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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Linda Breathitt
Commissioner

July 31, 2014

PARTIES OF RECORD

Re: Case No. 2014-00141
Kurt and Layne Netherton v. Kentucky-American Water Company

The attached electronic mail has been filed in the record of the above-referenced case. Any comments regarding the content should be submitted to the Commission within five days of receipt of this letter. Any questions regarding the electronic mail should be directed to Nancy Vinsel, Staff Attorney, at (502) 782-2582.

Sincerely,



Jeff Derguen
Executive Director

NJV

Attachment

Vinsel, Nancy (PSC)

From: Vinsel, Nancy (PSC)
Sent: Wednesday, July 30, 2014 1:00 PM
To: 'Layne Netherton'
Cc: l.ingram@skofirm.com; Kurt Netherton; Raff, Richard (PSC); Beavers, Eddie (PSC); Turnbull, Ariel (PSC); Vinsel, Nancy (PSC); Wakim, George W (PSC)
Subject: 2014-00141: Response to email of July 29, 2014

Ms. Netherton,

The Commission received your email dated July 29, 2014 raising several questions seeking legal advice regarding Case No. 2014-00141.

As the impartial trier of fact and decision maker, the Commission cannot provide legal advice to a party. Only a lawyer who represents you may give you legal advice.

Your email also raised questions regarding procedures to be followed in this case. Again, we are unable to provide you with legal advice. The rules and procedures governing Commission investigations such this matter are found in Kentucky Revised Statutes ("KRS") Chapter 278 and Kentucky Administrative Regulations, Section 807. The Commission includes links to relevant statutes and regulations on its web site at: <http://psc.ky.gov/Home/About#Related> The following statutes and regulations should assist you in answering the procedural questions you raise in your email: KRS 278.260; KRS 278.270; KRS 278.280; KRS 278.310 – 278.450; 807 KAR 5:001 Sections 1-2, 4 – 7, 9 – 11, 13, 20; 807 KAR 5:006 Sections 11, 12, 17 – 19.

Your request in your email regarding a hearing is different from Commission Staff's understanding of what the parties agreed to at the informal conference held on July 28. As such, your request will be addressed in the informal conference memo, which should be issued shortly. As I indicated at the informal conference, the minutes of the informal conference, which now contain an addendum to incorporate your emails, will be filed into the case record. All parties will receive a copy and may file written comments.

For future reference, Commission procedures require that communications be made in the record. Future correspondence regarding this case should be made via written correspondence sent to the Commission and to Mr. Ingram as counsel for Kentucky American via U.S. mail. A copy of this email exchange will be filed in the case record. Lindsay Ingram, counsel for Kentucky American, is being copied on this email.

Sincerely,

Nancy J. Vinsel
Staff Attorney
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615
Office: (502) 782-2582
Fax: (502) 564-7279
Email: nancy.vinsel@ky.gov
Website: <http://psc.ky.gov>

Vinsel, Nancy (PSC)

From: Layne Netherton <layniemia@yahoo.com>
Sent: Tuesday, July 29, 2014 9:58 AM
To: Vinsel, Nancy (PSC); l.ingram@skofirm.com
Cc: Kurt Netherton
Subject: Meeting Yesterday

Hello all,

I wanted to thank you both for your time yesterday. It was nice to meet everyone in person. Nancy, is it possible for you to send me the hearing process procedures? I'm assuming the deposition process and the process for listing witnesses will be including in that procedure documentation, but if not, I would like to get a copy of that as well.

One more question about that process--is it permissible to submit a sworn affidavit in place of sworn testimony in the event the person is unable to attend the hearing?

Also, I noticed there is an appeal process as well. Can you provide me the process for that as well?

Thanks again and I look forward to working with you and your team on this in the near future.

Regards,

Layne Netherton
859-536-8875

Vinsel, Nancy (PSC)

From: Layne Netherton <layniemia@yahoo.com>
Sent: Tuesday, July 29, 2014 10:01 AM
To: Vinsel, Nancy (PSC); l.ingram@skofirm.com
Cc: Kurt Netherton
Subject: Re: Meeting Yesterday

One more item I forgot to ask--what is the process for obtaining possession of the meter? To meet the burden of proof that the meter was working properly, we'll need to examine it at some point.

Layne

On Tuesday, July 29, 2014 9:58 AM, Layne Netherton <layniemia@yahoo.com> wrote:

Hello all,

I wanted to thank you both for your time yesterday. It was nice to meet everyone in person. Nancy, is it possible for you to send me the hearing process procedures? I'm assuming the deposition process and the process for listing witnesses will be including in that procedure documentation, but if not, I would like to get a copy of that as well.

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Also, I noticed there is an appeal process as well. Can you provide me the process for that as well?

Thanks again and I look forward to working with you and your team on this in the near future.

Regards,

Layne Netherton
859-536-8875