

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF KENTUCKY)	
POWER COMPANY FOR A DECLARATION OF)	
ITS EXCLUSIVE RIGHT PURSUANT TO KRS)	
278.018(1) TO SERVE THOSE PORTIONS OF)	CASE NO.
THE SAND GAP ESTATES IN GREENUP)	2012-00224
COUNTY, KENTUCKY LYING WITHIN ITS)	
CERTIFIED TERRITORY IN LIEU OF)	
GRAYSON RURAL ELECTRIC COOPERATIVE)	
CORPORATION)	

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO KENTUCKY POWER COMPANY

Kentucky Power Company ("Kentucky Power"), 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 by December 5, 2012. 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 the 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 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.

Kentucky Power 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 Kentucky Power fails or refuses to furnish all or part of the requested information, Kentucky Power shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should 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. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

1. Refer to Grayson Rural Electric Cooperative Corporation's ("Grayson RECC's") Answer, filed July 2, 2012. At Item No. 2, Grayson RECC states that "the Complaint of Kentucky Power should be denied based upon an accord reached between Kentucky Power and Grayson several years ago allowing CO-OP to supply retail electric service to the two entities complained of in the Complaint."

a. Explain the "accord reached" between Kentucky Power and Grayson RECC.

b. If the "accord reached" between Kentucky Power and Grayson RECC has been reduced to writing, provide a copy of such document or documents.

2. Refer to Grayson RECC's Answer, Item No. 4. It further states that "there are other service territories in and around Grayson, Kentucky, namely Valley View

Subdivision in which Kentucky Power serves residential customers located within the certified service territory of CO-OP”

a. Identify the addresses of the residential customers in Valley View Subdivision that Grayson RECC alleges are in its certified territory but which it further alleges are served by Kentucky Power.

b. Identify any “other service territories in and around Grayson, Kentucky” which Grayson RECC alleges are in its certified territory but which are supplied electric service by Kentucky Power.

3. Refer to Kentucky Power’s Complaint, page 1, wherein it states:

(a) . . . that Grayson Electric Cooperative Corporation (“Grayson”) is providing electric service in violation of KRS 278.018(1) to two residences located at 14 Sand Gap Road and 397 Olivia Boulevard in Sand Gap Estates in Greenup County, Kentucky lying west of ICY 67 (Industrial Parkway) and off of the old mining road

a. Should the reference to 14 Sand Gap Road be 414 Sand Gap Road?

b. Explain why Grayson RECC serves the residence at 14 Sand Gap Road, Argillite, Kentucky (or 414 Sand Gap Road as identified in a. above).

c. Explain why Grayson RECC serves the residence at 397 Olivia Boulevard, Argillite, Kentucky.

4. Refer to Kentucky Power’s Complaint, page 4, Item No. 9. It alleges:

“As shown on the map of the certified territory of Kentucky Power and Grayson, two of the four residences and the ‘C’-shaped territory between KY 67 and the old mining road lie within Kentucky Power’s exclusive territory. The residences within Kentucky Power’s certified territory are marked as A (414 Sand Gap Road, Argillite, Kentucky) and B (397 Olivia Boulevard, Argillite, Kentucky) on **EXHIBIT 1**. KY 67 was

constructed approximately 28 years after the establishment of the exclusive service territories of Kentucky Power and Grayson.”

Explain why Kentucky Power alleges the “C”-shaped territory between KY 67 and the old mining road lie in Kentucky Power’s exclusive territory.

5. Refer to Kentucky Power’s Complaint, page 5, Item No. 14. It alleges: “Grayson has acknowledged that the residences marked A and B on **EXHIBIT 1**, as well as the ‘C’-shaped territory between KY 67 and the old mining road lie within Kentucky Power’s exclusive territory.” Explain how Grayson RECC made such acknowledgment.

6. Refer to Kentucky Power’s Complaint, page 5, the first Item labeled 15. It alleges in part that “Kentucky Power has offered to purchase the distribution facilities being used by Grayson to provide service to the two residences but Grayson has declined the offer.”

a. Explain whether the consideration offered by Kentucky Power was equivalent to Grayson RECC’s investment in the facilities.

b. Explain whether Grayson RECC made a counteroffer to Kentucky Power.

7. Identify all prior instances of certified boundary disputes between Grayson RECC and Kentucky Power and the resolution of those disputes.

8. Identify on a map the location of Kentucky Power’s distribution lines in relation to the distribution lines of Grayson RECC in the area near 414 Sand Gap Road and 397 Olivia Boulevard, Argilite, Kentucky.

9. Identify whether Kentucky Power or Grayson RECC was first furnishing retail electric service and the initial date such electric service was provided to the area near:

- a. 414 Sand Gap Road, Argilite, Kentucky; and
- b. 397 Olivia Boulevard, Argilite, Kentucky.

10. Identify how Kentucky Power determines that a potential new customer is within its certified territory.

11. Refer to KRS 278.017(3). For subsections (a), (b), (c), and (d), identify and explain how these provisions apply to Kentucky Power.

12. Refer to the map in the Appendix.

- a. Does Kentucky Power have a copy of this map?
- b. Does Kentucky Power have any more recent updates to this map, signed by both Kentucky Power and Grayson RECC that attempt to define the service territory boundaries in the area of Sand Gap Estates? If the answer is yes, include copies of the documents.

13. Does Kentucky Power use Geographic Information Systems (GIS)? If so, when did Kentucky Power acquire that capability?

14. Refer to the map in Exhibit 1 of Kentucky Power's Complaint.

- a. How was that boundary established?
- b. If the boundary line is from the Public Service Commission's GIS data files that are available through its web page, the following questions concern the

metadata. The metadata for electric service areas can be found on the PSC web page under "Utility Information," "Maps and GIS Data," "Electric."¹

(1) Is Kentucky Power aware that, concerning the user constraints (<useconst> in the xml file), the Kentucky Public Service Commission website states:

The user should give credit to the Kentucky Public Service Commission (PSC). The user must abide by the following data disclaimer. All information within the product is believed accurate but is not guaranteed without error. While attempts have been made to insure the correctness of the information presented, neither the Kentucky Public Service Commission nor any party involved in the creation and compilation of the data guarantees their accuracy, completeness, or suitability for a particular use. All critical information should be independently verified?

(2) Is Kentucky Power aware that, concerning the Horizontal Positional Accuracy Report (<horizpar> in the xml file), the Kentucky Public Service Commission website states:

The coverage was digitized from paper maps at the scale of 1:24,000 or larger (greater detail.) Usually, the base map was a USGS quadrangle. The standard of horizontal accuracy for 1:24,000 USGS topographic maps is 40 feet, equivalent to 12.1920 meters. Therefore, the horizontal position of service area boundaries in this coverage cannot be regarded as any more accurate than 40 feet of true ground location?

(3) Is Kentucky Power aware that, concerning the Horizontal Positional Accuracy Explanation (<horizpar> in the xml file), the Kentucky Public Service Commission website states:

¹ A click on the link for "Metadata for Electric Service Areas," brings up an abbreviated version of the metadata which is used by the Kentucky Geography Network. At the bottom of that page is a link to "Metadata." This brings up an xml file which is the detailed metadata that is included with any download of the data files.

Due to the distortion in the paper maps, which were copies from USGS quadrangles, and the errors inherent from transferring lines from one paper map to another when the utilities were compiling these maps, an estimate of positional accuracy would be + or – 100 feet?

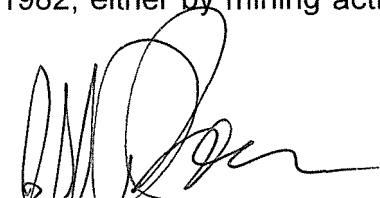
c. What is the resolution and date of the aerial imagery in the map in Exhibit 1 to Kentucky Power's Complaint?

15. Are there maps or legal descriptions filed in any of the public government agencies in Greenup County for the plans or construction of Sand Gap Estates? If so, for each document or map:

a. Submit a copy; and

b. Describe what agency from which it was acquired, and the date filed with the agency.

16. Refer to Item No. 14 of Kentucky Power's Complaint. Has the "old mining road" been disturbed, changed, or moved since 1982, either by mining activities or the construction of KY 67?



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DATED NOV 16 2012

cc: Parties of Record

Case No. 2012-00224

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2012-00224 DATED NOV 16 2012

APPENDIX A
CONTAINS
LARGE OR OVERSIZED
MAP(S)

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