

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COLUMBIA GAS OF KENTUCKY, INC.	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
v.	)	2009-00340
	)	
NATURAL ENERGY UTILITY CORPORATION	)	
	)	
DEFENDANT	)	

FIRST DATA REQUEST OF COMMISSION STAFF  
TO NATURAL ENERGY UTILITY CORPORATION

Natural Energy Utility Corporation ("NEUC"), pursuant to 807 KAR 5:001, is to file with the Commission the original and ten copies of the following information, with a copy to all parties of record. The information requested herein is due no later than March 29, 2010. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

NEUC shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which NEUC fails or refuses to furnish all or part of the requested information, it shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Refer to Exhibit 1 of NEUC's Answer and Motion to Dismiss filed September 8, 2009 and to page 3 of H. Jay Freeman's testimony ("Freeman Testimony"), which states that the information submitted with the September 8, 2009 response is correct and accurate.

a. State whether the ZTB Enterprises Property identified on the map is the "strip mall" that is referenced in NEUC's Motion to Dismiss.

b. Explain why two customers denoted as #410 and #432 are shown on the map and specifically include in the explanation whether these two customers are current NEUC customers.

c. If these two customers are NEUC customers, explain whether they are the closest NEUC customers to the mall property.

d. The map indicates that three new valves have been installed on the ZTB Enterprises property. State whether these are NEUC valves, whether they were

installed to serve the three businesses wishing NEUC service, and when each valve was installed.

e. If the valves are NEUC valves installed to serve the three businesses at issue in this proceeding, reconcile the installation of these valves with NEUC's statement in its Motion to Dismiss at page 3 that "because NEUC and Columbia have a mutual agreement not to actively attempt to take customers from each other, NEUC refused to provide the service . . . ."

2. State whether the mutual agreement between NEUC and Columbia Gas of Kentucky, Inc. ("Columbia") referenced in the Motion to Dismiss is a written agreement. If so, provide a copy of the agreement.

3. Refer to page 3 of the Freeman Testimony, in which Mr. Freeman states that NEUC has customers located at each end of the mall property. Explain whether the customers referenced in this statement are actually located on the mall property and provide their exact locations.

a. If the customers are not on the mall property, identify the locations where these two customers are receiving NEUC service.

b. Designate the service location of these two customers on the map provided as Exhibit 1 to NEUC's Motion to Dismiss.

c. If NEUC has no customers located on the mall property, provide the precise distance from the mall property to the nearest NEUC customer.

4. Refer to page 2 of NEUC's Motion to Dismiss, wherein NEUC asserts that the map attached thereto as Exhibit 2 clearly shows that NEUC has customers in the immediate vicinity of the strip mall. The legend on Exhibit 2 denotes distribution

pipelines, gas wells and interconnections. Explain what symbol denotes a NEUC customer.

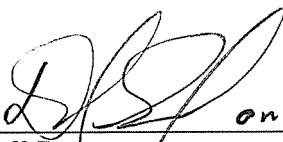
5. Refer to page 6 of the Freeman Testimony, in which Mr. Freeman states that NEUC replaced its steel line in the mall area due in part to low readings at CP stations. Explain whether the readings at the CP stations have improved.

6. Refer to page 3 of Russell DeWayne Ryan's testimony ("Ryan Testimony"), wherein Mr. Ryan confirms that Columbia is providing service to a liquor store at 901 13<sup>th</sup> Street, a restaurant at 915 13<sup>th</sup> Street and a video store at 1200 Bryan Street. Pursuant to the letters attached as Exhibit 3 to NEUC's Motion to Dismiss, all three businesses requesting Columbia to terminate service are located on 13<sup>th</sup> Street and no video store is identified. Besides the liquor store at 901 13<sup>th</sup> Street and the restaurant at 915 13<sup>th</sup> Street, that exhibit identifies Checker's Tanning & Laundromat at 1001 13<sup>th</sup> Street as the third customer requesting NEUC service. Explain whether NEUC has received a request for service from a Columbia customer located at 1200 Bryan Street.

7. Refer to page 4 of the Ryan Testimony, which states that in late July or early August 2009, Mr. Ryan observed the installation of a 2-inch plastic gas main and associated service lines adjacent to Columbia's existing main and service lines already serving these customers. Did NEUC install 2-inch plastic gas main behind the customers in question in July or August 2009? If not, explain the extent of the construction that did occur during this time period.

8. Refer to page 4 of NEUC's Motion to Dismiss, wherein NEUC asserts that it has not violated any aspect of 807 KAR 5:001(9)(3). That regulation provides in part

that "no certificate of public convenience and necessity will be required for extensions that do not . . . conflict with the existing certificates or service of other utilities operating in the area." Explain how the installation of service connections and service by NEUC to the current Columbia customers will not violate the regulation.

  
on behalf of  
Jeff Derouen  
Executive Director  
Public Service Commission  
P.O. Box 615  
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DATED MAR 15 2010

cc: Parties of Record

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