

KANAWHA FALLS PUBLIC SERVICE DISTRICT

Design Funding Assistance, Series 2025 A
(West Virginia SRF Program/Forgivable)

Closing Date: April 3, 2025

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KANAWHA FALLS PUBLIC SERVICE DISTRICT

RESOLUTION AUTHORIZING THE DESIGN AND OTHER PRECONSTRUCTION ACTIVITIES RELATING TO THE ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS AND EXTENSIONS TO THE EXISTING PUBLIC WASTEWATER FACILITIES OF THE KANAWHA FALLS PUBLIC SERVICE DISTRICT, AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ACCEPTANCE BY THE DISTRICT OF FUNDING ASSISTANCE, SERIES 2025 A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$397,500 THROUGH THE WEST VIRGINIA SRF PROGRAM; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO ACCEPTANCE OF SUCH FUNDING; APPROVING, RATIFYING AND CONFIRMING THE FUNDING ASSISTANCE AGREEMENT RELATING TO SUCH DESIGN FUNDING ASSISTANCE, SERIES 2025 A.

BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE KANAWHA FALLS PUBLIC SERVICE DISTRICT:

WHEREAS, this Resolution (together with any resolution supplemental hereto or amendatory hereof, or both, the "Resolution") is adopted pursuant to the provisions of Chapter 16, Article 13A, Chapter 22C and Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law;

WHEREAS, the Kanawha Falls Public Service District (the "Local Government") is authorized and empowered by the Act to acquire, construct, improve, operate and maintain wastewater Design Funding Assistance, Series 2025 A consisting of the design of a project to replace/repair portions of the sewer system damaged by flooding, together with all necessary appurtenances (the "Project") and to finance the costs of the design Project from grants or other Funding Assistance provided for the Project;

WHEREAS, the Local Government has submitted an application for the Project to the West Virginia Department of Environmental Protection (the "DEP"), and the West Virginia Infrastructure and Jobs Development Council (the "Council");

WHEREAS, in reviewing the application for the Project, the DEP and the West Virginia Water Development Authority (the "Authority") have determined to offer Design Funding Assistance, Series 2025 A to the Local Government for the design of the Project through a principal forgiveness loan (the "Design Funding Assistance, Series 2025 A") as provided in the Funding Assistance Agreement a copy of which is attached hereto and incorporated herein by reference (the "Funding Assistance Agreement");

WHEREAS, the Funding Assistance Agreement has been presented to the Local Government;

WHEREAS, the capitalized terms used herein and not otherwise defined shall have the same meaning set forth in the Funding Assistance Agreement when used herein;

WHEREAS, the Local Government has complied with all terms and requirements set forth in the Funding Assistance Agreement; and

WHEREAS, the Governing Body deems it essential and desirable that this Resolution be adopted, that the Funding Assistance Agreement be approved and ratified, that the exact principal amount, date, and other terms of the Design Funding Assistance, Series 2025 A be fixed hereby in the manner stated herein, and that other matters relating to the Design Funding Assistance, Series 2025 A be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE KANAWHA FALLS PUBLIC SERVICE DISTRICT, AS FOLLOWS:

Section 1. The proceeds of the Design Funding Assistance, Series 2025 A hereby authorized shall be applied to the costs of the Design Project.

Section 2. The Local Government hereby ratifies, approves and accepts the Funding Assistance Agreement, including all schedules and exhibits attached thereto, a copy of which is incorporated herein by reference, and the execution and delivery of the Funding Assistance Agreement by the Chairman of the Governing Body and the performance of the obligations contained therein, on behalf of the Local Government, are hereby authorized, approved and directed.

Section 3. The Local Government hereby affirms all covenants and representations made in the Funding Assistance Agreement and in the application to the DEP. The Local Government hereby agrees to comply with all covenants, conditions and requirements set forth in the Funding Assistance Agreement as set forth in Section 4.1 thereof and this Section 3 herein. The Local Government covenants as follows:

(a) The Local Government shall complete the Project, to the extent applicable, and operate and maintain the System in good condition;

(b) The Local Government shall provide written notice and request approval of the disposition of the assets to the Authority and the DEP of any sale or other disposal of the System as a whole or substantially as a whole; provided that if said sale or other disposition is to a non-governmental entity the Local Government shall obtain an appraisal of the assets purchased with the Design Funding Assistance, Series 2025 A and remit to the Authority for deposit into the Clean Water State Revolving Loan Fund an amount equal to the then depreciated value of the assets purchased;

(c) The Local Government will carry such insurance as is customarily carried with respect to works and properties similar to the System;

(d) The Local Government will not render any free services of the System;

(e) To the extent legally allowable, the Local Government will not grant any franchise to provide any services which would compete with the System;

(f) The Local Government shall also comply with all applicable laws, rules and regulations issued by the DEP and the Authority, all federal requirements imposed by the Infrastructure Investment and Jobs Act, Public Law 117-58 (“BIL”), DEP or other State, federal or local bodies in regard to the acquisition and construction of the Project and the operation, maintenance, and use of the System.

(g) The Local Government shall annually cause the records of the System to be audited by an independent certified public accountant or independent public accountant and shall submit the report of said audit to the Authority and DEP, which report shall include a statement that notes whether the results of tests disclosed instances of noncompliance that are required to be reported under government auditing standards and, if they are, describes the instances of noncompliance and the audited financial statements shall include a statement that notes whether the Local Government’s revenues are adequate to meet its Operating Expenses and debt service and reserve requirements;

(h) The Local Government shall annually adopt a detailed, balanced budget of the estimated revenues and expenditures for operation and maintenance of the System during the succeeding fiscal year and shall submit a copy of such budget to the Authority and DEP within 30 days of adoption thereof;

(i) That, to the extent authorized by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia (the “PSC”), prospective users of the System shall be required to connect thereto;

(j) The Local Government shall, to the full extent permitted by applicable law and the rules and regulations of the PSC, terminate the services of any water facility owned by it to any customer of the System who is delinquent in payment of charges for services provided by the System and will not restore the services of the water facility until all delinquent charges for the services of the System have been fully paid or, if the water facility is not owned by the Local Government, then the Local Government shall enter into a termination agreement with the water provider; and

(k) The Local Government shall submit all proposed change orders to the DEP for approval. The Local Government shall obtain the written approval of the DEP before expending any proceeds of the Design Funding Assistance, Series 2025 A held in “contingency” as set forth in the final Schedule B attached to the certificate of the Consulting Engineer. The Local Government shall obtain the written approval of the DEP before expending any proceeds of the Design Funding Assistance, Series 2025 A available due to project underruns.

Section 4. The DEP shall advance the proceeds of the Design Funding Assistance, Series 2025 A from time to time upon receipt of a requisition evidencing the costs incurred. Such amounts advanced under the Funding Assistance Agreement shall be deemed forgiven on the 30th day of June in the fiscal year in which they were advanced.

Section 5. The Local Government hereby appoints and designates City National Bank, Gauley Bridge, West Virginia, to serve as Depository Bank for the Design Funding Assistance, Series 2025 A.

Section 6. The Chairman and Secretary of the Governing Body are hereby authorized and directed to execute and deliver such other documents and certificates required or desirable in connection with the Design Funding Assistance, Series 2025 AB hereby and by the Funding Assistance Agreement approved and provided for, to the end that the Design Funding Assistance, Series 2025 A may be delivered to the Local Government pursuant to the Funding Assistance Agreement on or about April 3, 2025.

Section 7. The design of the Project, and the financing thereof with proceeds of the Design Funding Assistance, Series 2025 A from the DEP is in the public interest, serve a public purpose of the Local Government and will promote the health, welfare and safety of the residents of the Local Government.

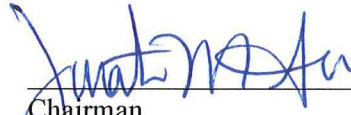
Section 8. The Local Government hereby approves and accepts all contracts relating to the financing, design, acquisition and construction of the Project and the Chairman of the Governing Body is hereby authorized and directed to execute and deliver all such contracts.

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Section 9. This Resolution shall be effective immediately following adoption of the same.

Adopted this 13th day of March, 2025.

KANAWHA FALLS PUBLIC SERVICE DISTRICT



Chairman

CERTIFICATION

Certified as a true copy of a Resolution duly adopted by the Board of Kanawha Falls Public Service District on the 13th day of March, 2025.

Dated: April 3, 2025.

[SEAL]


Secretary

DESIGN FUNDING ASSISTANCE AGREEMENT

THIS WATER POLLUTION CONTROL REVOLVING FUND DESIGN FUNDING ASSISTANCE AGREEMENT (the “Agreement”), made and entered into in several counterparts, by and among the WEST VIRGINIA WATER DEVELOPMENT AUTHORITY, a governmental instrumentality and body corporate of the State of West Virginia (the “Authority”), the WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (the “DEP”), and the local government or other eligible recipient designated below (the “Local Government”).

KANAWHA FALLS PUBLIC SERVICE DISTRICT

(C-544798 / 2023S-2320)

(Local Government)

W I T N E S S E T H:

WHEREAS, the United States Congress under Title VI of the federal Clean Water Act, as amended (the “Clean Water Act”), has provided for capitalization grants to be awarded to states for the express purpose of establishing and maintaining state water pollution control revolving funds for the planning, design, construction, acquisition and/or improvement of wastewater treatment facilities;

WHEREAS, pursuant to the provisions of Chapter 22C, Article 2 of the Code of West Virginia, 1931, as amended (the “Act”), the State of West Virginia (the “State”) has established a state water pollution control revolving fund program (the “Program”) to direct the distribution of loans to particular Local Governments pursuant to the Clean Water Act;

WHEREAS, under the Act the DEP is designated the instrumentality to enter into capitalization agreements with the United States Environmental Protection Agency (“EPA”) to accept capitalization grant awards (U.S. General Services Administration; Catalog of Federal Domestic Assistance, 32nd Edition § 66.458 (1998)) and DEP has been awarded capitalization grants to partially fund the Program;

WHEREAS, under the Act and under the direction of DEP, the Authority has established a permanent perpetual fund known as the “West Virginia Water Pollution Control Revolving Fund” (hereinafter the “Fund”);

WHEREAS, pursuant to the Act, the Authority and DEP are empowered to utilize moneys from the Fund to provide funding assistance to local governments for the design, acquisition and/or construction of wastewater treatment projects by such local governments, all subject to such provisions and limitations as are contained in BIL, as hereinafter defined, the Clean Water Act and the Act (hereinafter “Funding Assistance”);

WHEREAS, the DEP has been awarded funding pursuant to the Infrastructure Investment and Jobs Act, Public Law 117-58 (“BIL”) to capitalize the Fund;

WHEREAS, the Local Government constitutes a local government as defined by the Act;

WHEREAS, the Local Government intends to construct, is constructing or has constructed such a wastewater treatment project at the location and as more particularly described and set forth in the application filed with DEP, as hereinafter defined (the “Project”);

WHEREAS, the Local Government is authorized and empowered by the statutes of the State to acquire, construct, improve, operate or facilitate a wastewater treatment project and to finance the cost of acquisition and construction of the same (“Costs of the Project”) by obtaining money from the Fund; and

WHEREAS, the Local Government is either a “disadvantaged community” as defined in the applicable Intended Use Plan, and/or meets the definition of decentralized treatment system as defined herein.

NOW, THEREFORE, in consideration of the premises and the mutual agreements hereinafter contained, the Local Government, DEP and the Authority hereby agree as follows:

ARTICLE I

1.1 The Local Government has submitted an application to DEP for the Project more specifically described in Exhibit A hereto.

1.2 The Local Government shall covenant and agree to the terms and conditions with respect to the Project as set forth on Exhibit B hereto.

1.3 DEP has instructed the Authority to make a forgivable loan to the Local Government with the financial terms and conditions set forth in Exhibit C hereto.

1.4 DEP shall advance the proceeds of the Funding Assistance for costs incurred with respect to the Project only upon receipt of invoices approved by DEP.

1.5 The Authority and DEP shall pay for any costs that are incurred from the beginning date set forth on Exhibit C (the “Beginning Date”), to the expiration date set forth on Exhibit C (the “Expiration Date”) of which some costs may have been incurred prior to the date hereof and where such costs are necessary for the efficient and timely performance of the scope of the Project and are eligible costs for the Fund. An amount equal to the outstanding invoices will be advanced on the Date of Closing. The remaining proceeds of the Funding Assistance shall be advanced by the DEP monthly as required by the Local Government to pay Costs of the Project, provided, however, if the proceeds of the Funding Assistance will be used to repay an interim financing, the proceeds will be advanced on a schedule mutually agreeable to the Local Government, the DEP and the Authority.

1.6 The Local Government shall cause to be delivered to DEP a certificate of the Consulting Engineer substantially in the form of Exhibit D and an Opinion of its counsel substantially in the form of Exhibit E.

ARTICLE II

2.1 The Local Government hereby warrants and represents that all information provided to the Authority and DEP in this Agreement, in the application or in any other application or documentation with respect to financing the Project was at the time, and now is, true, correct and complete, and such information does not omit any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. Prior to the Authority's making the Funding Assistance and receiving the Design Funding Assistance, the Authority and DEP shall have the right to cancel all or any of their obligations under this Agreement if (a) any representation made to the Authority and DEP by the Local Government in connection with the Funding Assistance shall be incorrect or incomplete in any material respect or (b) the Local Government has violated any commitment made by it in its Application or in any supporting documentation or has violated any of the terms of the Act, the SRF Regulations or this Agreement.

2.2 That the Local Government shall provide written notice and request approval of the disposition of the assets to the Authority and the DEP of any sale, lease, management agreement or other disposal of the System as a whole or substantially as a whole; provided that if said sale, lease, management agreement or other disposition is to a non-governmental entity the Local Government shall determine the amount advanced under this Agreement with the Funding Assistance and remit to the Authority for deposit into the Clean Water Revolving Loan Fund an amount equal to the amount advanced hereunder prior to or simultaneously with the sale, lease, management agreement or other disposition. The Authority shall not execute any release or consent to the transfer until such deposit is made.

2.3 If any provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Agreement, and this Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been contained herein.

2.4 This Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. Each party agrees that it will execute any and all documents or other instruments and take such other actions as may be necessary to give effect to the terms of this Agreement.

2.5 No waiver by any party of any term or condition of this Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Agreement.

2.6 This Agreement supersedes all prior negotiations, representations and agreements between the parties hereto relating to the Funding Assistance and constitutes the entire agreement between the parties hereto in respect thereof.

2.7 This Agreement shall terminate upon the earlier of: (i) written notice of termination to the Local Government from either the Authority or DEP; or (ii) (September 30,

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(03/25)

2030), if the design of the Project is not completed; provided however, that termination with respect to Section 2.2 will be twenty (20) years from the date of execution of this Agreement.

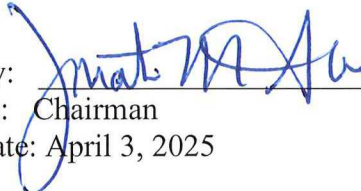
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SRF – PF DESIGN¹
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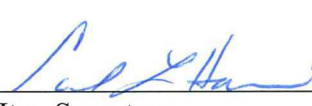
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers as of the date executed below by the Authority.

KANAWHA FALLS PUBLIC SERVICE
DISTRICT

(SEAL)

By: 
Its: Chairman
Date: April 3, 2025

Attest:

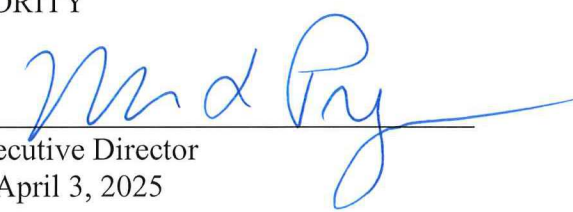

Its: Secretary

WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION, DIVISION
OF WATER AND WASTE MANAGEMENT

By: 
Its: Director
Date: April 3, 2025

WEST VIRGINIA WATER DEVELOPMENT
AUTHORITY

(SEAL)

By: 
Its: Executive Director
Date: April 3, 2025

Attest:


Its: Authorized Officer

EXHIBIT A

PROJECT DESCRIPTION

The Project consists of the design of the repair/replacement of portions of the existing sewer system damaged by flooding in the Cannelton/Scramble areas of Fayette County.

EXHIBIT B

TERMS AND CONDITIONS

A. PUBLIC RELEASE REQUIREMENT – The Local Government agrees to include, when issuing statements, press releases, requests for proposals, bid solicitations, groundbreaking or project dedication program documents and other documents describing projects or programs funded in whole or in part with Federal money, (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

B. [RESERVED]

C. [RESERVED]

D. [RESERVED]

E. [RESERVED]

F. LOBBYING - The Local Government shall comply with Title 40 CFR Part 34, New Restrictions on Lobbying and shall submit certification and disclosure forms as required by DEP.

G. PURCHASING REQUIREMENTS – The Local Government shall comply with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

H. SUSPENSION AND DEBARMENT – The Local Government shall comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled “Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons). To the extent required by DEP, the Local Government shall provide certifications as to compliance.

I. REPORTING – The Local Government shall comply with all requests for data related to the use of the funds provided under this agreement when requested by DEP.

J. INSPECTOR GENERAL REVIEWS – The Local Government shall allow any appropriate representative of the Office of US Inspector General to (1) examine its records relating to the Project and this Agreement and (2) interview any officer or employee of the Local Government.

K. FALSE CLAIMS – The Local Government must promptly refer to EPA’s Inspector General any credible evidence that a principal, employee, agent, sub-grantee contractor,

subcontractor, loan recipient, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving funds provided under this Agreement.

L. LIMIT ON FUNDS – The Local Government shall not use funds for particular activities for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

M. WAGE RATES – The Local Government shall require that all laborers and mechanics employed by its contractors and subcontractors be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor (DOL) in accordance with subchapter IV of chapter 32 of title 40, United States Code. The Local Government must require that contractors and subcontractors obtain wage determinations from DOL and comply with DOL guidance and regulations implementing wage rate requirements.

N. [RESERVED]

O. [RESERVED]

P. CIVIL RIGHTS – The Local Government shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and a variety of program-specific statutes with nondiscrimination requirements. The Local Government shall also comply with Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

EXHIBIT C

DESCRIPTION OF DESIGN FUNDING ASSISTANCE

Principal Amount of Design Funding Assistance \$397,500

The Authority at the direction of the DEP shall forgive the principal amount of the Design Funding Assistance. The principal amounts advanced under the Design Funding Assistance Agreement will be deemed forgiven on the 30th day of June in the fiscal year in which advanced.

Number of New Customers to Be Served: -0-
Location: Cannelton/Scramble areas of Fayette County

Beginning Date: January 1, 2018
Expiration Date: September 30, 2030

EXHIBIT D

FORM OF CERTIFICATE OF CONSULTING ENGINEER

(Issuer)

_____, I, _____, Registered Professional Engineer, West Virginia License No. _____, of _____, Consulting Engineers, _____, hereby certify as follows:

1. My firm is engineer for the design (the “Project”) of a decentralized system (the “System”) to be constructed primarily in the _____, _____ County, West Virginia (the “Issuer”), which design is being permanently financed by the Design Funding Assistance. Capitalized words not defined herein shall have the same meaning set forth in the Design Funding Assistance Ordinance adopted or enacted by the Issuer on _____, and the Design Funding Assistance Agreement by and among the Issuer, the West Virginia Water Development Authority (the “Authority”), and the West Virginia Department of Environmental Protection (the “DEP”), dated _____.

2. To the best of my knowledge, information and belief, (i) within the limits and in accordance with the applicable and governing contractual requirements relating to the Project, the Project design will be completed by _____, Consulting Engineer, as described in the application submitted to the DEP; (ii) the schematic design for the Project began [before/after July 1, 2012], (iii) the Project will be designed to be adequate for its intended purpose and will have a useful life of at least [20] years, if properly operated and maintained, excepting anticipated replacements due to normal wear and tear; (iv) prior to construction, my firm will assist the Issuer in obtaining all applicable permits required by the laws of the State of West Virginia and the United States necessary for the acquisition and construction of the Project and the operation of the System; (v) the Project design will be performed in compliance with the provisions of West Virginia Code Chapter 22, Article 29; and (vi) attached hereto as Exhibit A is the final amended “Schedule A - Total Cost of Project; and Sources of Funds and Costs of Financing” for the Project.

[Remainder of page intentionally left blank]

SRF – PF DESIGN¹
(03/25)

WITNESS my signature and seal on this _____ day of _____, _____.

By _____
West Virginia License No. _____

[SEAL]

EXHIBIT E

OPINION OF LOCAL COUNSEL FOR LOCAL GOVERNMENT

[To Be Dated as of Date of Closing]

[Name of Local Government]
_____, West Virginia

West Virginia Water Development Authority
1009 Bullitt Street
Charleston, WV 25301

West Virginia Department of Environmental Protection
601 57th Street
Charleston, West Virginia 25304

Re: \$_____ Design Funding Assistance (West Virginia CWSRF Program)

Ladies and Gentlemen:

[I am/We are] counsel to _____ (the “Local Government”), a
_____.

[I/We] have examined a certified copy of proceedings and other papers relating to the authorization of a Design Funding Assistance Agreement dated _____, 20____, including all schedules and exhibits attached thereto (the “Funding Assistance Agreement”), among the Local Government, the West Virginia Water Development Authority (the “Authority”) and the West Virginia Department of Environmental Protection (the “DEP”). All capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Funding Assistance Agreement and the Local Act.

The Design Funding Assistance is being provided for the purposes of (i) designing _____, and (ii) paying certain issuance and other costs in connection therewith.

[I/We] have also examined the applicable provisions of _____ of the Code of West Virginia, 1931, as amended (the “Local Statute”), and the ordinance/resolution duly adopted or enacted by the Local Government on _____, 20____ (the “Local Act”), pursuant to and under which Local Statute and Local Act, the Design Funding Assistance is authorized and the Funding Assistance Agreement has been undertaken. The Design Funding Assistance is forgivable at the end of each fiscal year in which funds are advanced for the Project.

Based upon the foregoing and upon [my/our] examination of such other documents as [I/we] have deemed necessary, [I am/we are] of the opinion as follows:

1. The Funding Assistance Agreement has been duly authorized by and executed on behalf of the Local Government and is a valid and binding special obligation of the Local Government, enforceable in accordance with the terms thereof.

2. The Funding Assistance Agreement inures to the benefit of the Authority and the DEP and cannot be amended so as to affect adversely the rights of the Authority or the DEP or diminish the obligations of the Local Government without the consent of the Authority and the DEP.

3. The Local Government is a duly organized and validly existing _____, with full power and authority to undertake the Project, to adopt or enact the Local Act and to enter into the Funding Assistance Agreement, all under the Local Statute and other applicable provisions of law.

4. The members and officers of the governing body of the Local Government have been duly and properly authorized and elected, have taken the requisite oaths and are thereby authorized to act on behalf of the Local Government in their respective capacities.

5. The Local Act and all other necessary orders and resolutions have been legally and effectively adopted or enacted by the Local Government and constitute valid and binding obligations of the Local Government, enforceable against the Local Government in accordance with their terms. The Local Act contains provisions and covenants substantially in the form of those set forth in Section 4.1 of the Funding Assistance Agreement.

6. The execution and delivery of the Funding Assistance Agreement and the consummation of the transactions contemplated by the Funding Assistance Agreement and the Local Act, and the carrying out of the terms thereof, do not and will not, in any material respect, conflict with or constitute, on the part of the Local Government, a breach of or default under any resolution, agreement or other instrument to which the Local Government is a party or any existing law, regulation, court order or consent decree to which the Local Government is subject.

7. The Local Government has received all permits, licenses, approvals, consents, exemptions, orders, certificates and authorizations necessary for the creation and existence of the Local Government, the acceptance of the Design Funding Assistance, and the undertaking of the Project including, without limitation, all requisite permits, approvals, orders and certificates from the DEP and the West Virginia Infrastructure and Jobs Development Council.

8. To the best of [my/our] knowledge, there is no litigation, action, suit, proceeding or investigation at law or in equity before or by any court, public board or body, pending or threatened, wherein an unfavorable decision, ruling or finding would adversely affect the transactions contemplated by the Funding Assistance Agreement or the Local Act, the undertaking of the Project, or the operation of the System.

All counsel to the transaction may rely upon this opinion as if specifically addressed to them.

Very truly yours,

KANAWHA FALLS PUBLIC SERVICE DISTRICT
DESIGN FUNDING ASSISTANCE, SERIES 2025 A
(WEST VIRGINIA SRF PROGRAM/FORGIVABLE)

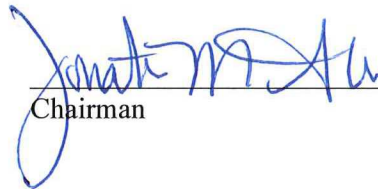
RECEIPT FOR FUNDING ASSISTANCE PROCEEDS

The undersigned Chairman of the Kanawha Falls Public Service District (the "Issuer"), for and on behalf of the Issuer, hereby certifies as follows:

On the 3rd day of April, 2025 the Issuer received and hereby acknowledges receipt from the West Virginia Water Development Authority (the "Authority"), on behalf of the Clean Water State Revolving Fund, pursuant to a Funding Assistance Agreement between the Authority, the Issuer and the West Virginia Department of Environmental Protection dated April 3, 2025 (the "Design Funding Assistance, Series 2025 A"), of the \$92,297.70, being a portion of the \$397,500 principal amount of the Design Funding Assistance, Series 2025 A. The Issuer understands that the remaining proceeds of the Design Funding Assistance, Series 2025 A will be advanced to the Issuer from time to time as the Project proceeds to completion.

WITNESS my signature on this 3rd day of April, 2025.

KANAWHA FALLS PUBLIC SERVICE DISTRICT



Chairman



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304
Phone: 304-926-0495 / Fax: 304-926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

May 3, 2024

Mr. Jonathan Grose, Chairman
Kanawha Falls Public Service District
P.O. Box 448
Gauley Bridge, WV 25085

RE: Kanawha Falls PSD
SRF No. C-544798
Binding Commitment

Dear Mr. Grose:

This letter is to confirm our intention of providing the long-term financing through the Clean Water State Revolving Fund Program for the design of the District's wastewater improvement project.

We are hereby committing a loan in the amount of \$397,500 for non-construction (design loan) financing. A principal forgiveness loan of \$397,500 will be issued due to the District qualifying as a disadvantaged community per the Fund's Intended Use Plan.

If the District's bonds have not been issued to the Fund prior to November 3, 2024, it is understood that the Fund reserves the right to discontinue processing the District's application on that day and will have no further responsibilities or obligations hereunder.

Should you have any questions, please do not hesitate to contact me at (304) 926-0499, extension 43830 or at Katheryn.D.Emery@wv.gov.

Sincerely,

Katheryn D. Emery, P.E.
Program Manager
State Revolving Funds

KE/th

Promoting a healthy environment.

Mr. Jonathan Grose, Chairman
Kanawha Falls PSD
May 3, 2024
Page 2

cc: Samme Gee, Esq., Jackson Kelly (via email)
John Stump, Esq., Steptoe & Johnson (via email)
Jack Ramsey, P.E., E.L. Robinson (via email)
Lesley Taylor, Region 4 Planning & Development Council (via email)



April 11, 2023

Jonathon Grose
KANAWHA FALLS PSD
Box 448
Gauley Bridge, WV 25085

Re: KANAWHA FALLS PSD
Sewer Line Upgrade/Replacement Project No. 2023S-2320
Preliminary Application Approved

Dear Jonathon Grose:

The West Virginia Infrastructure and Jobs Development Council (Council) has reviewed the preliminary application for the above-referenced project (Project).

Based on the findings of the Sewer Technical Review and Funding Committee, the Council has determined that the Project is technically feasible within the guidelines of the Infrastructure and Jobs Development Act. The Sponsor should carefully review the comments of the Technical Review Committee, as found on the Project Team Members' Dashboards at www.wvinfrastructure.com, as the Sponsor may need to address certain issues raised in said comments as it proceeds with the Project.

Additionally, the Council recommends the KANAWHA FALLS PSD pursue the following funding:

Below is the recommended grant information for this Project:

FEMA Grant - \$9,456,750.00 - Recommended

CWSRF Debt Forgiveness - \$1,500,000.00 - Recommended

WDA Economic Enhancement Grant Fund - \$1,652,250.00 - Recommended

Total estimated project cost is \$12,609,000.00.

If you have any questions regarding this matter, please contact Wayne Morgan, Executive Director, at (304) 414-6501 (X106).

Sincerely,



Wayne Morgan
Executive Director

cc: Marie Prezioso, WDA
Kathy Emery, CWSRF



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304
Phone: 304-926-0495 / Fax: 304-926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

May 3, 2024

Mr. Jonathan Grose, Chairman
Kanawha Falls Public Service District
P.O. Box 448
Gauley Bridge, WV 25085

RE: Kanawha Falls PSD
SRF No. C-544798
Binding Commitment

Dear Mr. Grose:

This letter is to confirm our intention of providing the long-term financing through the Clean Water State Revolving Fund Program for the design of the District's wastewater improvement project.

We are hereby committing a loan in the amount of \$397,500 for non-construction (design loan) financing. A principal forgiveness loan of \$397,500 will be issued due to the District qualifying as a disadvantaged community per the Fund's Intended Use Plan.

If the District's bonds have not been issued to the Fund prior to November 3, 2024, it is understood that the Fund reserves the right to discontinue processing the District's application on that day and will have no further responsibilities or obligations hereunder.

Should you have any questions, please do not hesitate to contact me at (304) 926-0499, extension 43830 or at Katheryn.D.Emery@wv.gov.

Sincerely,

Katheryn D. Emery, P.E.
Program Manager
State Revolving Funds

KE/th

Mr. Jonathan Grose, Chairman
Kanawha Falls PSD
May 3, 2024
Page 2

cc: Samme Gee, Esq., Jackson Kelly (via email)
John Stump, Esq., Steptoe & Johnson (via email)
Jack Ramsey, P.E., E.L. Robinson (via email)
Lesley Taylor, Region 4 Planning & Development Council (via email)



April 3, 2025

CPA Certificate

KANAWHA FALLS PUBLIC SERVICE DISTRICT
Design Funding Assistance, Series 2025 A
(West Virginia Clean Water State Revolving Fund Program/Forgivable)

WVIJDC No. **2023S-2320**

Kanawha Falls Public Service District
Gauley Bridge, West Virginia

Steptoe & Johnson PLLC
Charleston, West Virginia

West Virginia Water Development Authority
Charleston, West Virginia

West Virginia Department of Environmental Protection
Charleston, West Virginia

RE: CPA CERTIFICATE
Cannelton/Scramble Sewer Project (2320) Design Funding

Ladies and Gentlemen:

Based upon the rates and charges set forth in the Recommended Decision entered December 10, 2024, which became a Final Order on December 30, 2024, and Corrective Order entered December 18, 2024 in Case No. 24-0565-PSD-19A of the Public Service Commission of West Virginia and the current operation and maintenance expenses and customer usage as furnished to us by the Kanawha Falls Public Service District (the "Issuer"), it is our opinion that such rates and charges are sufficient to (i) provide revenues which, together with other revenues of the wastewater system of the Issuer, will pay all repair, operation and maintenance expenses of the System and (ii) to leave a balance each Fiscal Year equal to at least 115% of the maximum amount required in any Fiscal Year for payment of principal of and interest on the Issuer's:

1. Sewer Revenue Bonds, Series 2003 A (West Virginia SRF Program), dated November 6, 2003, issued in the original aggregate principal amount of \$1,990,400 (the "Series 2003 A Bonds"); and

April 3, 2025

Page 2 of 2

2. Sewer Revenue Bonds, Series 2020 A (West Virginia SRF Program), dated August 20, 2020, issued in the original aggregate principal amount of \$7,261,790 (the "Series 2020 A Bonds") (collectively, the "Prior Bonds").

In the course of our due diligence to render this Certificate, we have reviewed the books and records of the System and further opine as follows:

(a.) The Debt Service Reserve Funds for the Prior Bonds are each funded or are being funded at the level required by the respective resolutions of the Issuer authorizing the issuance of such Prior Bonds (collectively, the "Prior Resolutions");

(b.) The Renewal and Replacement Fund required by the Prior Resolution is established and the rates and charges for the System have been established which are sufficient to make the required deposits in the Renewal and Replacement Fund; and

(c.) The Working Capital Reserve Account required by W. V. Code Section 24-1-1(k) is established and the rates and charges for the System have been established which are sufficient to make the required deposits in the Working Capital Reserve Account.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael D. Griffith, CPA, AFI".

MICHAEL D. GRIFFITH, CPA, AFI
GRIFFITH & ASSOCIATES PLLC

MDG/s

KANAWHA FALLS PUBLIC SERVICE DISTRICT

Design Funding Assistance, Series 2025 A
(West Virginia SRF Program)

CERTIFICATE OF ENGINEER

I, Jack Ramsey, P.E., Registered Professional Engineer, West Virginia License No. 14749 of E.L. Robinson Engineering, Charleston, West Virginia, hereby certify this 3rd day of April, 2025 as follows:

1. My company is engineer for design of certain additions, betterments, improvements and extensions (the "Project") to the existing public wastewater system (the "System") of Kanawha Falls Public Service District (the "Issuer") to be constructed primarily in Fayette County, West Virginia, which Project is being permanently financed in part by the proceeds of the above-captioned funding assistance (the "Funding Assistance") of the Issuer. Capitalized terms used herein and not defined herein shall have the same meaning set forth in the Funding Assistance Resolution adopted by the Issuer on March 13, 2025, and the Funding Assistance Agreement by and among the Issuer, the Authority and the West Virginia Department of Environmental Protection (the "DEP"), dated April 3, 2025 (collectively, the "Funding Assistance Agreement").

2. The Funding Assistance, Series 2025 A is being issued for the purposes of (i) paying a portion of the Project; and (ii) paying costs of issuance and related costs.

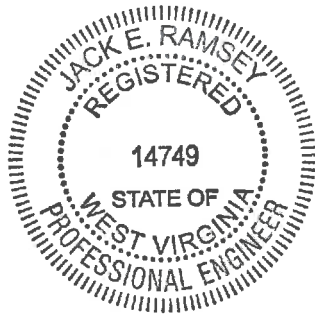
3. To the best of my knowledge, information and belief, (i) within the limits and in accordance with the applicable and governing contractual requirements relating to the Project, the Project will be completed by E.L. Robinson Engineering, Consulting Engineers, as described in the application submitted to the Authority and the DEP, (the "Application"); (ii) the Project does not include any buildings to be designed and constructed in compliance with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007; (iii) the wastewater system of the Issuer which will be designed and, when constructed, will be adequate for its intended purpose and will have a useful life of at least 40 years, if properly operated and maintained, excepting anticipated replacements due to normal wear and tear; (iv) prior to construction, my firm will assist the Issuer in obtaining all applicable permits required by the laws of the State of West Virginia and the United States necessary for the acquisition and construction of the additions, betterments, improvements and extensions being designed pursuant to the Project and the operation of the System; (v) the net proceeds of the Funding Assistance, together with all other monies on deposit or to be simultaneously deposited and irrevocably pledged thereto, are sufficient to pay the costs of the Project, as set forth in the Application; and (vi) attached hereto as Exhibit A is the final amended "Schedule B - Total Cost of Project and Sources of Funds" for the Project.

[Remainder of Page Intentionally Blank]

WITNESS my signature and seal on the day and year first written above.

E.L. ROBINSON ENGINEERING

(SEAL)



Jack Ramsey
Jack Ramsey, P.E.
West Virginia License No. 14749

9-29-1955

Fayetteville, West Virginia

September 29, 1955

The County Court of Fayette County, West Virginia, met in ^{special} regular session pursuant to law and to the rules of said Court at the County Court House, Fayetteville, West Virginia, at 10 o'clock A.M. The meeting was called to order and the roll being called there were present _____
E. W. Kelly _____, President, presiding, and the following named Commissioners:
Carl B. Vickers and Orval Kessler

Absent: None.

*** **

This being the date fixed by prior action of the County Court for conducting the public hearing on the creation of the proposed Kanawha Falls Public Service District, as contemplated and provided for in a resolution and order adopted by the County Court on September 7, 1955, the President announced that all persons residing in or owning or having any interest in property in such proposed public service district desiring to be heard for or against the creation of said district would be heard and all such interested persons desiring to be heard were given full opportunity.

The County Court then further discussed the creation of said public service district, whereupon Carl B. Vickers introduced and caused to be read a proposed resolution and order, entitled:

"A RESOLUTION AND ORDER creating Kanawha Falls Public Service District in Fayette County, West Virginia,"

and moved that all rules otherwise requiring deferred consideration or several readings be suspended and said proposed resolution and order be adopted.

Orval Kessler seconded the motion and after due consideration the President put the question on the motion and the roll being called, the

West Virginia, County of Fayette:
I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I have hereunto place my hand and affix my seal of said Commission this the 22 day of Nov, 1955

H. E. JANNEY, Clerk

By M. McCormick Deputy

26

Sept. 29, 1955

A RESOLUTION AND ORDER creating Kanawha Falls
Public Service District in Fayette County,
West Virginia.

WHEREAS, the County Court of Fayette County, West Virginia, did heretofore by a resolution and order adopted September 7, 1955, fix a date for a public hearing on the creation of the proposed Kanawha Falls Public Service District and in and by said resolution and order provide that all persons residing in or owning or having any interest in property in the proposed public service district might appear before the County Court at this meeting and have the opportunity to be heard for and against the creation of said district; and

WHEREAS, notice of this hearing was duly given in the manner provided and required by said resolution and order and by Article 13A of Chapter 16 of the West Virginia Code, and all interested persons have been afforded an opportunity of being heard for and against the creation of said district, but no written protest has been filed by the requisite number of qualified voters registered and residing within said proposed public service district and said County Court has given due consideration to all matters for which such hearing was offered; and

WHEREAS, it is now deemed desirable by said County Court to adopt a resolution and order creating said district:

NOW, THEREFORE, Be It and It is Hereby Resolved and Ordered by the County Court of Fayette County, West Virginia, as follows:

Section 1. That a public service district within Fayette County, West Virginia, is hereby created, and said district shall have the following described boundaries:

Beginning at a point in Kanawha River approximately 2000 feet below the mouth of Boomer Branch, thence N. 60° 00' E. 10,000 feet, S. 35° 00' E. 4800 feet, S. 60° 00' W. 7000 feet, S. 51° 00' E. 9000 feet, N. 75° 00' E. 6000 feet, S. 70° 00' E. 3000 feet, N. 27° 00' E. 5000 feet, N. 10° 00' W. 12,000 feet, N. 40° 00' E. 15,000 feet, N. 30° 00' W. 14,000 feet, N. 52° 00' E. 4000 feet, N. 83° 00' E. 3000 feet to a point in Bells Creek a line between Nicholas and Fayette Counties, thence with and down Bells Creek S. 19° 00' E. 1000 feet, S. 19° 00' W. 2000 feet, S. 52° 00' E. 2000 feet, S. 45° 00' E. 1000 feet, S. 57° 00' W. 2000 feet, S. 45° 00' W. 1000 feet, S. 40° 00' E. 2000 feet to Gauley River, thence down the Gauley River S. 1° 00' W. 2000 feet, S. 16° 00' E. 1000 feet, S. 42° 00' E. 1000 feet, S. 58° 00' E. 300 ft, S. 44° 00' E. 2000 feet, S. 12° 00'

West Virginia, County of Fayette:
I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix my seal of said Commission this 7 day of Sept, 1955.
H. E. JANNEY, Clerk

following voted:

Aye: E. W. Kelly, Carl B. Vickers and Orval Kessler

Nay: None.

Whereupon the President declared the motion duly carried and said resolution and order duly adopted.

Carl B. Vickers introduced and caused to be read a proposed resolution and order, entitled:

"A RESOLUTION AND ORDER appointing members to the public service board of the Kanawha Falls Public Service District,"

and moved that all rules otherwise requiring deferred consideration or several readings be suspended and said proposed resolution and order be adopted.

Orval Kessler seconded the motion and after due consideration the President put the question on the motion and the roll being called, the following voted:

Aye: E. W. Kelly, Carl B. Vickers, Orval Kessler

Nay: None.

Whereupon the President declared the motion duly carried and said resolution and order duly adopted.

*** *** ***

On motion and vote the meeting adjourned.

E. W. Kelly
President

ATTEST:

Mrs. Lacey Neely
Clerk

West Virginia, County of Fayette:

I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix my seal of said Commission this the 2 day of Nov, 1980

H. E. JANNEY, Clerk

By M. McCombs, Deputy

W. 1000 feet, S. 21° 00' W. 2000 feet, S. 34° 00' W. 2000 feet, S. 40° 00' W. 4000 feet, S. 35° 00' W. 3000 feet, S. 21° 00' W. 1000 feet, S. 4° 00' E. 1000 feet, S. 36° 00' E. 2000 feet, S. 28° 00' E. 1000 feet, S. 1° 00' E. 1000 feet, thence leaving Gauley River S. 52° 00' E. 6000 feet, thence S. 31° 00' W. 3000 feet to New River thence down New River N. 51° 00' W. 6000 feet to mouth of Gauley River, (beginning of Kanawha River) thence down Kanawha River, S. 82° 00' W. 2000 feet, S. 62° 00' W. 2000 feet, S. 17° 00' W. 2000 feet, S. 18° 00' E. 3000 feet, S. 11° 00' W. 1000 feet, S. 32° 00' W. 1000 feet, S. 45° 00' W. 2000 feet, S. 28° 00' W. 1000 feet, S. 13° 00' W. 3000 feet, S. 45° 00' W. 1000 feet, S. 66° 00' W. 1000 feet, N. 85° 00' W. 3000 feet, thence leaving Kanawha River S. 20° 00' W. 2000 feet, N. 75° 00' W. 7000 feet, S. 20° 00' E. 1000 feet, N. 75° 00' W. 3000 feet, N. 20° 00' E. 35000 feet to Kanawha River, thence down Kanawha River N. 68° 00' W. 4000 feet, N. 40° 00' W. 3000 feet, N. 12° 00' W. 2000 feet, N. 39° 00' W. 3500 feet the beginning, all being a portion of Kanawha and Falls District, and containing generally the communities of Boomer, Deepwater, Alloy, Falls View, Charlton Heights, Glen Ferris, Gauley Bridge, Brownsville, Belva and contiguous areas, all of which are in Fayette County, State of West Virginia.

Section 2. That said public service district so created shall have the name and corporate title of "Kanawha Falls Public Service District" and shall constitute a public corporation and political subdivision of the State of West Virginia having all of the rights and powers conferred on public service districts by the laws of the State of West Virginia and particularly Article 13A of Chapter 16 of the West Virginia Code.

Section 3. That the County Court of Fayette County, West Virginia, has determined that the territory within Fayette County, West Virginia, having the hereinabove described boundaries, is so situated that the construction or acquisition by purchase or otherwise and the maintenance, operation, improvement and extension of properties supplying both water and sewerage services within such territory by said public service district will be conducive to the preservation of public health, comfort and convenience of such area.

ADOPTED BY THE COUNTY COURT September 29, 1955

E. M. Kelly
President

ATTEST:

Mrs. Lacy Kelly
Clerk

West Virginia, County of Fayette:
I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix my seal of said Commission this 27 day of Nov., 1955

H. E. JANNEY, Clerk

By *M. M. Casper*, Deputy

A RESOLUTION AND ORDER appointing members
to the Public Service Board of the Kanawha
Falls Public Service District.

WHEREAS, the County Court of Fayette County, West Virginia, did
heretofore by resolution and order adopted September 29, 1955
create the Kanawha Falls Public Service District; and

WHEREAS, under the provisions of Article 13A of Chapter 16 of the
West Virginia Code the powers of said public service district shall be vested
in and exercised by a public service board; and

WHEREAS, since there is no city, incorporated town or other muni-
cipal corporation included within said district, it is provided by said Article
13A of Chapter 16 of the West Virginia Code that this County Court shall
appoint three members of said board, who shall be persons residing within the
district:

NOW, THEREFORE, Be It and It Is Hereby Resolved and Ordered by the
County Court of Fayette County, West Virginia, as follows:

Section 1. That the County Court of Fayette County, West Virginia,
hereby finds and determines that W. W. Jennings, Jr,
Clyde Rinehart, and W. G. Fitzgerald, are
persons residing within the Kanawha Falls Public Service District, and the
aforesaid persons are hereby appointed as members of the public service board
of said district and their respective terms of office shall be as follows:

W. W. Jennings, Jr, for a term of six years from
the first day of the month in which this resolution and order is adopted;

Clyde Rinehart, for a term of four years
from the first day of the month in which this resolution and order is adopted;
and

W. G. Fitzgerald, for a term of two years from
the first day of the month in which this resolution and order is adopted.

West Virginia, County of Fayette:
I, H. E. JANNEY, Clerk of the County Commission of Fayette
County, West Virginia, hereby certify that the foregoing is a
true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix
my seal of said Commission this the 2 day of Nov., 1955

H. E. JANNEY, Clerk

By M. McLaughlin, Deputy

Section 2. The aforesaid persons shall meet as soon as practicable, at the office of the Clerk of said County Court and shall qualify by taking an oath of office, and thereafter said appointees constituting the initial public service board of the Kanawha Falls Public Service District shall meet and organize in compliance with the provisions of Article 13A of Chapter 16 of the West Virginia Code.

ADOPTED BY THE COUNTY COURT Sept 29, 1955

E. M. Kelly
President

ATTEST:

Mrs. Lacey Neely
Clerk

West Virginia, County of Fayette.
I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix my seal of said Commission this 7 day of Nov, 1950.

H. E. JANNEY, Clerk

By M. McCasnick, Deputy

STATE OF WEST VIRGINIA)
COUNTY OF FAYETTE) SS.

I, Mrs Lacy Neely, hereby certify that I am the duly qualified and acting Clerk of the County Court of Fayette County, West Virginia, and that the foregoing constitutes a true, correct and complete transcript of the proceedings of said County Court as had under date of Sept 29, 1955, and resolutions and orders then adopted relating to the creation of Kanawha Falls Public Service District, and appointment of members to the public service board of said district.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of said Court at Fayetteville, West Virginia this Sept 29, 1955.

Mrs Lacy Neely
County Court Clerk

West Virginia, County of Fayette:

I, H. E. JANNEY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix my seal of said Commission this the 7. day of Nov., 1980

H. E. JANNEY, Clerk

By Measum McCarroll Deputy

Nov 30, 2006

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: THE KANAWHA FALLS PUBLIC SERVICE DISTRICT

ORDER AND NOTICE

WHEREAS, on the 30th day of November, 2006, the County Commission considered the representations of the Kanawha Falls Public Service District and its engineer that a water and sewer extension project proposed by said District could extend public water and sewer service to areas of Fayette County, West Virginia outside the current territory of said District; and,

WHEREAS, the area of Fayette County to be served by the proposed water and sewer extension project is not furnished with public water or sewer service from any other source; and,

WHEREAS, the provisions of §16-13A-2(a)(1) of the West Virginia Code permit the County Commission to propose on its own motion by Order duly adopted the enlargement of a public service district by giving its consent thereto; and,

WHEREAS, upon motion duly made and seconded, the County Commission, upon its own motion, approved the following action, to-wit:

The Fayette County Commission does hereby propose the enlargement of the Kanawha Falls Public Service District, subject to the written consent of the West Virginia Public Service Commission pursuant to the provisions of §16-13A-2(a)(1) of the West Virginia Code, to encompass the following additional described territory, to-wit:

Beginning at a point near the confluence on the New and Gauley Rivers whereas the Kanawha River starts and follows the southern banks of said river as described herein after, 2,000', more or less at a bearing of S 82° W, thence 2,000', more or less at a bearing of S 62° W, thence 2,000', more or less at a bearing of S 17° W, thence 3,000', more or less at a bearing of S 18° E, thence 1,000', more or less at bearing of S 11° W, thence 1,000', more or less at bearing of S 32° W, thence 2,000', more or less at a bearing of S 45° W, thence 1,000', S 28° W, thence 3,000', more or less at a bearing of S 13° W, thence 1,000', at a bearing of S 45° W, thence 1,000', more or less at a bearing of S 66° W, thence 3,000', more or less at a bearing of N 85° W, thence 350.09', more or less at a bearing of N 70°50'45" W, thence leaving the banks of the Kanawha River with a distance of 1,915.18', more or less at a bearing of S 0° E, thence 25,848.35', more or less

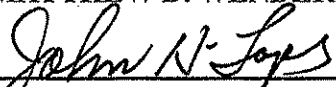
at a bearing of N 90° E, thence following the western banks of the New River at a distance of 2,542.41' more or less at a bearing of N 0° E, thence 4,512.91', more or less at a bearing of N 20°19'13" W, thence 8,71.47', more or less at a bearing of N 34°57'25" W, thence 716.26' more or less at a bearing of N 68°21'25" W, thence 2,623.25', more or less at a bearing of S 68°19'51" W, thence 1,291.36', more or less at a bearing of S 46°18" W, thence 1,340.51', more or less at a bearing of S 71°42'31" W, thence 720.12' more or less at a bearing of N 82°58'34" W, thence 444.84' more or less at a bearing of N 39°39'46" W, thence 1,289.03', more or less at a bearing of N 06°06' 15" W, thence 1,095.08', more or less at a bearing of N 14°28'41" E, thence 949.23' more or less at a bearing of N 08°18'09" E, thence 1,181.86', more or less at a bearing of N 11°30'26" W, thence 1,326.88', more or less at a bearing of N 28°39'36" W, thence 6,000', more or less at a bearing of N 51° W, to the point of beginning, containing 4,956.6 acres, more or less.

THEREFORE, it is the **ORDER** of the Commission that a hearing on the proposed enlargement of the Kanawha Falls Public Service District as aforesaid shall be conducted at the County Commission Courtroom located on the 1st floor of the Fayette County Courthouse in Fayetteville, Fayette County, West Virginia on the 5th day of January, 2007 at 10:00 o'clock a.m., and **NOTICE** of said hearing and the time and place thereof as aforesaid shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et. seq.* of the West Virginia Code.

At the hearing to be conducted as aforesaid, the County Commission shall consider and determine the feasibility of the enlargement of the Kanawha Falls Public Service District and shall determine if the construction, maintenance, operation, improvement and extension of the public service property by the Kanawha Falls Public Service District will be conducive to the preservation of public health, comfort and convenience of such area and whether the present or proposed physical facilities of the Kanawha Falls Public Service District are adequate to provide water and sewer service to such enlarged area.

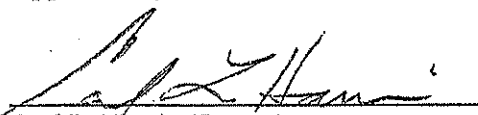
This ORDER and NOTICE was approved on this 30 day of November, 2006.


MATTHEW D. WENDER, President


JOHN H. LOPEZ, Commissioner


KENNETH ESKEW, Commissioner

Approved by:


Carl L. Harris, Esq.
Fayette County Prosecuting Attorney
108 E. Maple Avenue
Fayetteville, WV 25840
(304) 574-4230

EXISTING KANAWHA
FALLS PSD BOUNDARY

GAULEY RIVER

KANAWHA RIVER

PLAT
SHOWING
THE
COTTON HILL AREA
FOR ANNEXATION
TO
KANAWHA FALLS
PUBLIC SERVICE DISTRICT

EXISTING KANAWHA
FALLS PSD BOUNDARY

BOUNDARY FOR ARMSTRONG-DEEPWATER PSD

PAIGE-KINCAID PSD

SCALE: 1"=3000'
DATE: OCTOBER 2008

Ghosh
ENGINEERS INC.

AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS INC.
BECKLEY, WEST VIRGINIA 25801

December 11, 2006

STATE OF WEST VIRGINIA
COUNTY OF FAYETTE, to wit:

I, Susie Mercer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Clerk for Beckley Newspapers, Inc., a corporation, publisher of the newspaper entitled The Fayette Tribune, a Republican newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published twice-weekly for at least fifty weeks during the calendar year, in the municipality of Oak Hill, Fayette County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices; that the annexed notice

of BEFORE THE COUNTY COMMISSION OF
(Description of notice)

was duly published in said newspaper once a week for one successive weeks (Class 1), commencing with the issue of the 11th day of December, 2006, and ending with the issue

of the 11th day of December, 2006 (and was posted at the
Fayette County Courthouse

on the 11th day of December, 2006); that said annexed notice was published on the following dates:

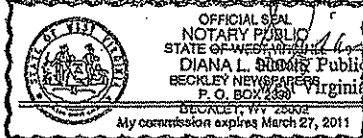
12/11/06 and that the

cost of publishing said annexed notice as aforesaid was \$ 112.55

Signed Susie Mercer
Susie Mercer
Legal Advertising Clerk
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this:
11th day of December, 2006

My commission expires March 27, 2011



COPY OF PUBLICATION

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA IN RE THE KANAWHA FALLS PUBLIC SERVICE DISTRICT.

ORDER AND NOTICE
WHEREAS, on the 30th day of November, 2005, the County Commission considered the representations of the Kanawha Falls Public Service District and its engineer that a water and sewer extension project proposed by said District could extend public water and sewer service to areas of Fayette County, West Virginia outside the current territory of said District and

WHEREAS, the area of Fayette County, to be served by the proposed water and sewer extension project is not furnished with public water or sewer service from any other source; and

WHEREAS, the provisions of §16-13A-2(a)(1) of the West Virginia Code permit the County Commission to propose on its own motion by Order duly adopted the enlargement of a public service district by giving its con-

WHEREAS, upon motion duly made and seconded the County Commission upon its own motion, approved the following action to wit:

The Fayette County Commission does hereby propose the enlargement of the Kanawha Falls Public Service District, subject to the written consent of the West Virginia Public Service Commission pursuant to the provisions of §16-3A-2(a)(1) of the West Virginia Code to encompass the

Beginning at a point near the confluence of the New and Gauley Rivers where the Kanawha River starts and follows

more or less at a bearing of S. 32° W. thence 2,000 more or less at a bearing of S. 6° W. thence 2,000 more or less at a bearing of S. 17° W. thence 3,000 more or less at a bearing of S. 18° E. thence 1,000 more or less at bearing of S. 1° W. thence 1,000 more or less at bearing of S. 10° W. thence 200 more or less at a bearing of S. 5° W. thence 1,000

at \$105.75, hence 3,000
at a buying of \$105.75
hence 1,000, more or
less at a buying of \$105.75
hence 3,000, more or
less at a buying of \$105.75

W. longitude 160.038, more or less at a bearing of N 70° 25' E, 480 m. distance, leaving the banks of the new river with a distance of 13.677 m. more or less at a bearing of N 65° 10' E, longitude 126.848, 96 m. or less at a bearing of N 30° E. Longitude following the western banks of the new river at a distance of 2.562 m. more or less at a bearing of N 60° E, longitude 127.283, more or less at a bearing of

202519130. W. thence 871.47' more or less at a bearing of N.349.57/25. W. thence 2718.28' more or less at a bearing of N.68.521/25.64 W. thence 7523.25' more or less at a bearing of S.68.19/51.7

W. thence $Y_{291.36}$ more
or less at a bearing of S
 $46^{\circ}11'18''$ W. to thence
 1340.61 more or less at
a bearing of S $74^{\circ}42'31''$
W. thence 720.32 more
or less at a bearing of N
 $82^{\circ}59'13''$ W. thence
 444.84 more or less at a
bearing of N $35^{\circ}35'46''$

W. thence 1,288.03' more or less at a bearing of N 061° 05' 16" E, thence 1,095.08' more or less at a bearing of N 142° 25' 41" E, thence 949.23' more or

less, a bearing of N. 08° 18' 00" E. at a distance of 101.46' more or less at a bearing of N. 13° 20' 12" W. thence 1.326.98' more or less at a bearing of N. 28° 39' 33" W. thence 6.000' more or less at a bearing of S. 61° 15' W. to the point of beginning, containing 4.956166 acres more or less.

WHEREFORE, all of the ORDER of the Council is that a hearing on the proposed enlargement of the Kanawha Falls Public Service District as aforesaid shall be conducted at the County Commission

Courthouse located on the
1st floor of the Fayette
County Courthouse in
Fayetteville, Fayette
County, West Virginia on
the 5th day of January
2007 at 10:30 o'clock
a.m. and NOTICE of said
hearing and the time and
place thereof as aforesaid.

shall be published as a Class 1 legal advertisement in compliance with the provisions of §59-3-1 et seq. of the West Virginia Code.

At the hearing to be conducted as aforesaid, the County Commission shall consider and determine the feasibility of the enlargement of the Kanawha Falls Public Service District and shall determine if the construction, maintenance, operation, improvement and extension of the public service property by the Kanawha Falls Public Service District will be conducive to the general health and

health, comfort and convenience of such area and whether the present or proposed physical facilities of the Kanawha Falls Public Sewerage District are adequate to provide water and sewer

This ORDER and NOTICE was approved on the 300th day of November, 2006, at
Matthew D. Wender, President
John H. Lopez,

Commissioner
Kenneth Eskew
Commissioner
72 MON. FEB LG 859



AFFIDAVIT OF PUBLICATION

BECKLEY NEWSPAPERS INC.

BECKLEY, WEST VIRGINIA 25801

December 20, 2006

STATE OF WEST VIRGINIA
COUNTY OF FAYETTE, to wit:

I, Susie Mercer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Manager for Beckley Newspapers, Inc., a corporation, of the newspaper entitled The Montgomery Herald, a Democratic newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly for at least fifty weeks during the calendar year, in the municipality of Montgomery, Fayette County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices; that the annexed notice

of BEFORE THE COUNTY COMMISSION
(Description of notice)

was duly published in said newspaper once a week for one successive

weeks (Class 1), commencing with the issue of the 20th day of

December, 2006, and ending with the issue

of the 20th day of December, 2006, (and was posted at the

Fayette County Courthouse

on the 20th day of December, 2006); that said annexed

notice was published on the following dates:

12/20/06 and that the

cost of publishing said annexed notice as aforesaid was \$ 112.55

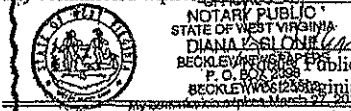
Signed

Susie Mercer
Susie Mercer
Legal Advertising Manager
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this:

20th day of December, 2006

My Commission expires July 1, 2014



COPY OF PUBLICATION

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA IN RE: THE KANAWHA FALLS PUBLIC SERVICE DISTRICT.

ORDER AND NOTICE

WHEREAS, on the 30th day of November, 2006, the County Commission considered the representations of the Kanawha Falls Public Service District and its engineer that a water and sewer extension project proposed by said district could extend public water and sewer service to areas of Fayette County, West Virginia outside the current territory of said district; and

WHEREAS, the provisions of §16-13A-2(a)(1) of the West Virginia Code permit the County Commission to propose on its own motion, by Order duly adopted, the enlargement of a public service district by giving its consent thereto; and

WHEREAS, upon motion duly made and seconded, the County Commission, upon its own motion, approved the following section, to-wit:

That Fayette County Commission does hereby propose the enlargement of the Kanawha Falls Public Service District, subject to the written consent of the West Virginia Public Service Commission pursuant to the provisions of §16-13A-2(a)(1) of the West Virginia Code, to encompass the following additional described territory, to-wit:

Beginning at a point near the confluence of the New and Gauley Rivers where the Kanawha River starts and following the southern bank of said river as described herein after, 12,000' more or less at a bearing of S 92° 44' E, thence 3,000' more or less at a bearing of S 62° W, thence 2,000' more or less at a bearing of S 37° W, thence 3,000' more or less at a bearing of S 18° E, thence 1,000' more or less at a bearing of S 11° W, thence 1,000' more or less at a bearing of S 22° W, thence 2,000' more or less at a bearing of S 45° W, thence 1,000' more or less at a bearing of S 28° W, thence 3,000'

more or less at a bearing of S 13° W, thence 1,000' at a bearing of S 45° W, thence 1,000' more or less at a bearing of S 66° W, thence 3,000' more or less at a bearing of N 85° W, thence 350.09', more or less at a bearing of N 70° 50' 45" W, thence leaving the banks of the Kanawha River with a distance of 1,915.18', more or less at a bearing of S 0° E, thence 25,848.35', more or less at a bearing of N 60° E, thence following the western banks of the New River at a distance of 2,542.41' more or less at a bearing of N 0° E, thence 4,512.81', more or less at a bearing of N 20° 19' 13" W, thence 8,714.47', more or less at a bearing of N 34° 57' 25" W, thence 718.26', more or less at a bearing of N 68° 21' 25" W, thence 2,623.25', more or less at a bearing of S 68° 19' 51" W, thence 1,281.36', more or less at a bearing of S 45° 18" W, thence 1,340.51', more or less at a bearing of S 71° 42' 31" W, thence 720.12' more or less at a bearing of N 82° 58' 34" W, thence 444.84' more or less at a bearing of N 39° 39' 46" W, thence 1,289.03', more or less at a bearing of N 06° 08' 15" W, thence 1,095.08', more or less at a bearing of N 14° 26' 41" E, thence 949.23' more or less at a bearing of N 08° 18' 09" E, thence 1,181.88', more or less at a bearing of N 11° 30' 26" W, thence 1,326.88', more or less at a bearing of N 28° 39' 36" W, thence 6,000', more or less at a bearing of N 51° W, to the point of beginning, containing 4,956.8 acres, more or less.

THEREFORE, it is the ORDER of the Commission that a hearing on the proposed enlargement of the Kanawha Falls Public Service District as aforesaid shall be conducted at the County Commission Courtroom located on the 1st floor of the Fayette County Courthouse in Fayetteville, Fayette County, West Virginia on the 6th day of January, 2007, at 10:00 o'clock a.m. and NOTICE of said hearing and the time and place thereof as aforesaid shall be published as a Class 1 legal advertisement in compliance with the provisions of §59-3-1 et. seq. of the West Virginia Code.

At the hearing to be conducted as aforesaid, the County Commission shall consider and determine the feasibility of the enlargement of the Kanawha Falls Public Service District and shall determine if the construction, maintenance, operation, improvement and extension of the public service property by the Kanawha Falls Public Service District will be conducive to the preservation of public health, comfort and convenience of such area and whether the present or proposed physical facilities of the Kanawha Falls Public Service District are adequate to provide water and sewer service to such enlarged area.

This ORDER and NOTICE was approved on this 30th day of November, 2006.

Matthew D. Wender,
President

John H. Lopez,
Commissioner
Kereth Eskew,
Commissioner

12-20-WED-1-MH: LG 235

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: THE KANAWHA FALLS PUBLIC SERVICE DISTRICT

CERTIFICATE OF POSTING

I, Billy Preast, General Manager of the Kanawha Falls Public Service District do hereby certify that I have made the following postings of the Order and Notice as required by the West Virginia Public Service Commission, to-wit:

	<u>Location</u>	<u>Date</u>	<u>Time</u>
1.	Falls Creek Rd 13 Pole #416A6	12/12/06	10:00 AM
2.	Kanawha Falls Rd 13 Pole #415C-20	12/12/06	10:30 AM
3.	Falls Creek Rd 13 Pole #415C-15	12/14/06	12:00 PM
4.	Kanawha Falls Rd 13 Pole 16A10	12/14/06	12:30 PM
5.	Boonesborough Rd Pole #4150-14	12/15/06	1:30 PM

Billy Preast
BILLY PREAST

Title: General Mgr.

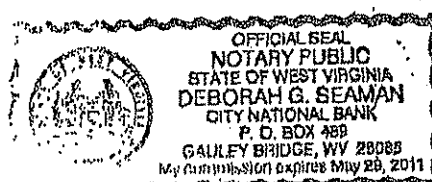
STATE OF WEST VIRGINIA,

COUNTY OF FAYETTE,

The foregoing Certificate of Posting was subscribed and sworn to before me on this 15th day of Dec, 2006, by Billy Preast, as General Mgr. of the Kanawha Falls Public Service District, for and on behalf of said public service district, to be its free act and deed.

Deborah G. Seaman
Notary Public

My commission expires: May 29, 2011



Jan 5, 2007

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: THE KANAWHA FALLS PUBLIC SERVICE DISTRICT

ORDER

On the 5th day of January, 2007, a hearing was conducted before the County Commission pursuant to the Order and Notice of the Commission on November 30, 2006 regarding the enlargement of the Kanawha Falls Public Service District, said enlargement having been proposed by the County Commission pursuant to the provisions of West Virginia Code §16-13A-2(a)(1) on its own Motion by Order duly adopted.

Whereupon, the County Commission heard and considered the testimony and evidence presented unto the County Commission at said hearing, and upon consideration thereof, the County Commission makes the following:

FINDINGS OF FACT

1. Notice of the aforesaid hearing and the time and place thereof, which Notice set forth a description of all of the territory proposed to be included in the Kanawha Falls Public Service District, was published as a Class I legal advertisement in compliance with the provisions of West Virginia Code §59-3-1 *et seq.* in compliance with the provisions of West Virginia Code §16-13A-2(c) and as set forth in the Affidavit of Publication of Beckley Newspapers, Inc. setting forth that said Notice was published on December 11, 2006 in The Fayette Tribune, and on December 20, 2006 in The Montgomery Herald, periods of more than ten (10) days prior to the hearing as aforesaid, a copy of said Affidavit of Publication for each publication being attached hereto as Exhibits A and B.

2. The Order and Notice of the Commission dated November 30, 2006 was posted in five (5) conspicuous places in the Kanawha Falls Public Service District more than ten (10) days prior to the aforesaid hearing as set forth on the Certificate of Posting, a copy of which is attached hereto as Exhibit C.

RECEIVED
2007 JAN - 8 AM 8:07
W VA PUBLIC SERVICE
COMMISSION
SECRETARY'S OFFICE

3. All persons residing in or owning or having any interest in property in the proposed enlargement of the Kanawha Falls Public Service District had an opportunity to be heard for and against such enlargement at said hearing.

4. The construction, maintenance, operation, improvement and extension of the Public Service District properties by the Public Service District will be conducive to the preservation of the public health, comfort and convenience within the proposed enlargement area of the Kanawha Falls Public Service District.

5. The physical facilities of the Public Service District as proposed shall be adequate to provide for such enlarged service within the Kanawha Falls Public Service District.

Upon consideration of the foregoing Findings of Fact, and the County Commission being of the opinion that it is proper to do so, it is the **ORDER** and **JUDGMENT** of the County Commission, subject to the approval of the West Virginia Public Service Commission, that the Kanawha Falls Public Service District is hereby enlarged to comprise the area described on Exhibit D attached hereto, which is more particularly bounded and described as follows, to-wit:

Beginning at a point near the confluence on the New and Gauley Rivers whereas the Kanawha River starts and follows the southern banks of said river as described herein after, 2,000', more or less at a bearing of S 82° W, thence 2,000', more or less at a bearing of S 62° W, thence 2,000', more or less at a bearing of S 17° W, thence 3,000', more or less at a bearing of S 18° E, thence 1,000', more or less at bearing of S 11° W, thence 1,000', more or less at bearing of S 32° W, thence 2,000', more or less at a bearing of S 45° W, thence 1,000', S 28° W, thence 3,000', more or less at a bearing of S 13° W, thence 1,000', at a bearing of S 45° W, thence 1,000', more or less at a bearing of S 66° W, thence 3,000', more or less at a bearing of N 85° W, thence 350.09', more or less at a bearing of N 70°50'45" W, thence leaving the banks of the Kanawha River with a distance of 1,915.18', more or less at a bearing of S 0° E, thence 25,848.35', more or less at a bearing of N 90° E, thence following the western banks of the New River at a distance of 2,542.41' more or less at a bearing of N 0° E, thence 4,512.91', more or less at a bearing of N 20°19'13" W, thence 8,71.47', more or less at a bearing of N 34°57'25" W, thence 716.26' more or less at a bearing of N 68°21'25" W, thence 2,623.25', more or less at a bearing of S 68°19'51" W, thence 1,291.36', more or less at a bearing of S 46°18" W, thence 1,340.51', more or less at a bearing of S 71°42'31" W, thence 720.12' more or less at a bearing of N

82°58'34" W, thence 444.84' more or less at a bearing of N 39°39'46" W, thence 1,289.03', more or less at a bearing of N 06°06' 15" W, thence 1,095.08', more or less at a bearing of N 14°28'41" E, thence 949.23' more or less at a bearing of N 08°18'09 E, thence 1,181.86', more or less at a bearing of N 11°30'26" W, thence 1,326.88', more or less at a bearing of N 28°39'36" W, thence 6,000', more or less at a bearing of N 51° W, to the point of beginning, containing 4,956.6 acres, more or less.

Approved and entered this 5th day of January, 2007.



KENNETH ESKEW, President



JOHN H. LOPEZ, Commissioner



MATTHEW D. WENDER, Commissioner

EXISTING KANAWHA FALLS PSD BOUNDARY

GAZLEY RIVER

NEW RIVER

KANAWHA RIVER

EXISTING KANAWHA FALLS PSD BOUNDARY

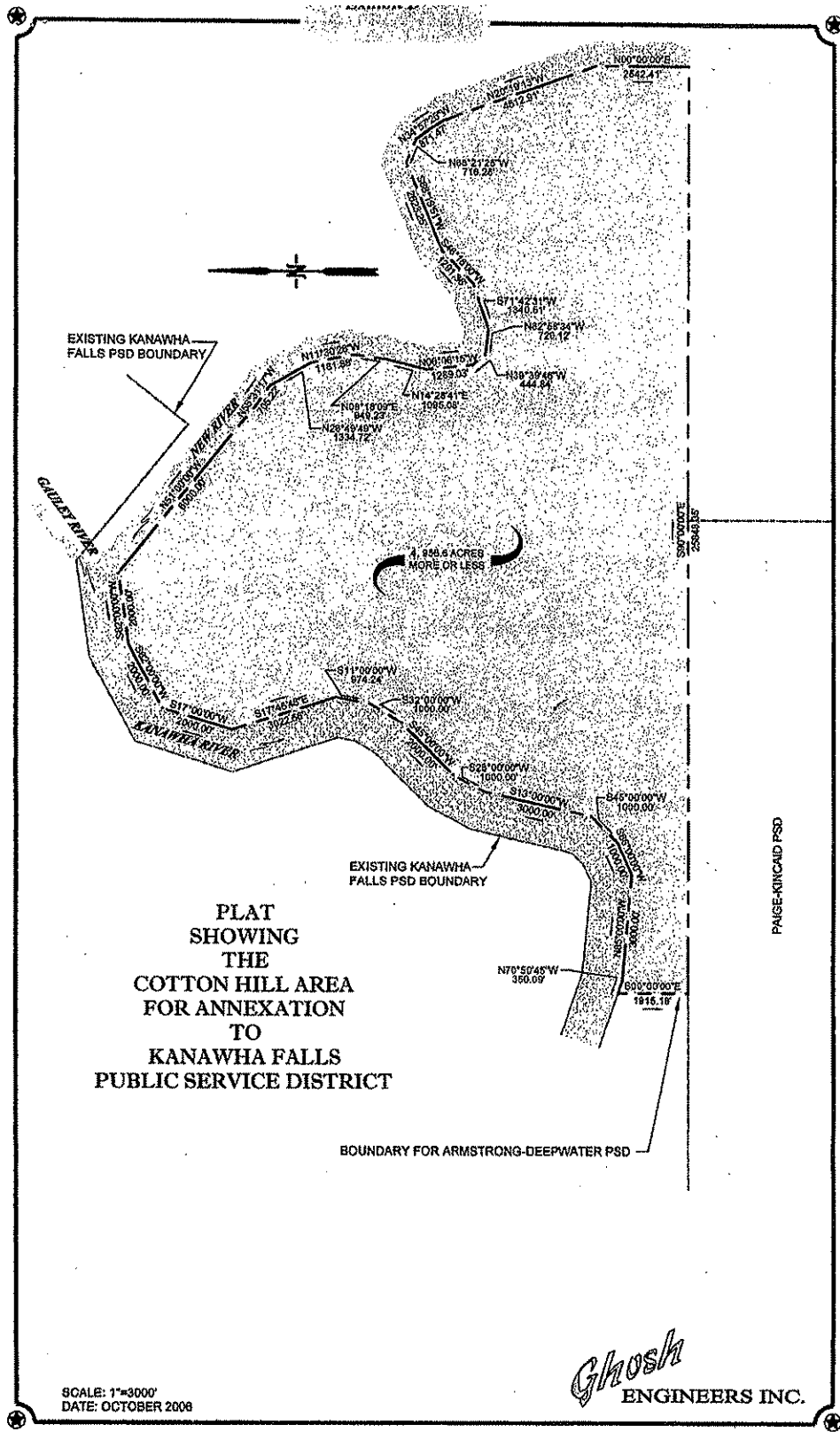
PAIGE-KINCAID PSD

PLAT
SHOWING
THE
COTTON HILL AREA
FOR ANNEXATION
TO
KANAWHA FALLS
PUBLIC SERVICE DISTRICT

BOUNDARY FOR ARMSTRONG-DEEPWATER PSD

SCALE: 1"=3000'
DATE: OCTOBER 2008

Ghosh
ENGINEERS INC.



PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

FINALEntered: April 11, 2007

5/1/2007

CASE NO. 07-0019-PSWD-PC

FAYETTE COUNTY COMMISSION

County Commission order enlarging the boundaries
of Kanawha Falls Public Service District.

RECOMMENDED DECISION

On December 1, 2006, the Fayette County Commission (Fayette Commission) filed with the Public Service Commission its Order dated January 6, 2007, enlarging the boundaries of the Kanawha Falls Public Service District (District), in accordance with the West Virginia Code §16-13A-2. The District had proposed a water and sewer extension project which could extend service to a currently unserved area.

On January 29, 2007, Staff Attorney Leslie Anderson, Esquire, filed an Initial and Final Memorandum, to which was attached the Initial and Final Internal Memorandum prepared by Mr. Nathan Nelson, Utilities Analyst II, Water and Wastewater Division. The Fayette County Commission's hearing was conducted on January 5, 2007. The Fayette County Commission submitted verified affidavits of publication and posting, verifying publication of an appropriate notice in The Montgomery Herald and The Fayette Tribune and posting in five conspicuous places in the District's territory. Staff opined that the Fayette County Commission's boundary expansion Order substantially complies with West Virginia Code §16-13A-2. However, Staff recommended that the Fayette County Commission be required to publish notification that this case is pending before the Public Service Commission. If no substantial protests are received, the County Commission's Order should be approved without hearing. Staff recommended that the matter be referred to the Division of Administrative Law Judges.

By Order dated February 20, 2007, this matter was referred to the Division of Administrative Law Judges for a decision to be rendered on or before August 6, 2007.

By Order dated February 28, 2007, the Fayette County Commission was directed to give notice of the filing of its January 8, 2007 Order enlarging the Kanawha Falls Public Service District by publishing a copy of a Notice of Filing, once in a newspaper, duly qualified by the Secretary of State, published and of general circulation in Fayette County.

On March 19, 2007, the Fayette County Commission filed a proper affidavit reflecting that publication had been made in accordance with the Commission's requirements in The Montgomery Herald. The date of

publication was March 7, 2007, and the 30-day protest period expired on April 6, 2007.

No protests were received to the order of the Fayette County Commission within the 30-day protest period or as of the date of this Order.

FINDINGS OF FACT

1. The Fayette County Commission filed with the Public Service Commission its Order dated January 5, 2007, enlarging the boundaries of the Kanawha Falls Public Service District, in accordance with West Virginia Code §16-13A-2. (See, petition filed December 1, 2006).

2. Staff recommended that the Fayette County Commission be directed to give notice of the filing of its petition with the Public Service Commission and, if no substantial protests are received, the County Commission's Order should be approved, without hearing. (See, Initial and Final Joint Staff Memorandum filed January 29, 2007).

3. The Fayette County Commission properly published and posted notice of the proposed boundary modifications, prior to its own hearing on January 5, 2007. (See, information and orders filed January 8, 2007).

4. The Fayette County Commission properly published notice of this proceeding in accordance with the Commission's requirements in The Montgomery Herald, with the date of publication being March 7, 2007, and the 30-day protest period expiring on April 6, 2007. (See, affidavit of publication filed March 19, 2007).

5. No protests were received to the petition within the 30-day protest period or as of the date of this Order. (See, case file generally).

CONCLUSION OF LAW

Since the Fayette County Commission has substantially complied with the requirements of West Virginia Code §16-13A-2, has given notice of the filing of its Order enlarging the Kanawha Falls Public Service District, and no protests have been filed, it is reasonable to approve the January 5, 2007 Order of the Fayette County Commission approving the enlargement of the Kanawha Falls Public Service District in accordance with the provisions of West Virginia Code §16-13A-2.

ORDER

IT IS, THEREFORE, ORDERED that the Fayette County Commission's Order of January 5, 2007, enlarging the Kanawha Falls Public Service District be, and hereby is, approved.

IT IS FURTHER ORDERED that this proceeding be, and it hereby is, removed from the Commission's docket of open cases.

The Executive Secretary is hereby ordered to serve a copy of this Order upon the Commission by hand delivery, and upon all parties of record by United States Certified Mail, return receipt requested.

Leave is hereby granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen (15) days of the date this Order is mailed. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served said exceptions.

If no exceptions are so filed, this Order shall become the order of the Commission, without further action or order, five (5) days following the expiration of the aforesaid fifteen (15) day time period, unless it is ordered stayed or postponed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's Order by filing an appropriate petition in writing with the Secretary. No such waiver will be effective until approved by order of the Commission, nor shall any such waiver operate to make any Administrative Law Judge's Order or Decision the order of the Commission sooner than five (5) days after approval of such waiver by the Commission.


Robert W. Glass
Administrative Law Judge

RWG:kkp
070019aa.wpd

WEST VIRGINIA MUNICIPAL BOND COMMISSION**NEW ISSUE REPORT FORM**

900 Pennsylvania Avenue, Suite 1117, Charleston, WV 25302

Phone: (304) 558-3971

FAX: (304) 558-1280

mbc.wv.gov

Date of Report: 4/3/2025

ISSUE: Kanawha Falls Public Service District

Design Funding Assistance, Series 2025 A (West Virginia SRF Program/Forgivable)

ADDRESS: 362 Main Street, Gauley Bridge, WV 25085

COUNTY: Fayette

PURPOSE OF ISSUE: ☒ New Money☐ Refunding

Refunding issue(s) dated: NA

ISSUE DATE: 4/3/2025

RATE: 0.00% ADMIN FEE: NA

ISSUE AMOUNT: \$ 397,500.00

1st DEBT SERVICE DUE: NA

1st PRINCIPAL DUE: NA

1st DEBT SERVICE AMOUNT: NA

PAYING AGENT: NA

BOND COUNSEL: Steptoe and Johnson PLLC

UNDERWRITERS COUNSEL: Jackson Kelly

Contact Name: John Stump

Contact Name: Samme Gee

Phone: 304.353.8196

Phone: 304.340.1318

Email: john.stump@steptoe-johnson.comEmail: sgee@jacksonkelly.com

CLOSING BANK: City National Bank

ESCROW TRUSTEE:

Contact Name: Bradley Brown

Contact Name:

Phone: 304.632.1333

Phone:

Email:

Email:

KNOWLEDGEABLE ISSUER CONTACT:

OTHER: WV DEP

Contact Name: Joey Goodnite

Contact Name: John Giroir

Title: General Manager

Title: Program Manager

Phone: 304.632.4161

Phone: 304.926.0499

Email: kfpsd2018@gmail.comEmail: john.giroir@wv.gov

DEPOSITS TO MBC AT CLOSE:

Accrued Interest:

By: Wire

Capitalized Interest:

Check

Reserve Account:

In-house Transfer

Other:

REFUNDS & TRANSFERS BY MBC AT CLOSE:

To Escrow Trustee:

By: Wire

To Issuer:

Check

To Cons. Invest Fund:

IGT

To Other:

ISSUER NUMBERS:

BANK ID NUMBER:

CUSIP:

ACCOUNT NUMBER:

PROGRAM NUMBER:

NOTES: The Funding Assistance is forgivable. No accounts are set up at the Commission

FOR MUNICIPAL BOND COMMISSION USE ONLY:

Documents Required:

Transfers Required: