

RECEIVED

To: Kentucky Public Service Commission Filing Intake  
From: Donald Thrasher  
Date: March 2<sup>nd</sup>, 2017  
Re: Motion For Subpoena *Duces Tecum* Case No. 2017-00098

MAR 13 2017

Public Service  
Commission

Please find enclosed my Motion For Subpoena *Duces Tecum* I am requesting be filed with your office. The original Motion and 2 copies are included herein.

Thank you for your assistance in filing this Motion.

Kind Regards,

A handwritten signature in black ink, appearing to be 'D. Thrasher', with a long horizontal flourish extending to the right.

Donald Thrasher

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

**RECEIVED**

MAR 13 2017

Public Service  
Commission

In The Matter Of:

DONALD E. THRASHER )  
P.O. Box 93 )  
Mt. Washington, KY 40047 )

COMPLAINANT )

CASE NO.  
2017-00098

SALT RIVER ELECTRIC COOPERATIVE )  
111 W. Breshear Ave. )  
Bardstown, KY 40004 )

DEFENDANT

**MOTION FOR ISSUANCE OF SUBPOENA DUCES TECUM**

PLEASE TAKE NOTICE that pursuant to Kentucky Revised Statute 278.320, 807 KAR 5:0001 Section 4(6), and Kentucky Rule of Civil Procedure 30.02(6), Complainant, Donald Thrasher moves the Kentucky Public Service Commission (“Commission”) to issue the attached subpoena *duces tecum* to Salt River Electric Cooperative Corporation, 111 W. Breshear Ave., Bardstown, Kentucky, 40004, compelling testimony of a corporate representative to testify regarding the topics listed in Exhibit A of the attached subpoena, and compelling the production of documents listed in Exhibit B of the attached subpoena.

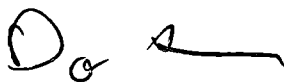
Complainant has complained to the Commission praying for relief from the unfair, unjust and unreasonable requirement that Salt River Electric Cooperative members subsidize the subscription cost of a non-regulated product (Kentucky Living Magazine).

Complainant seeks testimony and documents from Salt River Electric Cooperative in order to ascertain the following:

1. Exact costs and payments made to the Kentucky Association of Electric Cooperatives (hereinafter “KAEC”) for Kentucky Living Magazine.
2. Complainant seeks to understand the amount of personal information Salt River Electric releases to KAEC without member consent.
3. Complainant seeks to understand the extent of benefits Salt River management and Board of Directors receive from KAEC (e.g. gifts, invitations to parties, catered meals).

Complainant believes that the testimony and documents described herein are necessary to understand the particulars in this matter, therefore, Complainant Donald Thrasher respectfully requests that the Commission issue the requested subpoena, compelling Salt River Electric Cooperative to provide testimony and documents as described in Exhibit A and B to this motion, respectively.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Thrasher', with a horizontal line extending to the right.

---

Donald E. Thrasher, Complainant  
P.O. Box 93  
Mt. Washington, KY 40047  
502.510.4953  
email: donethrasher@yahoo.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Issuance of Subpoena *Dices Cecum* to Salt River Electric Cooperative has been served on all parties of record via hand delivery, facsimile, or electronically this 2<sup>nd</sup> day of March, 2017.

/s/Donald E. Thrasher  
Donald E. Thrasher

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

In The Matter Of:

DONALD E. THRASHER	)	
P.O. Box 93	)	
Mt. Washington, KY 40047	)	CASE NO.
COMPLAINANT	)	2017-00098
	)	
SALT RIVER ELECTRIC COOPERATIVE	)	
111 W. Breshear Ave.	)	
Bardstown, KY 40004	)	
DEFENDANT	)	

**SUBPOENA DUCES TECUM**

THE PUBLIC SERVICE COMMISSION TO:

Salt River Electric Cooperative Corporation (hereinafter "SRECC"), 111 W. Breshear Ave., Bardstown, KY 40004.

You are commanded to appear for deposition upon oral examination by Doanld E. Thrasher before a certified court reporter duly authorized to administer oaths on a date, time and location agreed upon by SRECC and Donald Thrasher. The topics for deposition are set forth in Exhibit A, which is incorporated by reference. SRECC is required to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf as to each of the matters or topics identified and described in Exhibit A.

Please identify the person who will testify regarding each matter or topic at least five (5) days before the date of deposition.

You are further commanded to produce for inspection and copying the documents and things identified and described in Exhibit B.

Date: \_\_\_\_\_

Requesting Party: Donald E. Thrasher

\_\_\_\_\_  
Commissioner  
Kentucky Public Service Commission

This subpoena was served by delivery of a true copy to \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

## **EXHIBIT A**

The following definitions are applicable to terms employed in this Notice:

1. The term “person(s)” shall include any natural person, corporation, partnership, association, joint venture, sole proprietorship, firm, business enterprise, governmental or quasigovernmental body or agency, or legal entity of any type, and includes both the singular and plural
2. The terms “you, “your,” and “SRECC” refer to Salt River Electric Cooperative Corporation and any predecessors in interest, subsidiaries, and employees, agents, representatives, attorneys and/or investigators.
3. The term “Association,” “KAEC,” refers to the Kentucky Association of Electric Cooperatives, as well as any employee, agent, representative, attorney and/or investigator.
4. “Commission” means the Kentucky Public Service Commission.
5. “Complainant” refers to Donald E. Thrasher, Complainant in this matter.

## **TOPICS**

1. The corporate designee's position, duties, knowledge of and involvement in this matter.
2. Efforts made by the corporate designee(s) to learn as necessary the information requested in this list of topics.
3. SRECC's membership in KAEC, including how the membership is structured.
4. SRECC's agreement with KAEC related to Kentucky Living Magazine.
5. SRECC's method of transferring membership information to KAEC
6. The Method SRECC employs to obtain consent from SRECC members to release member names and addresses to KAEC.
7. The accounting of costs paid to KAEC by SRECC for Kentucky Living for the past 10 years.
8. Benefits derived from KAEC by any persons SRECC designates to represent SRECC in any capacity at a KAEC function or affiliate function, including gifts, invitations to

events, catered meals, or any other benefit.

9. Any non-privileged communication between Tim Sharp, CEO of SRECC and Chris Perry, CEO of KAEC regarding Kentucky Living Magazine.



## **EXHIBIT B**

1. The term “document,” as used herein, is employed in the broadest possible sense and includes, but is not limited to, any printed, written, recorded, taped, electronic (including email and deleted electronic media that is recoverable in any form), graphic, or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, telegraphs, telex communications, cables, notes, notations, papers, newsletters, memoranda, interoffice communications, e-mails, releases, agreements, contracts, books, pamphlets, studies, minutes of meetings, recordings or other memorials of any type of personal or telephone conversations, meetings or conferences, reports, analyses, test results, examinations, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer’s notebooks, transcripts, ledgers, registers, worksheets, journals, statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks or drafts, vouchers, charge slips, invoices, purchase orders, hotel charges, accountant’s reports, financial statements, newspapers, periodicals or magazine materials, and any materials underlying, supporting, or used in the preparation of any documents. The term “document(s)” also specifically includes any records stored on computer tape or computer disk or otherwise stored by or in a computer, including telephone voice mail or electronic mail, whether or not a hard copy (i.e., paper copy) of the document is or was at any time in existence, and any electronically generated or stored information, however produced or reproduced, and including any metadata for any such information. A document includes all documents appended thereto and any marked copy thereof. A “marked copy” is any document containing any writing or any markings of any kind in the text, in the margins, or on the reverse side of the document.

2. The term “person(s)” shall include any natural person, corporation, partnership,

association, joint venture, sole proprietorship, firm, business enterprise, governmental or quasigovernmental body or agency, or legal entity of any type, and includes both the singular and plural.

3. The term “communication” or “communications” shall mean all oral, visual, or other sensory (including electronic) means of transmitting information, messages, or statements, including documents and oral statements.

4. The terms “identify,” “identity,” “identification,” “state,” “describe,” or “explain,”

(a) when used in reference to a document, shall require that you state the title, date, author, signer(s), intended recipient, addressee, place of origination, name and address of the present custodian of all copies thereof, and type of document (e.g., letter, memorandum, telegram, chart, etc.) or attach an accurate copy of the document to your answer, appropriately labeled to correspond to the interrogatory;

(b) (1) when used in reference to a natural person, shall mean to provide that person’s full name, last known address, home, business and/or cellular telephone numbers, and present occupation or business affiliation; (2) when used in reference to a person other than a natural person, shall mean to include a description of the nature of the person (that is, whether it is a corporation, partnership, etc., under the definition of person above), and the person’s last known address, telephone number, and principal place of business; and (3) when used in reference to any person after the person has been properly identified previously, shall mean to provide the person’s name;

(c) when used with respect to a communication or contact, shall mean to state the date and place of such communication or contact; to state whether the communication or contact was oral or written; to identify each document which in any way concerns, relates, or refers to the communication or contact; to identify each person or persons who participated in, sent, received, or had knowledge of the communication or contact; and to state the substance of the communication or contact.

(d) when used with respect to a fact, event, or action shall mean to provide the complete and full details (including date, time, and place) concerning such fact, event, or action, including the identity, as defined above, of all documents, communications, and persons that reflect, refer, relate, evidence, or pertain in any way to such fact, event, or action.

5. “Concerning” means and includes: with respect to, referring to, relating to, purporting, embodying, establishing, evidencing, comprising, connected with, commenting on or about, responding to, showing, describing, analyzing, reflecting, indicating, summarizing, containing, mentioning, discussing, presenting, and/or constituting.

6. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any response that otherwise would be construed to be outside their scope.

7. The terms “you, “your,” and “SRECC” refer to Salt River Electric Cooperative Corporation and any predecessors in interest, subsidiaries, and employees, agents, representatives, attorneys and/or investigators.

8. The term “Association,” “KAEC,” refers to the Kentucky Association of Electric Cooperatives, as well as any employee, agent, representative, attorney and/or investigator.

9. “Commission” means the Kentucky Public Service Commission.

10. “Complainant” refers to Donald E. Thrasher, Complainant in this matter.

### **INSTRUCTIONS**

1. If you withhold any information responsive to these Requests for Production, identify the requests as to which such information is withheld and the reason(s) for withholding it.

2. For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the Request for Production precisely as it is stated, provide any information that is available that would respond to the request at a level of detail different from that specified herein

3. If you claim a privilege as a ground for failing to answer any Request for Production, respond to that part of each such request that, in your view, does not call for allegedly privileged information or communications. For each request, or portion thereof, as to which you claim a privilege, describe the factual basis for your claim of privilege in sufficient detail to permit adjudication of the validity of that claim, including without limitation, the following:

- (a) the identity, title, and job description of the transmitter of the information, document, or communication;
- (b) the identity, title, and job description of the person(s) to whom the information, document, or communication was addressed;
- (c) the identity, title, and job description of each person who has received or utilized

- (d) the information, document, or communication;  
the date (or your best approximation thereof) of the information, document, or communication;
- (e) a brief description of the type of information, document, or communication;
- (f) a brief description of the subject matter of the information, document or communication; and
- (g) a brief reason why the information, document or communication is claimed to be privileged, protected, or subject to non-disclosure.
- (h) Maintain a "running" log of all materials you claim to be privileged to be provided to Complainant.

4. If you cannot answer any of the Requests for Production in full after exercising due diligence to secure the full information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and describing what you did in attempting to secure the unknown information.

5. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate.

6. The past tense of a word shall be interpreted to include the present tense and vice versa.

### **REQUEST FOR PRODUCTION**

1. All documents relating to KAEC's Kentucky Living Magazine and SRECC in the past 5 years .

2. All documents (including emails) relating to Tim Sharp, CEO of SRECC communications with Chris Perry, CEO of KAEC concerning Kentucky Living Magazine.

3. All documents (including emails) relating to Tim Sharp, CEO of SRECC communications with Joe Arnold, VP of KAEC concerning Kentucky Living Magazine.

4. All SRECC payment records to KAEC for the past 5 years.

5. Identify the names of any persons at SRECC that have received any benefit (gifts,

invitations to events and functions, catered meals, compensation and remuneration) from KAEC in the last 5 years.