



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Charles R. Borders
Commissioner

April 3, 2012

Robert C. Moore, Esq.
Hazelrigg & Cox, LLP
P.O. Box 676
Frankfort, Kentucky 40602

Mr. Lawrence Smither
Coolbrook Utilities, LLC
P.O. Box 91588
Louisville, Kentucky 40291

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

Re: Case No. 2011-00433
Coolbrook Utilities, LLC

Ms. Hans and Gentlemen:

The enclosed electronic mail traffic has been filed in the record of the above-referenced case. Any objections to this action should be submitted to the Commission within five days of receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

gw
Enclosures

From: [Robert Moore](#)
To: [Wuetcher, Jerry \(PSC\)](#)
Cc: [Spnard, David \(KYOAG\)](#)
Subject: Coolbrook Utilities, Case No. 2011-433
Date: Thursday, March 29, 2012 9:09:16 AM

Gentlemen, I was a little confused by the Commission's Order issued earlier this week, and have a call in to Jerry to clarify same. The issues are as follows:

- 1) The Commission denied the request to defer the hearing. I will be out of town on spring break visiting my daughter, who is studying in Spain, so I will have Tom Hellmann cover the hearing for me. Larry Smither would much prefer me to represent Coolbrook at the hearing because of my familiarity with the issues. Is it too late at this time to reschedule the hearing to allow me to attend? If so, we will be prepared to proceed. Please note that this request is no reflection on Tom Hellmann's abilities as an attorney, but he is just not as familiar with the issues;
- 2) My understanding is that the only issue to be addressed at the hearing is the surcharge, and perhaps the attorneys fees incurred in this case. Those were the only issues raised in the Objections to the Staff Report. There will be no testimony from Coolbrook on the Owner/Manager fee or the Billing/Collection fee;
- 3) I will be pre-filing the testimony of the witnesses that will testify. I anticipate filing this testimony on Friday, March 30, 2012.

Would it make sense to have a brief telephone conversation today to address these issues? I am available most of the day. Thank you for your response to this letter. Rob Moore 032912

Robert C. Moore
Hazelrigg & Cox, LLP
P.O. Box 676
415 West Main Street
Frankfort, Kentucky 40602-0676
Telephone: 502-227-2271
Fax: 502-875-7158

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From: [Spenard, David \(KYOAG\)](#)
To: [Robert Moore](#); [Wuetcher, Jerry \(PSC\)](#)
Cc: [Hans, Jennifer \(KYOAG\)](#)
Subject: RE: Coolbrook Utilities, Case No. 2011-433
Date: Thursday, March 29, 2012 9:21:11 AM

Good morning.

Jennifer Hans is also counsel on this case on behalf of the Attorney General. Please include her in future electronic mail message.

The Kentucky OAG is prepared to proceed on Tuesday, April 3rd. We have no desire to inconvenience Coolbrook or Mr. Moore (or the Commission), but we do note that our calendars are also quite busy as well and respectfully ask that, if there is a rescheduling, we are consulted as to the date in that each attorney representing this office has numerous commitments in April and May (and therefore potential conflicts with regard to an alternate date).

We are available for a telephone conversation today until 4:00 p.m.

Best regards,

David Edward Spenard

From: Robert Moore [mailto:RMoore@hazelcox.com]
Sent: Thursday, March 29, 2012 9:17 AM
To: Wuetcher, Jerry (PSC)
Cc: Spenard, David (KYOAG)
Subject: Coolbrook Utilities, Case No. 2011-433

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To: [Spenard, David \(KYOAG\)](#); [Wuetcher, Jerry \(PSC\)](#)
Cc: [Hans, Jennifer \(KYOAG\)](#)
Subject: RE: Coolbrook Utilities, Case No. 2011-433
Date: Thursday, March 29, 2012 9:40:24 AM

Gentlemen, My secretary, Nancy Bailey, emailed the State Journal representative this morning to get the statement that the notice for the April 3, 2012 hearing had been run as requested so that I could file it with the Commission. Mr. Jim Wainscott, an employee of the State Journal, has advised Ms. Bailey by email this morning that the State Journal did not run the requested notice because the email requesting publication of the notice went to his "spam" mail. Ms. Bailey had spoken to the State Journal prior to emailing the hearing notice to Mr. Wainscott. Ms. Bailey sends emails to Mr. Wainscott requesting the placement of advertisements for Master Commissioner sales on a frequent basis and this has never happened before. Mr. Wainscott says that he will run the notice on Friday, March 30, 2012, and also on Sunday, April 1, 2012, if requested. Please let me know how the Commission would like me to proceed. Thank you. Rob Moore 032912

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From: Spenard, David (KYOAG) [mailto:david.spenard@ag.ky.gov]
Sent: Thursday, March 29, 2012 9:24 AM
To: Robert Moore; Wuetcher, Jerry (PSC)
Cc: Hans, Jennifer (KYOAG)
Subject: RE: Coolbrook Utilities, Case No. 2011-433

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Sent: Thursday, March 29, 2012 9:17 AM
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Cc: Spenard, David (KYOAG)
Subject: Coolbrook Utilities, Case No. 2011-433

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From: [Robert Moore](#)
To: [Wuetcher, Jerry \(PSC\)](#); [Spenard, David \(KYOAG\)](#)
Cc: [Hans, Jennifer \(KYOAG\)](#)
Subject: FW: Ad for paper on Tuesday, March 27, 2012
Date: Thursday, March 29, 2012 9:53:59 AM
Attachments: [help_wanted_info_copy.doc](#)
[ATT119662.htm](#)

Ladies and Gentlemen, Please see the letter forwarded to my office by Jim Wainscott with the State Journal concerning the publication issue. Thank you. Rob Moore 032912

Robert C. Moore
Hazelrigg & Cox, LLP
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From: Nancy Bailey
Sent: Thursday, March 29, 2012 9:51 AM
To: Robert Moore
Subject: FW: Ad for paper on Tuesday, March 27, 2012

From: Jim Wainscott [<mailto:jimw@state-journal.com>]
Sent: Thursday, March 29, 2012 9:36 AM
To: Nancy Bailey
Subject: Re: Ad for paper on Tuesday, March 27, 2012

The State Journal



1216 WILKINSON BLVD.
Frankfort, Kentucky 40601
Phone 502-227-4556
Fax 502-227-2831

A DIX NEWSPAPER

Nancy,

This is to inform you that we did receive the email from you within the proper time to get the Notice of Hearing ad in for Coolbrook. It should have run on Tuesday, March 27th, 2012 but due to an error here at The State Journal, the ad did not get into the paper. Please accept my apologies for this error and I am willing to publish the ad on Friday, March 30th and again on Sunday March 31st (Which is our largest publication).

Jim Wainscott
Advertising Executive

Hope this helps, so sorry about the mistake.

Jim

On Mar 29, 2012, at 9:22 AM, Nancy Bailey wrote:

<image001.gif>

I sent this Notice to you Last Friday to be run this Tuesday.

From: Nancy Bailey
Sent: Friday, March 23, 2012 4:48 PM
To: 'Jim Wainscott'
Subject: Ad for paper on Tuesday, March 27, 2012

Hi Jim,

Please run the attached Notice of Formal Hearing in whatever part of the paper you all usually put them for Tuesday, March 27, 2012.

Please bill this under the Hazelrigg & Cox account – not the Special Master Commissioner account.

Thank you and please confirm receipt of this.

Nancy E. Bailey

Office Manager/Paralegal

HAZELRIGG & COX, LLP

415 West Main Street

Frankfort, Kentucky 40601

502-227-2271 (phone)

502-875--7158 (fax)

<image001.gif><NOTICE OF FORMAL HEARING.032312.docx>

From: [Wuetcher, Jerry \(PSC\)](#)
To: ["Robert Moore \(RMoore@hazelcox.com\)"; Spenard, David \(KYOAG\); Hans, Jennifer \(KYOAG\)](#)
Cc: [Beavers, Eddie \(PSC\); Robards, Bob \(PSC\); Bryant, Sam \(PSC\); Benson, Shane \(PSC\); Gillig, Gretchen \(PSC\); Faulkner, Linda \(PSC\); Smith, Renee C \(PSC\)](#)
Subject: Case No. 2011-00433
Date: Thursday, March 29, 2012 11:24:12 AM

Ms. Hans and Gentlemen:

I have relayed Mr. Moore's messages of this morning to Vice Chairman Gardner, who will be serving as hearing officer for the hearing in the above-referenced case. VC Gardner has agreed to postponing the hearing to 4/13/2012. The hearing will begin at 9:00 a.m. Coolbrook should publish notice of the new hearing date as 807 KAR 5:011 requires. The PSC will issue an order on the postponement and the scope of the hearing early next week. When an order is issued, I will e-mail a copy of the Order or a hyperlink to the Order's location on the PSC's website.

If you have any questions, please contact by phone or e-mail.

Respectfully,

Gerald E. Wuetcher
Executive Advisor/Attorney
Public Service Commission of Kentucky
gerald.wuetcher@ky.gov
Office: (502) 564-3940 x259
Cell: (502) 229-6500

From: [Robert Moore](#)
To: [Wuetcher, Jerry \(PSC\)](#); [Spenard, David \(KYOAG\)](#); [Hans, Jennifer \(KYOAG\)](#)
Cc: [Beavers, Eddie \(PSC\)](#); [Robards, Bob \(PSC\)](#); [Bryant, Sam \(PSC\)](#); [Benson, Shane \(PSC\)](#); [Gillig, Gretchen \(PSC\)](#); [Faulkner, Linda \(PSC\)](#); [Smith, Renee C \(PSC\)](#); [LAWRENCE SMITHER](#); [Marty Cogan](#); [Jack Kaninberg](#)
Subject: RE: Case No. 2011-00433
Date: Thursday, March 29, 2012 12:03:52 PM

Jerry, As soon as we got off the phone indicating that the hearing would be rescheduled, I called Mr. Smither to advise him of this fact, and that it appeared that the hearing would be rescheduled for April 13, 2012. Mr. Smither advised me that he has planned to be out of the office on vacation in Florida during the week of April 9, 2012, for some time, so if possible, we would request that the hearing be rescheduled to the week of April 15, or thereafter. Thank you for your consideration.
Rob Moore 032912

Robert C. Moore
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From: Wuetcher, Jerry (PSC) [mailto:JWuetcher@ky.gov]
Sent: Thursday, March 29, 2012 11:24 AM
To: Robert Moore; Spenard, David (KYOAG); Hans, Jennifer (KYOAG)
Cc: Beavers, Eddie (PSC); Robards, Bob (PSC); Bryant, Sam (PSC); Benson, Shane (PSC); Gillig, Gretchen (PSC); Faulkner, Linda (PSC); Smith, Renee C (PSC)
Subject: Case No. 2011-00433

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If you have any questions, please contact by phone or e-mail.

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From: [Wuetcher, Jerry \(PSC\)](#)
To: [Robert Moore \(RMoore@hazelcox.com\)](#); [Spenard, David \(KYOAG\)](#); [Hans, Jennifer \(KYOAG\)](#)
Subject: Case No. 2011-00433
Date: Thursday, March 29, 2012 3:25:38 PM

Please advise of the dates in April and May 2012 that you or your client's witnesses are unavailable to appear at a hearing before the PSC in the above-referenced case. With this information, Commission Staff will attempt to schedule a new hearing date.

Respectfully,

Gerald E. Wuetcher
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gerald.wuetcher@ky.gov
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From: [Spenard, David \(KYOAG\)](#)
To: [Wuetcher, Jerry \(PSC\)](#); RMoore@hazelcox.com; [Hans, Jennifer \(KYOAG\)](#)
Subject: RE: Case No. 2011-00433
Date: Thursday, March 29, 2012 3:56:41 PM

Mr. Wuetcher,

Good afternoon.

We are looking at our calendars, and we hope to provide a response by c.o.b. tomorrow (Friday).

Regards,

David Edward Spenard
Assistant Attorney General

From: Wuetcher, Jerry (PSC) [mailto:JWuetcher@ky.gov]
Sent: Thursday, March 29, 2012 3:26 PM
To: RMoore@hazelcox.com; Spenard, David (KYOAG); Hans, Jennifer (KYOAG)
Subject: Case No. 2011-00433

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From: [Robert Moore](#)
To: [Wuetcher, Jerry \(PSC\)](#); [Spenard, David \(KYOAG\)](#); [Hans, Jennifer \(KYOAG\)](#)
Cc: [LAWRENCE SMITHER](#)
Subject: RE: Case No. 2011-00433
Date: Thursday, March 29, 2012 4:28:37 PM

Mr. Smither and I, as well as Coolbrook's potential witnesses, will be available on any days in April after April 16, and on any days in May, with the exception of May 1, 3, and 4. I can work around May 4, 2012, if that is a problem. Thank you. Rob Moore 032912

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Cc: [LAWRENCE SMITHER](#)
Subject: RE: Case No. 2011-00433
Date: Friday, March 30, 2012 9:09:37 AM

Good morning.

The Office of the Attorney General has a strong preference for one of these dates during the week of April 16th through the 20th.

Monday, April 16th;
Tuesday, April 17th;
Thursday, April 19th; or
Friday, April 20th.

For the remainder of April: Monday, April 23rd and Friday, April 27th of the following week are open, but not preferred.

Friday, May 4th is available (however not preferred); May 15th is not available.

If you require any additional information, then please advise at your convenience.

Regards,

David

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