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RECEIVED

AUG 14 2007

PUBLIC SERVICE  
COMMISSION

August 13, 2007

**VIA U.S. MAIL**

Hon. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

***Re: Application of Kentucky-American Water Company, a/k/a Kentucky American Water for Certificate of Convenience and Public Necessity Authorizing Construction of Kentucky River Station II ("KRS II"), Associated Facilities, and Transmission Line, Case No. 2007-00134.***

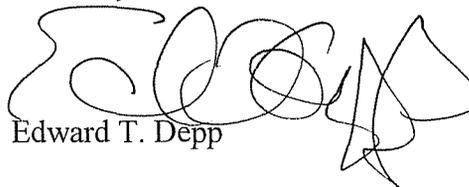
Dear Ms. O'Donnell:

We have enclosed, for filing with the Public Service Commission of the Commonwealth of Kentucky, an original and eleven (11) copies each of the data requests that Louisville Water Company has served, today, upon the following intervenors to the above-referenced case: (i) Kentucky River Authority; (ii) Bluegrass Water Supply Commission; (iii) Lexington-Fayette Urban County Government; (iv) Kentucky Industrial Utility Customers; (v) Citizens for Alternative Water Solutions; and (vi) Office of the Attorney General.

Please file-stamp one copy of each and return them to us in the enclosed self-addressed stamped envelope.

Thank you, and if you have any questions, please call us.

Sincerely,



Edward T. Depp

ETD/lb

cc: John E. Selent, Esq. (w/o encl.)

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

AUG 14 2007

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Kentucky-American Water	)	
Company, a/k/a Kentucky American Water	)	
For Certificate of Convenience and Public	)	
Necessity Authorizing Construction of	)	Case No. 2007-00134
Kentucky River Station II ("KRS II"),	)	
Associated Facilities, and Transmission Line	)	

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
OFFICE OF THE ATTORNEY GENERAL**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Office of the Attorney General ("AG"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

**I. DEFINITIONS**

A. The terms "you" and "your" shall refer to AG, as well as its present or former agents, attorneys, representatives and all other persons who have acted or purported to act on its behalf pursuant to contract or otherwise in any of the matters covered by these Discovery Requests, whether or not it is contended that such entity or person had authority to act on behalf thereof.

B. "Communication" means any oral or written exchange of words, thoughts or ideas with another person(s), whether person to person, in a group, in a meeting, by telephone, letter, telefax, electronic mail, or otherwise, and including without limitation any printed, typed, handwritten or other readable document and any tape recording, correspondence, memorandum, report, contract, diary, logbook, minutes, note, study, survey and forecast.

C. "Document" or "documents" shall have their customary broad meanings and shall include, without limitation, all originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, photographic or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to, all books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial reports, records studies, transcripts, diaries (formal or informal), audited and unaudited financial statements, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, telex messages, communications (including intra-corporate communications, and reports, notes, notations and memoranda of, or relating to, telephone conversations and conferences), minutes, transcriptions, correspondence, agreements, graphs, tabulations, analyses, evaluations, tests, projections, opinions or reports, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, computer inputs or outputs, computer memory, computer discs, electronic mail, microfilm, magnetic tapes, photographs, installation guides and instructional material within your possession, custody or control. Different versions of the same documents, including but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.

D. “Person” means any natural person as well as any firm, partnership, proprietorship, association, institution, joint venture, corporation, government entity, administrative agency, professional association and any other organization.

E. “Identify,” when used in reference to a natural person, means to provide the person’s name, last known home and business addresses, last known home and business telephone numbers, present employer, and job title.

F. “Identify,” when used in reference to a person that is a corporation, partnership, proprietorship, association, business, or other such group, means to provide the person’s full name, address, telephone number, form of organization, and a description of its business activities.

G. “Identify,” when used in reference to a document, means to provide a brief description of the document including its date, author, addressee, known recipients, form (that is, letter, invoice, blueprint, etc.), subject matter, length, and the present custodian of each copy of the document having notations unique to such copy.

H. “Identify,” when used in reference to an oral communication, means to state the date of the communication and the place or places where the communication occurred, to identify each person who took part in or heard the communication, to provide a description of the subject matter of the communication, and to identify each document that refers or relates to or evidences the communication.

I. “Date” refers to the exact day, month, and year, if known, or, if not known, the best approximation including, as appropriate to the situation, relationship to other events.

## **II. INSTRUCTIONS**

A. In answering these Discovery Requests, words used in the singular number shall include the plural number and words used in the plural number shall refer to the singular number as

well. Gender is to be wholly disregarded, the neuter referring as well to the male and the female and the male and the female referring to each other as well as to the neuter.

B. The words "and" or "or" shall be construed conjunctively or disjunctively, as is necessary to make each Interrogatory inclusive rather than exclusive; and the singular of any word shall include the plural, and the plural shall include the singular, as is necessary to make each Interrogatory inclusive rather than exclusive.

C. Where identification of each fact relied upon by you with regard to a specified allegation or contention is requested, the response shall state separately with specificity each fact in your knowledge, whether obtained through documents, oral communications (whether or not reduced to writing), personal or professional experience or through any other means, which you believe supports the truth of such allegation.

D. If you cannot answer any Interrogatory fully, answer it to the extent possible and state the reason(s) for not answering more fully.

E. If, in answering these Discovery Requests you encounter any ambiguity in construing the Discovery Requests, or a definition or instruction relevant to the inquiry contained therein, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the Discovery Requests.

F. In answering these Interrogatories, furnish such information as is available to you, not merely such information as is within your knowledge. This means that you are to furnish information that is known by, available to or in possession of your employees, representatives, servants or agents, including your attorney or any agent or investigator for you or your attorney (unless privileged).

G. If you claim privilege as grounds for objection to any Discovery Request, identify

1. The name and address of the speaker or author of the document;
2. The date of the communication or document;
3. The name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
4. The form of the communication or document (i.e. letter, memorandum, invoice, contract, etc.);
5. The title and length of the document;
6. The names and addresses of any person currently in possession of the document or a copy thereof;
7. A detailed description of the communication or document; and
8. The nature of the privilege claimed.

H. For any document no longer in your custody or control, identify the document, state whether it is missing, lost, destroyed, transferred to others or otherwise disposed of, and identify any person who currently has custody or control of the document or who has knowledge of the contents of the document.

I. These Discovery Requests shall be deemed continuing in nature so as to require additional answers if further information is obtained between the time the answers are served and the time of any hearing before the Commission.

J. For all documents produced in response to these Discovery Requests, identify the particular numbered Discovery Request to which they are responsive.

### **III. INTERROGATORIES**

1. Identify each person who participated in the consideration and preparation of your answers to these Discovery Requests and identify to which particular Discovery Request each person was involved in answering.

**ANSWER:**

*With respect to the testimony (“First, it is not at all clear that LWC could either construct the pipeline or sell water at the price of \$1.71 per 1000 gallons”), at page 16, lines 7-8, of your witness Scott J. Rubin, please answer the following interrogatories.*

2. Please describe the proposed size and route of the pipeline (“Pipeline”) that you believe it is not clear that LWC could construct.

**ANSWER:**

3. Please describe the reasons that you believe it is “not at all clear” that LWC could construct the Pipeline.

**ANSWER:**

4. Please state whether you have reviewed the existing water supply contract dated December 12, 1998 (the “LWC Supply Agreement”) between LWC and KAWC.

**ANSWER:**

5. If your answer to the immediately preceding interrogatory is “no,” please explain why you have not reviewed the LWC Supply Agreement.

**ANSWER:**

6. Please explain whether (and why) you believe it is possible that review of the LWC Supply Agreement could alter your analysis of KAWC's application for a Certificate of Convenience and Public Necessity ("CCPN") from the Commission.

**ANSWER:**

7. Please describe the basis of your conclusion that it is "not at all clear" that LWC could sell water to KAWC at the price of \$1.71 per 1000 gallons.

**ANSWER:**

8. Please state whether, prior to filing testimony in this matter, you investigated LWC's current wholesale price of water per 1000 gallons? If you answer this interrogatory in the affirmative, please identify the rate at which you believe LWC currently sells (on a wholesale basis) water per 1000 gallons and your source for identifying that rate; if you answer this interrogatory in the negative, please explain why you did not make such investigation.

**ANSWER:**

*With respect to the testimony ("Third, and by far the most important, LWC has not made a current proposal to KAWC"), at page 16, lines 18-19, of your witness Scott J. Rubin, please answer the following interrogatories.*

9. Please explain whether (and why) you believe it is reasonable and prudent for KAWC to have filed this application for a CCPN without having requested a current proposal from LWC, pursuant to which LWC would deliver sufficient water to abrogate the need for the proposed CCPN

to construct the proposed water treatment plant and associated facilities and transmission line (the “Project”).

**ANSWER:**

*With respect to the testimony (“I am very concerned about KAWC’s failure to even attempt to evaluate and implement serious conservation programs, including programs to control its growing non-revenue problem”), at page 18, lines 20-22, of your witness Scott J. Rubin, please answer the following interrogatories.*

10. Please explain whether (and why) you believe KAWC's evaluation and implementation of effective conservation programs (including programs to control any non-revenue water problems) or consideration and implementation of other incremental solutions prior to constructing the Project could possibly: (i) reduce the scope of the Project; or (ii) extend the time before which completion of the Project may be necessary.

**ANSWER:**

*The following interrogatories do not relate to particular testimony.*

11. If KAWC’s application for a CCPN were modified such that it was not permitted to undertake the Project and it was, instead, required to purchase its water needs pursuant to an existing water supply agreement with LWC, please explain whether (and why) you believe the World Equestrian Games in 2010 would be adversely affected by such a requirement. If you answer this

interrogatory in the affirmative, please explain whether (and why) the Project might have a similar adverse effect upon the World Equestrian Games in 2010.

**ANSWER:**

12. Please explain whether (and why) you believe the granting of KAWC's application for the CCPN (subject to the three conditions identified in your testimony) would provide greater benefit to the Commonwealth of Kentucky than the LWC's proposed wholesale of water to KAWC.

**ANSWER:**

13. If your answer to the preceding interrogatory is that there is no sufficiently definite proposal from LWC to evaluate, please explain whether (and why) you believe the proposal attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman will not provide greater benefits to the Commonwealth of Kentucky than the Project proposed by KAWC's application for a CCPN.

**ANSWER:**

14. Please identify all LWC-related information that you evaluated prior to concluding that the Commission should approve KAWC's application for a CCPN, subject to the three conditions identified in your testimony.

**ANSWER:**

15. Please state whether the conclusions set forth in Mr. Rubin's direct testimony are based upon any consideration/evaluation of the potential economic and developmental effects of LWC constructing a water pipeline along the existing Interstate-64 corridor. If Mr. Rubin's

conclusions are informed by such a consideration, please describe the information considered and explain the conclusions drawn from that information. If Mr. Rubin's conclusions are not informed by such a consideration, please explain why he did not believe such considerations relevant to his evaluation.

**ANSWER:**

16. Please state whether the conclusions set forth in Mr. Rubin's direct testimony are based upon any consideration/evaluation of LWC making some direct investment in its alternative proposal (as reflected in Exhibit 2 to Mr. Heitzman's testimony) to construct a water pipeline along the existing Interstate-64 corridor. If Mr. Rubin's conclusions are informed by such a consideration, please describe the information considered and explain the conclusions drawn from that information. If Mr. Rubin's conclusions are not informed by such a consideration, please explain why he did not believe such considerations relevant to his evaluation.

**ANSWER:**

17. Please identify all documents (including, but not limited to, studies, evaluations, analyses, treatises, and memoranda) reviewed by your witness in the preparation of his testimony in this matter.

**ANSWER:**

18. Please identify all documents (including, but not limited to, studies, evaluations, analyses, treatises, and memoranda) you have provided to your witness in connection with this matter.

**ANSWER:**

19. Please identify all individuals you contacted to potentially serve as your witness in this matter.

**ANSWER:**

**IV. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents referenced, relied upon, or identified in response to the interrogatories set forth above.

**RESPONSE:**

2. Please produce all documents (including, but not limited to, any engagement letters and/or contracts or agreements for hire) reflecting, referencing, or otherwise relating to all discussions and negotiations for the hiring of Mr. Rubin as your witness in this matter.

**RESPONSE:**

3. Please produce all documents (including, but not limited to, studies, evaluations, analyses, treatises, and memoranda) reviewed by your witness in the preparation of his testimony in this matter. (If lieu of producing the entirety of a particular treatise that your witness may have reviewed, you may produce a copy of the entire title page (containing at least the title of the work, the author, the current edition/volume, and the publication date) and the relevant pages from that treatise reviewed by your witness.) This request shall not be interpreted to require the production of

documents that have already been filed by a party or intervenor in the case file of this matter at the Commission.

**RESPONSE:**

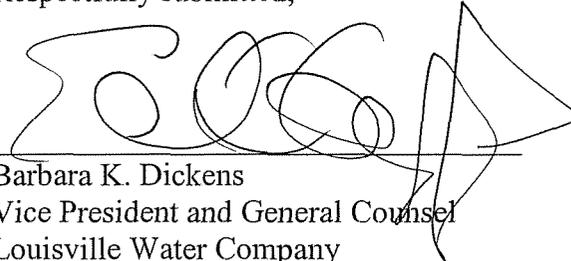
4. Please produce all documents (including, but not limited to, studies, evaluations, analyses, treatises, and memoranda) you have provided to your witness in connection with this matter. This request shall not be interpreted to require the production of documents that have already been filed by a party or intervenor in the case file of this matter at the Commission.

**RESPONSE:**

5. Please produce all documents (including, but not limited to, any letters, e-mails, engagement letters, and/or contracts or agreements for hire) reflecting, referencing, or otherwise relating to all discussions and negotiations for the potential hiring of anyone other than Mr. Rubin as a witness on your behalf in this matter.

**RESPONSE:**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Dickens', is written over a horizontal line. The signature is stylized and somewhat abstract.

Barbara K. Dickens  
Vice President and General Counsel  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202  
(502) 569-0808 (telephone)  
(502) 569-0850 (fax)

-and-

John E. Selent  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (fax)

**COUNSEL TO LWC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by was served via first-class

United States mail, sufficient postage prepaid, on the following individuals this 13th day of August,

2007:

David Jeffrey Barberie  
Corporate Counsel  
Lexington-Fayette Urban County  
Government  
Department of Law  
200 East Main Street  
Lexington, KY 40507

David F. Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

Thomas J. FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

Lindsey W. Ingram, III  
Attorney at Law  
Stoll Keenon Ogden PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

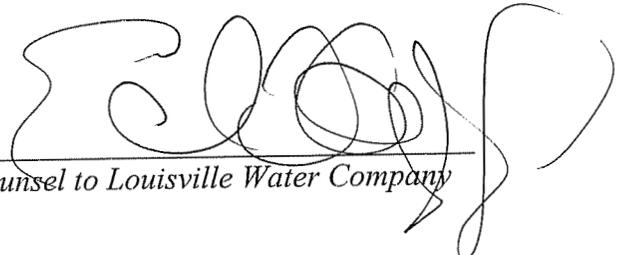
Kentucky River Authority  
70 Wilkinson Boulevard  
Frankfort, KY 40601

Michael L. Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

David Edward Spenard  
Assistant Attorney General  
Office of the Attorney General Utility &  
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Suite 200  
Frankfort, KY 40601-8204

Damon R. Talley  
Attorney at Law  
P.O. Box 150  
Hodgenville, KY 42748-0150

A.W. Turner, Jr.  
Attorney at Law  
Kentucky-American Water Company aka  
Kentucky American Water  
2300 Richmond Road  
Lexington, KY 40502



*Counsel to Louisville Water Company*

RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

AUG 14 2007

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Kentucky-American Water	)	
Company, a/k/a Kentucky American Water	)	
For Certificate of Convenience and Public	)	
Necessity Authorizing Construction of	)	Case No. 2007-00134
Kentucky River Station II ("KRS II"),	)	
Associated Facilities, and Transmission Line	)	

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
KENTUCKY RIVER AUTHORITY**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Kentucky River Authority ("KRA"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

**I. DEFINITIONS**

A. The terms "you" and "your" shall refer to KRA, as well as its present or former agents, attorneys, representatives and all other persons who have acted or purported to act on its behalf pursuant to contract or otherwise in any of the matters covered by these Discovery Requests, whether or not it is contended that such entity or person had authority to act on behalf thereof.

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C. "Document" or "documents" shall have their customary broad meanings and shall include, without limitation, all originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, photographic or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to, all books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial reports, records studies, transcripts, diaries (formal or informal), audited and unaudited financial statements, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, telex messages, communications (including intra-corporate communications, and reports, notes, notations and memoranda of, or relating to, telephone conversations and conferences), minutes, transcriptions, correspondence, agreements, graphs, tabulations, analyses, evaluations, tests, projections, opinions or reports, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, computer inputs or outputs, computer memory, computer discs, electronic mail, microfilm, magnetic tapes, photographs, installation guides and instructional material within your possession, custody or control. Different versions of the same documents, including but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.

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I. “Date” refers to the exact day, month, and year, if known, or, if not known, the best approximation including, as appropriate to the situation, relationship to other events.

## **II. INSTRUCTIONS**

A. In answering these Discovery Requests, words used in the singular number shall include the plural number and words used in the plural number shall refer to the singular number as

well. Gender is to be wholly disregarded, the neuter referring as well to the male and the female and the male and the female referring to each other as well as to the neuter.

B. The words "and" or "or" shall be construed conjunctively or disjunctively, as is necessary to make each Interrogatory inclusive rather than exclusive; and the singular of any word shall include the plural, and the plural shall include the singular, as is necessary to make each Interrogatory inclusive rather than exclusive.

C. Where identification of each fact relied upon by you with regard to a specified allegation or contention is requested, the response shall state separately with specificity each fact in your knowledge, whether obtained through documents, oral communications (whether or not reduced to writing), personal or professional experience or through any other means, which you believe supports the truth of such allegation.

D. If you cannot answer any Interrogatory fully, answer it to the extent possible and state the reason(s) for not answering more fully.

E. If, in answering these Discovery Requests you encounter any ambiguity in construing the Discovery Requests, or a definition or instruction relevant to the inquiry contained therein, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the Discovery Requests.

F. In answering these Interrogatories, furnish such information as is available to you, not merely such information as is within your knowledge. This means that you are to furnish information that is known by, available to or in possession of your employees, representatives, servants or agents, including your attorney or any agent or investigator for you or your attorney (unless privileged).

G. If you claim privilege as grounds for objection to any Discovery Request, identify

1. The name and address of the speaker or author of the document;
2. The date of the communication or document;
3. The name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
4. The form of the communication or document (i.e. letter, memorandum, invoice, contract, etc.);
5. The title and length of the document;
6. The names and addresses of any person currently in possession of the document or a copy thereof;
7. A detailed description of the communication or document; and
8. The nature of the privilege claimed.

H. For any document no longer in your custody or control, identify the document, state whether it is missing, lost, destroyed, transferred to others or otherwise disposed of, and identify any person who currently has custody or control of the document or who has knowledge of the contents of the document.

I. These Discovery Requests shall be deemed continuing in nature so as to require additional answers if further information is obtained between the time the answers are served and the time of any hearing before the Commission.

J. For all documents produced in response to these Discovery Requests, identify the particular numbered Discovery Request to which they are responsive.

### **III. INTERROGATORIES**

1. Identify each person who participated in the consideration and preparation of your answers to these Discovery Requests and identify to which particular Discovery Request each person was involved in answering.

**ANSWER:**

2. Please explain whether (and why) the KRA would/would not support a proposal such as that attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman.

**ANSWER:**

3. Please explain whether (and why) your answer to the immediately preceding interrogatory would change if KRA received the same amount of revenue under that proposal as it had expected to receive pursuant to the KAWC proposal, as reflected in its application for a CCPN in this matter.

**ANSWER:**

4. Please explain whether (and why) KRA's revenues could be expected to fall (as opposed to remain static) if KAWC were not granted permission to build the proposed new treatment station, related facilities, and transmission line.

**ANSWER:**

5. Please explain whether (and why) your witness has concluded that Pool 3 of the Kentucky River has sufficient capacity to meet the projected water demand of the Bluegrass Region through 2030.

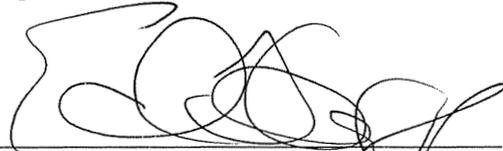
**ANSWER:**

**IV. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents referenced, relied upon, or identified in response to the interrogatories set forth above.

**RESPONSE:**

Respectfully submitted,



Barbara K. Dickens  
Vice President and General Counsel  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202  
(502) 569-0808 (telephone)  
(502) 569-0850 (fax)

-and-

John E. Selent  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (fax)

**COUNSEL TO LWC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by was served via first-class

United States mail, sufficient postage prepaid, on the following individuals this 13th day of August,

2007:

David Jeffrey Barberie  
Corporate Counsel  
Lexington-Fayette Urban County  
Government  
Department of Law  
200 East Main Street  
Lexington, KY 40507

David F. Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

Thomas J. FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
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Lindsey W. Ingram, III  
Attorney at Law  
Stoll Keenon Ogden PLLC  
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Lexington, KY 40507-1801

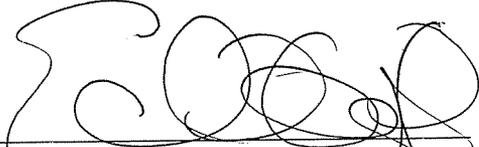
Kentucky River Authority  
70 Wilkinson Boulevard  
Frankfort, KY 40601

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Attorney at Law  
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A.W. Turner, Jr.  
Attorney at Law  
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Kentucky American Water  
2300 Richmond Road  
Lexington, KY 40502



*Counsel to Louisville Water Company*

124036\_1  
38306-1

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

AUG 14 2007

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Kentucky-American Water	)	
Company, a/k/a Kentucky American Water	)	
For Certificate of Convenience and Public	)	
Necessity Authorizing Construction of	)	Case No. 2007-00134
Kentucky River Station II ("KRS II"),	)	
Associated Facilities, and Transmission Line	)	

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
CITIZENS FOR ALTERNATIVE WATER SOLUTIONS**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Citizens for Alternative Water Solutions ("CAWS"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

**I. DEFINITIONS**

A. The terms "you" and "your" shall refer to CAWS, as well as its present or former agents, attorneys, representatives and all other persons who have acted or purported to act on its behalf pursuant to contract or otherwise in any of the matters covered by these Discovery Requests, whether or not it is contended that such entity or person had authority to act on behalf thereof.

B. "Communication" means any oral or written exchange of words, thoughts or ideas with another person(s), whether person to person, in a group, in a meeting, by telephone, letter, telefax, electronic mail, or otherwise, and including without limitation any printed, typed, handwritten or other readable document and any tape recording, correspondence, memorandum, report, contract, diary, logbook, minutes, note, study, survey and forecast.

C. "Document" or "documents" shall have their customary broad meanings and shall include, without limitation, all originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, photographic or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to, all books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial reports, records studies, transcripts, diaries (formal or informal), audited and unaudited financial statements, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, telex messages, communications (including intra-corporate communications, and reports, notes, notations and memoranda of, or relating to, telephone conversations and conferences), minutes, transcriptions, correspondence, agreements, graphs, tabulations, analyses, evaluations, tests, projections, opinions or reports, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, computer inputs or outputs, computer memory, computer discs, electronic mail, microfilm, magnetic tapes, photographs, installation guides and instructional material within your possession, custody or control. Different versions of the same documents, including but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.

D. “Person” means any natural person as well as any firm, partnership, proprietorship, association, institution, joint venture, corporation, government entity, administrative agency, professional association and any other organization.

E. “Identify,” when used in reference to a natural person, means to provide the person’s name, last known home and business addresses, last known home and business telephone numbers, present employer, and job title.

F. “Identify,” when used in reference to a person that is a corporation, partnership, proprietorship, association, business, or other such group, means to provide the person’s full name, address, telephone number, form of organization, and a description of its business activities.

G. “Identify,” when used in reference to a document, means to provide a brief description of the document including its date, author, addressee, known recipients, form (that is, letter, invoice, blueprint, etc.), subject matter, length, and the present custodian of each copy of the document having notations unique to such copy.

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I. “Date” refers to the exact day, month, and year, if known, or, if not known, the best approximation including, as appropriate to the situation, relationship to other events.

## **II. INSTRUCTIONS**

A. In answering these Discovery Requests, words used in the singular number shall include the plural number and words used in the plural number shall refer to the singular number as

well. Gender is to be wholly disregarded, the neuter referring as well to the male and the female and the male and the female referring to each other as well as to the neuter.

B. The words "and" or "or" shall be construed conjunctively or disjunctively, as is necessary to make each Interrogatory inclusive rather than exclusive; and the singular of any word shall include the plural, and the plural shall include the singular, as is necessary to make each Interrogatory inclusive rather than exclusive.

C. Where identification of each fact relied upon by you with regard to a specified allegation or contention is requested, the response shall state separately with specificity each fact in your knowledge, whether obtained through documents, oral communications (whether or not reduced to writing), personal or professional experience or through any other means, which you believe supports the truth of such allegation.

D. If you cannot answer any Interrogatory fully, answer it to the extent possible and state the reason(s) for not answering more fully.

E. If, in answering these Discovery Requests you encounter any ambiguity in construing the Discovery Requests, or a definition or instruction relevant to the inquiry contained therein, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the Discovery Requests.

F. In answering these Interrogatories, furnish such information as is available to you, not merely such information as is within your knowledge. This means that you are to furnish information that is known by, available to or in possession of your employees, representatives, servants or agents, including your attorney or any agent or investigator for you or your attorney (unless privileged).

G. If you claim privilege as grounds for objection to any Discovery Request, identify

1. The name and address of the speaker or author of the document;
2. The date of the communication or document;
3. The name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
4. The form of the communication or document (i.e. letter, memorandum, invoice, contract, etc.);
5. The title and length of the document;
6. The names and addresses of any person currently in possession of the document or a copy thereof;
7. A detailed description of the communication or document; and
8. The nature of the privilege claimed.

H. For any document no longer in your custody or control, identify the document, state whether it is missing, lost, destroyed, transferred to others or otherwise disposed of, and identify any person who currently has custody or control of the document or who has knowledge of the contents of the document.

I. These Discovery Requests shall be deemed continuing in nature so as to require additional answers if further information is obtained between the time the answers are served and the time of any hearing before the Commission.

J. For all documents produced in response to these Discovery Requests, identify the particular numbered Discovery Request to which they are responsive.

### **III. INTERROGATORIES**

1. Identify each person who participated in the consideration and preparation of your answers to these Discovery Requests and identify to which particular Discovery Request each person was involved in answering.

**ANSWER:**

2. Please explain whether (and why) you would/would not support a proposal such as that attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman.

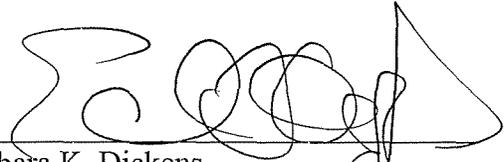
**ANSWER:**

#### **IV. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents referenced, relied upon, or identified in response to the interrogatories set forth above.

**RESPONSE:**

Respectfully submitted,



Barbara K. Dickens  
Vice President and General Counsel  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202  
(502) 569-0808 (telephone)  
(502) 569-0850 (fax)

-and-

John E. Selent  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (fax)

**COUNSEL TO LWC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by was served via first-class United States mail, sufficient postage prepaid, on the following individuals this 13th day of August,

2007:

David Jeffrey Barberie  
Corporate Counsel  
Lexington-Fayette Urban County  
Government  
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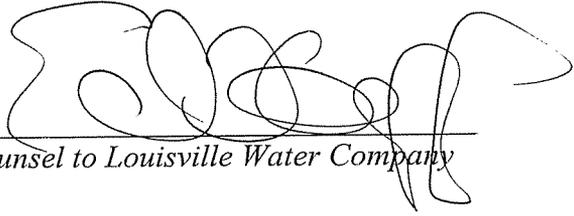
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Kentucky American Water  
2300 Richmond Road  
Lexington, KY 40502



*Counsel to Louisville Water Company*

**COMMONWEALTH OF KENTUCKY  
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AUG 14 2007  
PUBLIC SERVICE  
COMMISSION

Case No. 2007-00134

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
BLUEGRASS WATER SUPPLY COMMISSION**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Bluegrass Water Supply Commission ("BWSC"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

**I. DEFINITIONS**

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### **III. INTERROGATORIES**

1. Identify each person who participated in the consideration and preparation of your answers to these Discovery Requests and identify to which particular Discovery Request each person was involved in answering.

**ANSWER:**

2. Please explain whether (and why) the BWSC would/would not support a proposal such as that attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman.

**ANSWER:**

3. Please identify all studies, evaluations, or other analyses that BWSC has performed (or had other performed at its request) to evaluate the cost of the project for which KAWC seeks a CCPN in this matter.

**ANSWER:**

4. What is BWSC's current approved engineer's estimate of the cost of the project for which KAWC seeks a CCPN in this matter?

**ANSWER:**

5. Based on your latest current assumptions, what is the minimum quantity of water that you will use or take from KAWC if KAWC's application for a CCPN is approved in this matter?

**ANSWER:**

6. Based on your latest current assumptions, what is the minimum quantity of water that KAWC will use or take from its capacity created from the project for which the CCPN is sought in this matter?

**ANSWER:**

7. What is the basis for your request that LWC supply you with water at a 5-to-1 demand reserve ratio?

**ANSWER:**

8. Please describe in detail the nature and content of all discussions or negotiations that have occurred to date with respect to BWSC's interest in or ability to receive water from the treatment plant, associated facilities, and transmission line for which KAWC seeks a CCPN in this matter.

**ANSWER:**

9. Please identify all documents related to any discussions or negotiations identified in answer to the immediately preceding interrogatory.

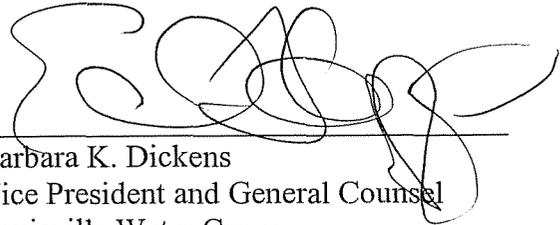
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**RESPONSE:**

Respectfully submitted,



Barbara K. Dickens  
Vice President and General Counsel  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202  
(502) 569-0808 (telephone)  
(502) 569-0850 (fax)

-and-

John E. Selent  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (fax)

**COUNSEL TO LWC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by was served via first-class

United States mail, sufficient postage prepaid, on the following individuals this 13th day of August,

2007:

David Jeffrey Barberie  
Corporate Counsel  
Lexington-Fayette Urban County  
Government  
Department of Law  
200 East Main Street  
Lexington, KY 40507

David F. Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

Thomas J. FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

Lindsey W. Ingram, III  
Attorney at Law  
Stoll Keenon Ogden PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

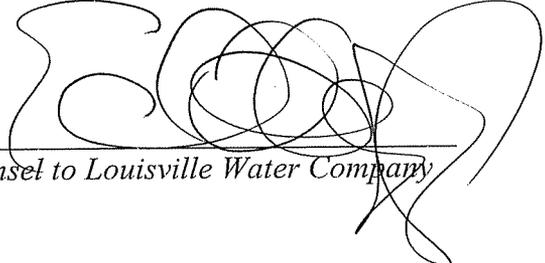
Kentucky River Authority  
70 Wilkinson Boulevard  
Frankfort, KY 40601

Michael L. Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

David Edward Spenard  
Assistant Attorney General  
Office of the Attorney General Utility &  
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1024 Capital Center Drive  
Suite 200  
Frankfort, KY 40601-8204

Damon R. Talley  
Attorney at Law  
P.O. Box 150  
Hodgenville, KY 42748-0150

A.W. Turner, Jr.  
Attorney at Law  
Kentucky-American Water Company aka  
Kentucky American Water  
2300 Richmond Road  
Lexington, KY 40502



*Counsel to Louisville Water Company*

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**COMMONWEALTH OF KENTUCKY  
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Application of Kentucky-American Water	)	
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Kentucky River Station II ("KRS II"),	)	
Associated Facilities, and Transmission Line	)	

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Lexington-Fayette Urban County Government ("LFUCG"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

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**ANSWER:**

2. Please explain whether (and why) you would/would not support a proposal such as that attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman.

**ANSWER:**

3. Please explain the basis for your adoption of a resolution to use the Kentucky River as your water source.

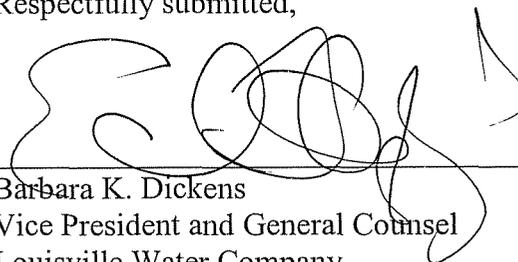
**ANSWER:**

#### **IV. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents referenced, relied upon, or identified in response to the interrogatories set forth above.

**RESPONSE:**

Respectfully submitted,



Barbara K. Dickens  
Vice President and General Counsel  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202  
(502) 569-0808 (telephone)  
(502) 569-0850 (fax)

-and-

John E. Selent  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300 (telephone)  
(502) 585-2207 (fax)

**COUNSEL TO LWC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by was served via first-class United States mail, sufficient postage prepaid, on the following individuals this 13th day of August, 2007:

David Jeffrey Barberie  
Corporate Counsel  
Lexington-Fayette Urban County  
Government  
Department of Law  
200 East Main Street  
Lexington, KY 40507

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Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
2110 CBLD Building  
Cincinnati, OH 45202

Thomas J. FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

Lindsey W. Ingram, III  
Attorney at Law  
Stoll Keenon Ogden PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

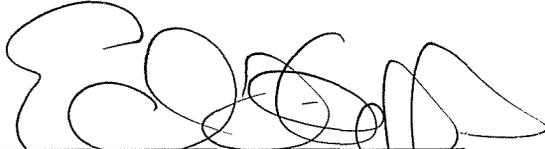
Kentucky River Authority  
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Damon R. Talley  
Attorney at Law  
P.O. Box 150  
Hodgenville, KY 42748-0150

A.W. Turner, Jr.  
Attorney at Law  
Kentucky-American Water Company aka  
Kentucky American Water  
2300 Richmond Road  
Lexington, KY 40502



*Counsel to Louisville Water Company*

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 14 2007

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Kentucky-American Water )  
Company, a/k/a Kentucky American Water )  
For Certificate of Convenience and Public )  
Necessity Authorizing Construction of ) Case No. 2007-00134  
Kentucky River Station II ("KRS II"), )  
Associated Facilities, and Transmission Line )

**LOUISVILLE WATER COMPANY'S INITIAL  
REQUESTS FOR INFORMATION TO THE  
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS**

Louisville Water Company ("LWC"), by counsel, and pursuant to the August 2, 2007 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky ("Commission") in this matter, hereby propounds the following interrogatories and requests for production of documents (collectively, the "Discovery Requests") upon the Kentucky Industrial Utility Customers ("KIUC"). The Discovery Requests shall be answered in accordance with the Definitions and Instructions set forth below on or before August 27, 2007, with the interrogatories being answered under oath. The requested documents shall be produced at the offices of Dinsmore & Shohl LLP, Attn.: John E. Selent and Edward T. Depp, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, unless otherwise agreed by the parties.

**I. DEFINITIONS**

A. The terms "you" and "your" shall refer to KIUC, as well as its present or former agents, attorneys, representatives and all other persons who have acted or purported to act on its behalf pursuant to contract or otherwise in any of the matters covered by these Discovery Requests, whether or not it is contended that such entity or person had authority to act on behalf thereof.

B. "Communication" means any oral or written exchange of words, thoughts or ideas with another person(s), whether person to person, in a group, in a meeting, by telephone, letter, telefax, electronic mail, or otherwise, and including without limitation any printed, typed, handwritten or other readable document and any tape recording, correspondence, memorandum, report, contract, diary, logbook, minutes, note, study, survey and forecast.

C. "Document" or "documents" shall have their customary broad meanings and shall include, without limitation, all originals, copies and drafts of all written, typewritten, recorded, transcribed, printed, taped, photographic or graphic matter, however produced or reproduced, whether sent or received, or neither, including but not limited to, all books, pamphlets, articles, newspapers, press releases, magazines, booklets, circulars, handbooks, manuals, periodicals, letters, memoranda, files, envelopes, notices, instructions, reports, financial reports, records studies, transcripts, diaries (formal or informal), audited and unaudited financial statements, working papers, questionnaires, notes, notations, charts, lists, comparisons, telegrams, cables, telex messages, communications (including intra-corporate communications, and reports, notes, notations and memoranda of, or relating to, telephone conversations and conferences), minutes, transcriptions, correspondence, agreements, graphs, tabulations, analyses, evaluations, tests, projections, opinions or reports, statements, summaries, desk calendars, appointment books, telephone logs, telephone bills, surveys, indices, tapes, computer inputs or outputs, computer memory, computer discs, electronic mail, microfilm, magnetic tapes, photographs, installation guides and instructional material within your possession, custody or control. Different versions of the same documents, including but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.

D. “Person” means any natural person as well as any firm, partnership, proprietorship, association, institution, joint venture, corporation, government entity, administrative agency, professional association and any other organization.

E. “Identify,” when used in reference to a natural person, means to provide the person’s name, last known home and business addresses, last known home and business telephone numbers, present employer, and job title.

F. “Identify,” when used in reference to a person that is a corporation, partnership, proprietorship, association, business, or other such group, means to provide the person’s full name, address, telephone number, form of organization, and a description of its business activities.

G. “Identify,” when used in reference to a document, means to provide a brief description of the document including its date, author, addressee, known recipients, form (that is, letter, invoice, blueprint, etc.), subject matter, length, and the present custodian of each copy of the document having notations unique to such copy.

H. “Identify,” when used in reference to an oral communication, means to state the date of the communication and the place or places where the communication occurred, to identify each person who took part in or heard the communication, to provide a description of the subject matter of the communication, and to identify each document that refers or relates to or evidences the communication.

I. “Date” refers to the exact day, month, and year, if known, or, if not known, the best approximation including, as appropriate to the situation, relationship to other events.

## **II. INSTRUCTIONS**

A. In answering these Discovery Requests, words used in the singular number shall include the plural number and words used in the plural number shall refer to the singular number as

well. Gender is to be wholly disregarded, the neuter referring as well to the male and the female and the male and the female referring to each other as well as to the neuter.

B. The words "and" or "or" shall be construed conjunctively or disjunctively, as is necessary to make each Interrogatory inclusive rather than exclusive; and the singular of any word shall include the plural, and the plural shall include the singular, as is necessary to make each Interrogatory inclusive rather than exclusive.

C. Where identification of each fact relied upon by you with regard to a specified allegation or contention is requested, the response shall state separately with specificity each fact in your knowledge, whether obtained through documents, oral communications (whether or not reduced to writing), personal or professional experience or through any other means, which you believe supports the truth of such allegation.

D. If you cannot answer any Interrogatory fully, answer it to the extent possible and state the reason(s) for not answering more fully.

E. If, in answering these Discovery Requests you encounter any ambiguity in construing the Discovery Requests, or a definition or instruction relevant to the inquiry contained therein, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the Discovery Requests.

F. In answering these Interrogatories, furnish such information as is available to you, not merely such information as is within your knowledge. This means that you are to furnish information that is known by, available to or in possession of your employees, representatives, servants or agents, including your attorney or any agent or investigator for you or your attorney (unless privileged).

G. If you claim privilege as grounds for objection to any Discovery Request, identify

1. The name and address of the speaker or author of the document;
2. The date of the communication or document;
3. The name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
4. The form of the communication or document (i.e. letter, memorandum, invoice, contract, etc.);
5. The title and length of the document;
6. The names and addresses of any person currently in possession of the document or a copy thereof;
7. A detailed description of the communication or document; and
8. The nature of the privilege claimed.

H. For any document no longer in your custody or control, identify the document, state whether it is missing, lost, destroyed, transferred to others or otherwise disposed of, and identify any person who currently has custody or control of the document or who has knowledge of the contents of the document.

I. These Discovery Requests shall be deemed continuing in nature so as to require additional answers if further information is obtained between the time the answers are served and the time of any hearing before the Commission.

J. For all documents produced in response to these Discovery Requests, identify the particular numbered Discovery Request to which they are responsive.

### **III. INTERROGATORIES**

1. Identify each person who participated in the consideration and preparation of your answers to these Discovery Requests and identify to which particular Discovery Request each person was involved in answering.

**ANSWER:**

2. Please explain whether (and why) you would/would not support a proposal such as that attached as Exhibit 2 to the prefiled direct testimony of Greg Heitzman.

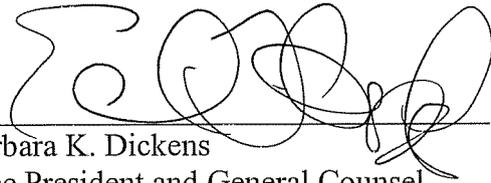
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**COUNSEL TO LWC**

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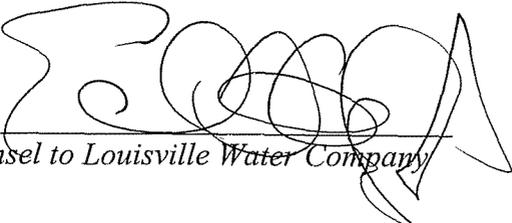
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