

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

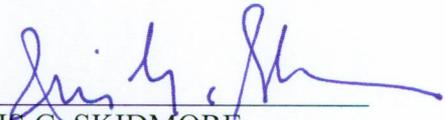
APPLICATION OF KENTUCKY UTILITIES)
COMPANY FOR AN ADJUSTMENT OF ITS) CASE NO: 2012-00221
ELECTRIC RATES)

DIRECT TESTIMONY OF JACK E. BURCH ON BEHALF OF CAC

* * * * *

Comes the Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc. (CAC), by counsel, and hereby tenders the pre-filed written direct testimony of Jack E. Burch in support of its position in this matter:

Respectfully submitted,



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COUNSEL FOR CAC

1 **Q: Please indicate your name, address and describe your current position and**
2 **professional background.**

3 A: My name is Jack E. Burch and I have served as Executive Director of Community Action
4 Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties since 1979. The
5 Council operates 32 neighborhood and community centers, and, child development centers in six
6 counties and its Administrative and Support Services offices are located at 710 W. High Street in
7 Lexington, Ky.

8 I graduated from Vanderbilt University with a Masters degree in economics and hold a Bachelors
9 degree from Rhodes College. I am also the founder and President of the WinterCare Energy
10 Fund. I have testified on behalf of utility customers with low-incomes in dozens of cases before
11 the Kentucky Public Service Commission over approximately 20 years including rate cases,
12 DSM cases and other matters involving Kentucky Utilities, Columbia Gas of Kentucky,
13 Kentucky American Water, and others.

14 **Q: Please describe the purpose of your testimony**

15 A: The purpose of my testimony is to state the position of the organizations I represent with
16 respect to the proposed Kentucky Utilities (KU) rate increase and to provide information as to
17 the effectiveness of current and proposed solutions to problems of rate affordability. In
18 summary, we do not believe that a rate increase, as currently proposed by Kentucky Utilities, is a
19 reasonable or appropriate expectation for customers with low-incomes especially as poverty
20 levels remain at near-record high levels. I will also raise questions regarding whether current and
21 proposed rates have rendered current solutions for customers with low-incomes less effective at
22 preventing shutoffs.

23 My testimony will provide a perspective that represents issues that should be given full
24 consideration in rendering a decision on this case. I am an advocate on behalf of customers with

1 low-incomes. Community Action Council is a low-income services, development and advocacy
2 organization.

3 **Q: Please describe the organization of Community Action Council and give a brief**
4 **description of its activities.**

5 A: Community Action Council was established in 1965 as a not-for-profit community action
6 agency of the Commonwealth of Kentucky. The Council is the designated community action
7 agency for Lexington-Fayette, Bourbon, Harrison, and Nicholas counties in Central Kentucky.
8 The Council's governance includes a Board of Directors representing low-income, public and
9 private sectors of the community. Its mission is to combat poverty.

10 There are approximately 280 employees operating and administering the Council's primary
11 programs and services including:

- 12 • self-sufficiency
- 13 • child development
- 14 • homeless programs
- 15 • volunteer programs
- 16 • youth development
- 17 • transportation services
- 18 • clothing bank
- 19 • housing
- 20 • energy assistance and conservation programs
- 21 • emergency assistance
- 22 • community outreach and referrals.

23 Although the Council's core service territory includes Lexington-Fayette, Bourbon, Harrison and
24 Nicholas counties, the Council also provides services in other Kentucky counties. For example,

1 the Council administers the WinterCare Energy Fund providing services across most of the state;
2 child development services extend into Scott and Madison counties; the Retired and Senior
3 Volunteer Program extends into Jessamine County. The Columbia Gas Energy Assistance
4 Program and WarmWise program and Kentucky Utilities' Home Energy Assistance Program
5 each provide services throughout the service territory of their respective utilities. The Council
6 also operates the Kentucky American Water Help to Others (H2O) Program throughout the
7 utility's service area.

8 The Council is uniquely positioned to speak on behalf of low-income populations with utility-
9 related problems as staff members have extensive contact with and knowledge of this population.
10 Additionally, Council staff members are able to help participants access other Council assistance
11 programs as well as other community resources to address the multiple obstacles and barriers
12 that most households with low-income face. This comprehensive approach provides greater
13 stability and self-sufficiency to these households, supporting a family's ability to afford
14 necessities such as utility service.

15 The Council is a member of Community Action Kentucky (CAK), a membership organization
16 that represents Kentucky's 23 community action agencies throughout the state. While CAK has
17 not intervened in this case, as a member of the organization the Council is able to communicate
18 regularly and as needed to discuss matters impacting customers with low-income served by other
19 community action organizations and thus representing a broader geographic area.

20 **Q: Please describe in detail the Council's programs and services, especially those which**
21 **partner with public utilities.**

22 A: The Council creates opportunities for individuals and families to become self-sufficient
23 members of the community, and serves the low-income population through advocacy, service
24 delivery and community involvement.

1 The Council operates **Head Start, Early Head Start** and **Migrant Head Start** child
2 development programs that have been recognized nationally. The organization also operates
3 several housing programs, including two **Continuum of Care** projects funded by the
4 Department for Housing and Urban Development and a supportive housing and substance
5 abuse/mental health treatment program funded by the Substance Abuse and Mental Health
6 Services Administration. These projects help homeless families reconstruct their lives by
7 working with the families to determine and address the causes of homelessness. Another housing
8 program offered is **Tenant Based Rental Assistance (TBRA)**, which provides rental assistance
9 to Section 8-eligible households throughout the Council's service area. A homelessness
10 prevention and rapid re-housing program called **Emergency Solutions Grant** provides
11 additional resources for families who are homeless or in danger of becoming homeless.

12 To support economic independence, the Council offers a **Financial Fitness** consumer education
13 program that provides training on financial management and offers families the chance to save
14 for a home, small business or higher education. Also, each year the Council works provides tax
15 preparation and education for thousands of households on the **Earned Income Tax Credit**
16 **(EITC)** and how to obtain the benefit.

17 Other programs include senior volunteerism projects **Retired and Senior Volunteer Program**
18 **(RSVP)**, **Senior Medicare Patrol (SMP)** and the **Foster Grandparents Program (FGP)**. The
19 Council also operates a number of utility assistance programs in partnership with local utilities,
20 public and private funding sources, and other community action agencies across the state. These
21 programs are described below.

22 In 1983, Community Action Council initiated, with Kentucky Utilities, the establishment of the
23 **WinterCare Energy Fund**. The Council has provided administrative services, financial
24 management and marketing support for the Fund since that time. The Council has also managed

1 the federal **LIHEAP** program (Low-Income Home Energy Assistance Program) serving low-
2 income customers in Fayette, Bourbon, Harrison and Nicholas counties since its inception.

3 Since 1978, the Council has operated the Federal **Weatherization Assistance Program**
4 designed to help low-income individuals and families conserve energy. Weatherization services
5 include caulking, weather-stripping, replacement of thresholds and door sweeps, re-glazing
6 windows and replacing broken glass, outside wall repair, minor roof repair, attic insulating,
7 repairing and replacing skirting around the foundation, under-floor insulation including wrapping
8 pipes and insulating heat ducts, venting the attic and crawl spaces, and repairing or replacing
9 heating equipment and venting systems. The Council operates several additional weatherization
10 and furnace replacement programs including Kentucky Utilities' **WeCare** and Columbia Gas of
11 Kentucky's **WarmWise** high-efficiency furnace replacement program for their customers with
12 low-income.

13 The Council administers a utility funded energy subsidy program serving 2,000 low-income
14 households in partnership with **Columbia Gas of Kentucky** and the network of community
15 action agencies serving the Columbia Gas service territory.

16 The Council implemented and administers the **Kentucky Utilities Home Energy Assistance**
17 **(HEA) Program**, which serves 2,600 KU customers whose primary heat source is KU electricity
18 by providing regular monthly subsidies throughout the winter and summer peak usage months.

19 The Council's **Summer Cooling** program serves seriously ill and disabled customers with the
20 provision and installation of air conditioners.

21 The Council also administers **Help to Others (H20)** through contributions from Kentucky
22 American Water shareholder funds and customer donations. The funds are available throughout
23 the Kentucky American Water service territory for customers with household incomes up to 150
24 percent of federal poverty guidelines. Assistance is provided for water service, activation fees

1 and reactivation fees. Participants may receive up to \$100 in benefits per fiscal year if they are in
2 danger of having their water disconnected. Intake staff provides information to participants about
3 saving water and detecting leaks.

4 **Q: Are there initiatives in which Community Action Council partners with KU or**
5 **LG&E? Please discuss.**

6 A: The Council operates the WeCare demand side management program for low-income
7 residential KU customers in its core counties providing intake, energy audits and installation of
8 weatherization measures.

9 As described above, the Council also partners with KU on the Home Energy Assistance program
10 that provides monthly subsidies for eligible low-income customers during peak heating and
11 cooling months.

12 The Council administers contributions from KU customers and matching corporate funds from
13 KU for WinterCare energy assistance. The funds are available throughout the KU service
14 territory through the community action agency network.

15 Also, the Council and Kentucky Utilities annually co-sponsor the Winterblitz event in Lexington,
16 which provides minimal weatherization measures in low-income homes. The Winterblitz
17 program recruits and trains volunteers who then install low-impact weatherization measures for
18 low-income individuals and families. The event is modeled after Project Warm in Louisville,
19 Ky. It was first held in Lexington in 2005 and continues to be held annually.

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1 **Q: Please describe the low-income population in the Kentucky Utilities service**
2 **territory.**

3 **A:** Based on 2010 five (5) year estimates from the American Community Survey – the most
4 recent county-level poverty data available – the following chart provides poverty status by
5 county for KU service counties in Kentucky. The chart is in alphabetical order by county.

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County	Number of Customers	Poverty Rate for County	Number of KU Customers Living in Poverty
ADAIR	1,988	21.3%	423
ANDERSON	5,591	11.4%	637
BALLARD	1,823	13.0%	237
BARREN	1,075	18.7%	201
BATH	1,982	29.6%	587
BELL	11,299	29.4%	3322
BOURBON	4,361	16.1%	702
BOYLE	9,082	18.6%	1689
BRACKEN	2,224	19.7%	438
BULLITT	600	9.5%	57
CALDWELL	1,011	18.6%	188
CAMPBELL	470	11.3%	53
CARLISLE	14	15.7%	2
CARROLL	2,924	21.8%	637
CASEY	1,324	28.2%	373
CHRISTIAN	714	20.0%	143
CLARK	11,720	16.0%	1875
CLAY	1,539	34.4%	529

CRITTENDEN	2,204	17.0%	375
DAVISS	1	14.6%	0
EDMONSON	19	18.8%	4
ESTILL	2,466	25.1%	619
FAYETTE	123,004	17.4%	21403
FLEMING	1,649	20.1%	331
FRANKLIN	2,574	13.9%	358
FULTON	38	27.6%	10
GALLATIN	1,185	23.5%	278
GARRARD	3,188	17.5%	558
GRANT	207	17.4%	36
GRAYSON	2,700	19.5%	527
GREEN	1,063	18.0%	191
HARDIN	17,314	13.0%	2251
HARLAN	11,373	30.7%	3492
HARRISON	3,114	20.4%	635
HART	2,931	23.5%	689
HENDERSON	2,354	14.4%	339
HENRY	3,312	18.5%	613
HICKMAN	726	16.1%	117
HOPKINS	10,032	18.2%	1826
JESSAMINE	4,092	14.8%	606
KNOX	2,634	36.5%	961
LARUE	2,461	15.5%	381
LAUREL	8,863	20.1%	1781
LEE	578	31.6%	183
LINCOLN	3,201	21.9%	701

LIVINGSTON	417	11.2%	47
LYON	2,074	14.0%	290
MADISON	18,555	18.9%	3507
MARION	3,306	17.8%	588
MASON	5,448	21.1%	1150
MCCRACKEN	788	15.3%	121
MCCREARY	1,410	35.2%	496
MCLEAN	2,009	16.0%	321
MERCER	6,429	12.4%	797
MONTGOMERY	7,164	21.1%	1512
MUHLENBERG	11,156	20.6%	2298
NELSON	2,663	14.2%	378
NICHOLAS	1,475	18.3%	270
OHIO	3,814	19.0%	725
OLDHAM	5,192	7.4%	384
OWEN	1,549	12.0%	186
PENDLETON	640	18.6%	119
PULASKI	8,061	21.1%	1701
ROBERTSON	285	25.1%	72
ROCKCASTLE	2,448	28.1%	688
ROWAN	3,953	29.8%	1178
RUSSELL	2,108	24.2%	510
SCOTT	16,030	13.4%	2148
SHELBY	10,694	11.4%	1219
SPENCER	1,601	7.0%	112
TAYLOR	3,515	22.8%	801
TRIMBLE	1,162	16.9%	196

UNION	4,358	18.5%	806
WASHINGTON	1,466	13.2%	194
WEBSTER	2,125	16.0%	340
WHITLEY	3,056	28.9%	883
WOODFORD	10,003	11.3%	1130
TOTAL CUSTOMERS - KY	417,978	18.3%	76,528

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Many of these counties report some of the *highest poverty rates* in Kentucky. *Twenty eight counties report poverty rates above 20%*, a rate that the Census Bureau defines as *extremely high*.

The Census Bureau uses income and family size as the basis for determining poverty. Poverty and need affordability illustrates the economic equation of income versus the ability to afford the basic needs of a family. *By definition, families with incomes at or below the poverty line cannot meet their basic needs.*

Focusing on current energy affordability, thousands of families already cannot meet their basic energy needs as evidenced by the data below from the Council’s energy assistance programs in Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties administered by the Council. Between November 2011 and March 2012, the Council completed 11,850 energy assistance applications, paying out \$1,756,538 in energy assistance. During this same time frame, the Council paid Kentucky Utilities \$1,145,143 to help KU customers with low-incomes keep electricity coming into their homes.

This data effectively highlights the challenges families with low-incomes already face in meeting their basic needs. For a senior citizen on a fixed income, utility service is not only a basic need, it is a survival need. With more money needed for utilities, the less there is for other basic needs like food, housing, medication, etc. These demands stretch a family’s resources beyond what can

1 be sustained. The energy assistance needs cited above represent the *current situation* (based on
2 current KU rates). With the proposed rate increase, the affordability gap will greatly widen,
3 especially when accounting for previously approved increases in other costs such as the
4 Environmental Cost Recovery charge.

5 **Q: Describe other challenges faced by customers with low-incomes.**

6 A: *Unemployment rates:*

7 Currently, Kentucky is ranked 33rd among all states with an unemployment rate at 8.5 percent.
8 Kentucky's rate is higher than the national average at 8.1 percent. While this is a marginal
9 improvement from this time last year, the relevance of these statistics remains. The more people
10 who are and continue to be unemployed, the less they will be able to pay their essential bills,
11 including their electricity bills.

12 *Food costs:*

13 The rising cost of food is a reality for us all, but for households with low-income, the increased
14 cost of food is a very serious burden. According to the federal Bureau of Labor Statistics, one
15 pound of ground beef has increased 25 percent in the last two years, while many families have
16 not seen a rise in their income to offset this increase. This increased cost is tied to the rising cost
17 of fuel and is not likely to decrease anytime soon, creating a situation that continually stretches a
18 tight budget, requiring families to make difficult decisions on how to spend their already-
19 stretched budgets.

20 *Health Insurance:*

21 Under the Patient Protection and Affordable Care Act, individuals and families with low income
22 between 100 and 400 percent of the federal poverty level purchasing health insurance through a
23 health care exchange (health plan that is standardized and state-regulated) will be eligible for a

1 federal subsidy. A health insurance plan will still require these families to pay approximately \$50
2 per month for a family of four.

3 This discussion of Patient Protection and Affordable Care Act is not intended to draw any direct
4 connection between a potential increase in the KU rate but to show how this increase coupled
5 with other expenses can and will affect families with low-income in complex ways.

6 **Q: Please describe how the proposed rate increase will affect people with low-income.**

7 A: In response to data requests, KU reported 417,978 customers in 76 Kentucky counties.
8 Using the 2010 five (5) year estimate poverty rates by county (see above); the Council has
9 calculated that 76,528 current KU customers have poverty level incomes. This represents 18.4
10 percent of all KU customers.

11 As the chart below documents, the cumulative effect of the proposed KU increase of \$83.76
12 annually per household (\$6.98 monthly * 76,528 * 12 months) is to charge **\$6,409,985 more**
13 each year to households with incomes at or below the poverty line.

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# of <u>Households</u> with Incomes Below the Poverty Line	Proposed Annual Rate Increase Per <u>Household</u>	KU Cost to <u>Households</u> Living in Poverty
76,528	\$83.76	\$6,409,985

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16 It is important to consider the context of these numbers. These 76,528 households have incomes
17 *below basic survival needs* (housing, food, etc.). These households will now be expected to
18 collectively find an additional \$6,409,985 to maintain an essential service: electricity. With many
19 customers turning to energy assistance programs or simply not able to pay these higher bills, the
20 Company is likely to see increased disconnections for nonpayment and uncollectible arrearages,
21 thus impacting the overall costs to all customers.

22 **With a situation as discussed above, current energy assistance resources do not meet the**
23 **need. A rate increase as proposed will have a devastating impact on the poor, those with**

1 already limited resources. If the energy affordability gap continues to widen as a result of
2 the outcome of this case, families will be forced to make choices about which basic needs
3 they can afford. Families are already struggling to make ends meet. Many have to make
4 terrible choices between food, housing, medicine and other necessities. With a rate increase
5 of this magnitude, the ability of these families to afford their basic needs will significantly
6 deteriorate. The added stress of further stretching limited resources becomes an increasing
7 barrier to economic opportunity and self-sufficiency. For those who have made some
8 strides in increasing their incomes, many will be forced backwards in their efforts to meet
9 the basic needs of their families. This rate increase will not only devastate poor households
10 but it will also overwhelm those energy assistance agencies trying to keep these households
11 from losing their homes to foreclosure and their apartments to eviction.

12 **Q: Are resources for energy assistance sufficient to meet the needs of the population in**
13 **the Kentucky Utilities service territory? Please discuss.**

14 **A:** No, resources are not sufficient to meet the needs of the population. Federal LIHEAP
15 funding to the state has been highly variable and Congressional support varies annually. The
16 WinterCare Energy Fund, while showing some growth in revenue due to increased Company
17 contributions, remains inadequate to bridge the gap between public assistance programs and
18 actual need.

19 There continues to be a significant gap between the cost of utility service and the ability of the
20 elderly, the working poor and other low-income households to pay. Current energy assistance
21 initiatives within the Kentucky Utilities area do not come close to addressing this gap. Each
22 year, Community Action Council is forced to turn away hundreds of families who urgently need
23 energy assistance for lack of available funds.

1 Q: **Is the Company's HEA subsidy program, operated in partnership with the Council,**
2 **still an effective means for reducing the affordability gap? Why or why not?**

3 A: The Company has received several rate increases over the past five years but during that
4 time there has been only one minor increase in the HEA subsidy amounts from \$42 during the
5 winter heating and summer cooling months to \$44 today.

6 As noted in the Company's response to data requests, the average monthly invoice in 2007 was
7 \$79.57 and by 2011 that average had increased to \$98.93. The difference of \$19.36 essentially
8 diminishes the entire value of the HEA subsidy, substantially reducing the impact of the
9 program. While the HEA program has been increased over the years to serve additional
10 customers, there have been no substantial changes to the program structure or subsidy amounts
11 to keep up with rising rates.

12 This change in program impact is evidenced by program data which show steady growth in the
13 number of HEA participants removed from the program because they were shut off for non-
14 payment. All HEA program participants are required to maintain service in order to remain in the
15 program. In the 2009-2010 program year there were 83 households removed because their
16 electric service had been cut off. However, by 2010-2011 that result had more than doubled to
17 205 households. This is likely due to the substantial increase in KU monthly bills over the years
18 with no real change in the HEA program.

19 In fact, the HEA subsidy, as a percentage of the total customer bill, has decreased substantially.
20 For example in February 2007, when the average KU invoice was \$101.98, the subsidy of \$44
21 monthly was 43 percent of the bill. By February 2011, when the average invoice was \$125.59,
22 that percentage had diminished to 35 percent of the bill. This reduces program impact since the
23 goal of the HEA program is to reduce shutoffs by making monthly bills more manageable for
24 customers with low-incomes.

1 Q: **What do you propose as a solution in this case?**

2 A: While the Council would prefer, from the perspective of customers with low-income, that
3 the Commission reject the Company's request in its entirety, we recognize the Company's right
4 to receive a fair and reasonable return. Therefore, we acknowledge the likelihood that some level
5 of increase will be accepted. In that case, the Council asks the Commission to approve the lowest
6 possible rate increase in order to avoid placing additional burden on families with low-income.
7 As previously established, customers with low-income are already unable to meet minimum
8 financial needs for basic services like food and medicine. Continuing to widen the affordability
9 gap will place thousands of Kentuckians at risk of illness and death from exposure to extreme
10 temperatures as shutoffs increase.

11 In order to effectively reduce the burden placed on families with low-income, the Council urges
12 the Commission and the Company to seek a solution that increases funding available for the
13 HEA subsidy program for the purposes of increasing the winter and summer monthly subsidy
14 amounts and the number of customers served. This would allow those most vulnerable, including
15 the elderly, those with disabilities, and families with children, access to a more effective solution
16 for keeping up with their heating and cooling costs. It would also serve to restore the impact of
17 HEA by returning the subsidy amounts to a percentage of customers' bills that makes a more
18 reasonable difference in their ability to pay.

19 Q: **In summary, please state your position regarding KU's proposal for an increase in**
20 **the electric service charge rate?**

21 The rate increase is too high and will negatively affect the ability of customers with low-income
22 to pay for essential service to a significant degree. In order to prevent this situation the Council
23 proposes a substantial reduction in the amount of the approved increase. Where that increase
24 cannot be avoided for economic reasons, the Council asks that all parties collaborate for a

1 solution that will allow an increase in the amounts of the monthly subsidies in the HEA program
2 and an increase in the number served to prevent thousands of customers from being unable to
3 afford their monthly bills.

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VERIFICATION

I have read the above questions and answers and I affirm that they are correct to the best of my information and belief.



JACK E. BURCH

COMMONWEALTH OF KENTUCKY)
COUNTY OF FAYETTE)

Subscribed to and sworn to before me by Jack E. Burch on the 26th day of September, 2012.



NOTARY PUBLIC
My commission expires: 6/25/2013

CERTIFICATE OF SERVICE

I hereby certify that CAC's October 2, 2012 electronic filing, Direct Testimony of Jack E. Burch On Behalf of CAC, is a true and accurate copy of the document being filed in paper medium; that the electronic filing has been transmitted to the Commission on October 2, 2012; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original and one copy of the filing is being filed at the Commission on October 2, 2012 and that on this date electronic mail notification of the electronic filing will be provided to the following:

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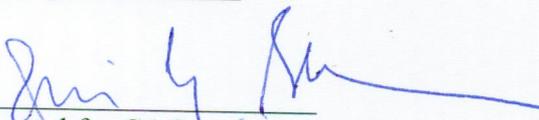
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