



Mayor Teresa Ann Isaac

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

May 3, 2006

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

MAY 4 2006

PUBLIC SERVICE
COMMISSION

Re: Case No. 2006-00154
(Tariff Filing of Kentucky American Water)

Dear Ms. O'Donnell:

Please find enclosed herewith for filing an original and 10 copies of the Lexington-Fayette Urban County Government's Motion to Intervene in the referenced matter. Please contact me should you have any questions pertaining to the same.

Yours truly,

David J. Barberie
Corporate Counsel

ENC

DJB/let481

HORSE CAPITAL OF THE WORLD

200 East Main Street

Lexington, KY 40507

(859) 258-3500

Fax: (859) 258-3538

www.lfucg.com

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 4 2006

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

TARIFF FILING OF KENTUCKY-AMERICAN)
WATER COMPANY TO REVISE THE) CASE NO. 2006-00154
KENTUCKY RIVER AUTHORITY WITHDRAWAL)
FEE)

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT'S MOTION TO INTERVENE**

COMES the Lexington-Fayette Urban County Government (the "LFUCG"), by counsel and moves for full intervenor status in this action pursuant to 807 KAR 5:001 Section 3(8) to the fullest extent permitted by law on behalf of itself and the residents of Fayette County, Kentucky, as any determination in this matter directly impacts the LFUCG and the residents of Fayette County.

Respectfully submitted,

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
Department of Law
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

BY: *David J. Barberie*
David J. Barberie
Corporate Counsel
Leslye M. Bowman
Director of Litigation

CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of this Motion to Intervene were served by first class U.S. Mail delivery, postage prepaid, to Beth O'Donnell, Executive Director, Public Service Commission, P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615; furthermore, it was served by mailing a copy by first class U.S. Mail delivery, postage prepaid, on the following, all on this the 3 day of May 2006:

Hon. Gerald Weutcher
Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Hon. David Edward Spenard
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601-8204

Lindsey Ingram, Esq.
Stoll Keenon Ogden PLLC
300 West Vine Street
Suite 2100
Lexington, Kentucky 40507-1801

David J. Barberie Ky. JMB
ATTORNEY FOR LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF KENTUCKY-AMERICAN)
WATER COMPANY TO REVISE THE) CASE NO. 2006-00154
KENTUCKY RIVER AUTHORITY WITHDRAWAL)
FEE)

ORDER

On April 12, 2006, Kentucky-American Water Company ("Kentucky-American") notified the Commission of a proposed revision in its tariff regarding the Kentucky River Authority ("KRA") withdrawal fee. Kentucky-American proposed to place the revised fee into effect on May 3, 2006. Kentucky-American's notice fails to comply with KRS 278.180(1), which requires a utility to provide the Commission with 30 days prior notice of any rate revision.

Having reviewed the proposed revision and finding that, pursuant to KRS 278.190, additional proceedings are necessary to determine the reasonableness and lawfulness of the proposed revision, IT IS HEREBY ORDERED that:

1. This proceeding is established to investigate the reasonableness and lawfulness of Kentucky-American's proposed tariff revision.
2. Kentucky-American shall not implement the proposed revision until providing the appropriate notice to the Commission that KRS 278.180(1) requires.
3. All documents that the Commission requires to be filed with the Commission shall be served upon all other parties.

4. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

5. Within 20 days of the date of this Order, Kentucky-American shall file with the Commission the original and 5 copies of the information listed in Appendix A to this Order.

6. When complying with the provisions of Ordering Paragraph 5, Kentucky-American shall:

a. Place each copy of the requested information in a bound volume with each item tabbed.

b. Appropriately index each sheet if multiple sheets are required for an item (for example, Item 1(a), Sheet 2 of 6).

c. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided.

Done at Frankfort, Kentucky, this 1st day of May, 2006.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2006-00154 DATED May 1, 2006

1. Provide all calculations that Kentucky-American used to determine the revised fee.
2. Provide all correspondence between Kentucky-American and the Kentucky River Authority regarding revisions or changes to the withdrawal fee.
3. Provide any notice that the KRA provided to Kentucky-American regarding revisions or changes to its withdrawal fee.
4. State why the proposed revision is necessary.
5. State whether Kentucky-American published notice of the revision and the manner in which it was calculated on its web site.
6. Provide a schedule that shows for each month since January 2002:
 - a. Total fee that KRA billed Kentucky-American.
 - b. Total gallons of water sold by Kentucky-American.
 - c. Total KRA withdrawal fee that Kentucky-American billed its customers.
 - d. Amount over- or under-billed by Kentucky-American.