used.) Water shortages generally occur for two reasons, a reduction in available supplies or a system failure. Each of these has a distinct influence on the nature and duration of the conservation program implemented. Official declaration of a water shortage stage and implementation of the measures necessary to curtail water use shall be approved by the Elk Lake Board of Directors, Elk Lake Manager, or Elk Lake Water Company Board of Directors.

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7/19/2002

Section 6. Term of Water Shortage Declaration. Any water shortage declaration shall remain in effect until water supplies of service conditions have returned to normal. A final determination as to terminating a water shortage declaration shall be made by the Elk Lake Board of Directors, Elk Lake Manager, or Elk Lake Water Company Board of Directors of the Elk Lake Water Company.

Section 7. Water Shortage Stage, Criteria, Conservation and Curtailment Measures

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

A. Advisory Stage:

- (1) Criteria: A water advisory shall be declared when the amount of treated water available for treatment is projected to be up to 1% below demand, or there are periods of low

FEB 3 1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Glenn Miller
PUBLIC SERVICE COMMISSION MANAGER

water pressure in one or more areas on the distribution system due to system failure or inadequacies or the State Division of Water issues a Water Shortage Watch which includes the areas from which the Elk Lake Water Company draws water. (Note: Additional conditions may be added based on local conditions.)

(2) Conservation and Curtailment Measures:

- (a) Declare a Water Shortage Advisory.
- (b) Provide proper notice to all customers and to all local news media.
- (c) Eliminate all water leaks.
- (d) Request voluntary conservation of all non-essential (Class 3) water use.
- (e) Request wholesale customers also issue request for voluntary conservation by their customers of all non-essential (Class 3) water use.

B. Alert Stage:

(1) Criteria: A water alert shall be declared when the amount of treated water available is projected to be up to 3% below demand, or raw water supplies are consistently below seasonal averages and if they continue to decline, may not be adequate to meet normal needs. (Note: Additional conditions may be added based on local conditions.)

(2) Conservation and Curtailment Measures:

- (a) Declare Water Shortage Alert.
- (b) Provide proper notice to all customers and to all local news medial
- (c) Eliminate all water leaks.
- (d) Prohibit all non-essential (Class 3) water uses.
- (e) Curtail entitlements to all customers by the same percentage as the projected shortage.
- (f) Begin billing all customer water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of \$10.00 per 1,000 gallons.

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7/19/2002

C. Emergency Stage:

1. Criteria: A Water Emergency shall be declared when the amount of treated water available is projected to be up to 5% below demand, or there are periods of no water in one or more areas of the distribution system due to low water supply or raw water supplies below the level necessary to meet normal needs. (Note: Additional conditions may be added based on local conditions.)

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
1993

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: George S. Miller
PUBLIC SERVICE COMMISSION MANAGER

2. Conservation and Curtailment Measures:

- (a) Declare Water Shortage Emergency.
- (b) Provide proper notice to all customers and to all local news medial.
- (c) Eliminate all water leaks.
- (d) Prohibit all Class 3 uses of water.
- (e) Prohibit all Class 2 uses of water except Domestic uses for kitchens, bathrooms and laundries.
- (f) Curtail all commercial and industrial entitlements (except Health Care Facilities) by 100%.
- (g) Curtail Residential entitlements by the same percentage as the projected shortage.
- (h) Curtail entitlements to all wholesale customers by the same percentage as the projected shortage.
- (i) Begin billing all customers water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of \$20.00 per 1,000 gallons.

D. Rationing Stage:

- 1. Criteria: Treated water available is greater than 10% below demand or raw water supplies are below the level necessary to meet essential needs, and in the opinion of Vernon Minch, Manager, mandatory rationing is required to insure adequate water is available to maintain public health and safety.

2. Conservation and Curtailment Measures:

- (a) Declare Water Shortage Rationing.
- (b) Provide proper notice to all customers and to all local news medial.
- (c) Eliminate all water leaks.
- (d) Prohibit all Class 3 and Class 2 uses of water.
- (e) Curtail all commercial and industrial entitlement (except Health Care Facilities) by 100%.
- (f) Curtail all residential and wholesale entitlement by the same percentage as the projected shortage.
- (g) Implement service interruptions to portions of system in accordance with approved published schedule. The schedule shall be provided to all local media.

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BY: Shirley G. Haller
PUBLIC SERVICE COMMISSION MANAGER

- (h) Begin billing customer water usage in excess of curtailment entitlement at the normal rate plus an excess usage charge of \$25.00 per 1,000 gallons.

Section 8. Enforcement of Water Restriction. Any person who violates the provisions of this Plan, who fails to carry out the duties and responsibilities imposed by this Plan, or who impedes or interferes with any action undertaken or ordered pursuant to this Plan shall be subject to the following:

- (a) If the utility official charged with implementation and enforcement of this Plan learns of any violation of any water use restriction imposed, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within 48 hours.
- (b) The notice will inform the customer of his or her right to appeal by requesting a hearing before the utility's designee. If a hearing is requested by the customer, he or she shall be given full opportunity to be heard before termination. The governing body shall make findings of fact and decide whether service should continue or terminate.
- (c) Any customer whose water service is terminated for violating provisions of this water curtailment plan shall be subject to the approved reconnection fee prior to reconnection of service.
- (d) The excess usage charge billing provisions of this Plan shall not be put in effect if a county or city ordinance containing penalty provisions is in effect to assist enforcement of this Plan.

Section 9. Request for Exception.

- (a) Exception to water use restrictions: If compliance with any curtailment measure authorized herein would cause a customer to bear extraordinary hardship, that individual or entity may apply to the **Elk Lake Water Company** for an exception. For these purposes, "extraordinary hardship" shall be defined as a condition which may threaten health and safety, or cause property or economic losses, each of which must show to be substantially more severe than the sacrifices borne by other users. If extraordinary hardship is found to exist, then an exception shall be granted and a written waiver issued to the customer. If an appeal is made, water service shall be continued until a decision is announced. Any person aggrieved by the decision may file a complaint with the Public Service Commission.
- (b) Exception to curtailment surcharge: Exceptions to excess use charges shall not be considered or granted.

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Section 10. Severability. If any provision of this Plan is declared invalid by the courts, the remainder of the Plan and its applicability to other persons and circumstances shall not be affected by that declaration.

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PUBLIC SERVICE COMMISSION MANAGER

Section 11. Effective Date: This Plan shall take effect immediately upon approval by the Public Service Commission.

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BY: *Shirley Hallee*
PUBLIC SERVICE COMMISSION MANAGER

APPENDIX A

ELK LAKE WATER COMPANY

PROJECTED DEMAND WORKSHEET FOR _____
(Month) (Year)

The information below would be used to estimate projected demand for one (1) month.

Calculations will be done at the beginning of each month.

Average use in _____ for the past 5 years: _____ gpd
 (Last Month)

Average use in _____ for 2 years ago: _____ gpd
 (Last Month)

Average use in _____ for 1 year ago: _____ gpd
 (Last Month)

Average use in _____ for current year: _____ gpd
 (Last Month)

Average use in _____ for the past 5 years: _____ gpd
 (This Month)

Average use in _____ for 2 years ago: _____ gpd
 (This Month)

Average use in _____ for 1 year ago: _____ gpd
 (This Month)

Usage Notes: _____

Weather Notes: _____

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Average projected use for _____:

Without conservation measures: _____ gpd

With advisory conservation measures
 (reduction) _____ gpd

With alert conservation measures
 (More than reduction) _____ gpd

With emergency conservation measures
 (More than reduction) _____ gpd

With rationing conservation measures
 (More than reduction) _____ gpd

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 SECTION 9 (1) gpd

BY: *Charles H. Miller*
 PUBLIC SERVICE COMMISSION MANAGER
 _____ gpd