

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

Alleged Failure of the City of Danville to Comply with  
KRS 278.160 and 278.180 and the Commission's Order  
of August 10, 1994 in Administrative Case No. 351

Case No. 2008-00176

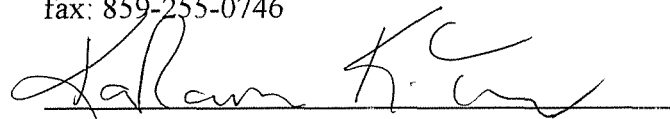
**City of Danville's  
Comments to Informal Conference Memo**

On Monday, August 25, 2008, counsel for the City of Danville ("Danville") received a copy of the Intra-Agency Memorandum by Virginia Gregg, dated August 21, 2008, regarding the informal conference held in this proceeding on August 18, 2008. By email on 9/1/08 addressed to the Commission attorneys present at the informal conference, with a "cc" to counsel for Parksville Water District, the undersigned commented on the Memorandum. By email on 9/2/08, counsel for Parksville Water District responded to the undersigned's comments and the undersigned reply; in each case, with a "cc" to the Commission attorneys. By a separate, later e-mail, Commission attorney Virginia Gregg direction that all comments to the Memoandum be filed in the record of the case.

Attached hereto is a printout of the undersigned's 9/2/08 email, which also includes the 9/2/08 email from counsel for Parksville Water District and the 9/1/08 email from the undersigned.

Respectfully submitted,

Katherine K. Yunker  
YUNKER & ASSOCIATES  
P.O. Box 21784  
Lexington, KY 40522-1784  
859-255-0629  
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ATTORNEY FOR THE CITY OF DANVILLE

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this the 2nd day of September, 2008, the original and ten (10) copies of the foregoing and its attachment were sent by first class U.S. Mail to the Commission for filing and a copy was sent by first-class U.S. mail for service on:

John N. Hughes  
124 W. Todd St.  
Frankfort, KY 40601

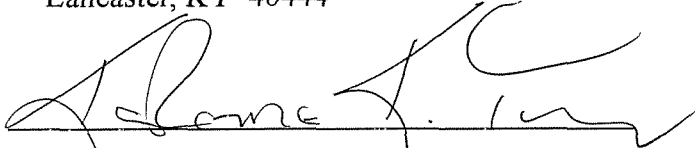
Ronald Russell, Chairman  
Parksville Water District  
10711 Lebanon Rd.  
P. O. Box 9  
Parksville, KY 40464

Danny Noel, President  
Lake Village Water Association, Inc.  
801 Pleasant Hill Dr.  
P. O. Box 303  
Burgin, KY 40310

Mike Sanford, Manager  
Lake Village Water Association, Inc.  
801 Pleasant Hill Dr.  
P. O. Box 303  
Burgin, KY 40310

William L. Stevens  
TAYLOR & STEVENS  
326 W. Main St.  
P. O. Box 901  
Danville, KY 40423

Harold C. Ward  
Garrard County Water Association, Inc.  
315 Lexington Rd.  
P. O. Box 670  
Lancaster, KY 40444

  
Attorney for the City of Danville

**From:** Katie Yunker <yunker@desuetude.com>  
**Subject:** **Re: 08-176 Inf.Conf. memo contents**  
**Date:** September 2, 2008 9:52:58 AM EDT  
**To:** jnhughes@fewpb.net  
**Cc:** "Virginia W. Gregg" <VirginiaW.Gregg@ky.gov>, "Jerry Wuetcher, Esq." <jwuetcher@ky.gov>

First, I don't have their email addresses, either, and so planned to snail-mail my comments to the service list -- or at least the non-Parksville portion of it. I should say that I would not be comfortable e-mailing represented parties ever, and think that it's not wise even to be directly mailing things to represented parties -- but the Commission's 5/22/08 Order appears to require that, so perhaps that is the defense to direct contact with represented persons?

Second, my point was not that the memo should be more detailed, but that in its listing of topics discussed it was not comprehensive at that level of generality. Attaching the agenda seemed a simple way to take care of that.

Third, I agree with Jack that it's not quite clear what the parties' "comments" are to have or should have. The memo is the Staff's own.

Katie Yunker

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On Sep 2, 2008, at 9:40 AM, John Hughes wrote:

(If you received this message earlier, disregard this one. After I attempted to send it originally, I got a criptic error message and have been unable to determine if the message was delivered.)

I agree the memo is short on details. For example, there is no mention of Danville's statements that it did not intend to raise the jurisdictional wholesale rates and was not aware that the rates had been raised until the Parksville complaint. There is no mention of Mr. Stevens cogent point that Danville could not have given notice of the rate increases if it was not aware that the rates had been increased. There is also no mention of the double billing of Parksville's meter and the city's commitment to

resolve that problem. If the memo is to be supplemented, all issues discussed should be included, not just those seemingly favorable to Danville. However, given the lack of evidentiary value of the memo, it seems of little value to pursue the matter.

I also note that counsel for LVWD and the manager for GCWA were not included in the original message. I do not have their email addresses, but believe they should be provided these messages and given an opportunity to respond.

Attorney/client communication.

John N. Hughes  
124 West Todd St.  
Frankfort, KY 40601  
502 227 7270

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**From:** Katie Yunker <[yunker@desuetude.com](mailto:yunker@desuetude.com)>  
**Sent:** Monday, September 01, 2008 3:49 PM  
**To:** "Virginia W. Gregg" <[VirginiaW.Gregg@ky.gov](mailto:VirginiaW.Gregg@ky.gov)>, "Jerry Wuetcher, Esq." <[jwuetcher@ky.gov](mailto:jwuetcher@ky.gov)>  
**Subject:** 08-176 Inf.Conf. memo contents

Counsel:

I have reviewed the 8/21/08 intra-agency memo by Virginia Gregg re the informal conference held in PSC Case No. 2008-00176. Although the memo (attached below) may reflect the Staff's view of the purpose and substance of the conference, it is somewhat incomplete as a summary of what went on. For example, there is no mention of the discussion and opportunity for questions regarding Danville's recent application of lowered rates in an attempt to comply with a Commission directive in the 5/22/08 Order initiating this case. Is the Agenda that was handed out at the informal conference attached to the memo? If so, then a more complete picture of the purpose of and discussions at the conference could be achieved simply by reference to that memo. For example the second sentence of the second paragraph could begin: "Discussed at the conference were the topics listed in the Agenda, including how the initial rates ...."

Katie Yunker

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