

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY- )  
AMERICAN WATER COMPANY ) CASE NO.  
FOR AN ADJUSTMENT OF RATES ) 2012-00520

**PRE-FILED 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 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 state your name and 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 33 neighborhood and community centers and child development centers in six  
6 counties and its Administrative Support Services are located at 710 W. High Street in Lexington,  
7 Kentucky.

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.

11 **Q: Please describe the purpose of your testimony.**

12 A: The purpose of my testimony is to state the position of Community Action Council with  
13 respect to the proposed Kentucky American Water Company rate increase and to provide  
14 information in support of my position. In summary, we do not believe that a rate increase, as  
15 currently proposed by Kentucky American Water Company, is a reasonable or appropriate  
16 expectation for low-income customers especially given the three most recently approved  
17 increases of 28.9 percent in 2010, 16.7 percent in 2009, and 13.9 percent in 2007. That represents  
18 a 71 percent increase in water costs since 2007 – not including the proposed increase. My  
19 testimony will provide a perspective that represents issues that should be given full consideration  
20 in rendering a decision on this case. I am an advocate on behalf of customers with low-income.  
21 Community Action Council is a low-income advocacy and services organization.

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

1 A: Community Action Council was established in 1965 as a not-for-profit community action  
2 agency of the Commonwealth of Kentucky. The Council's governance includes a Board of  
3 Directors representing low-income, public and private sectors of the community. Its mission is  
4 to combat poverty.

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

- 7 • self-sufficiency
- 8 • child development
- 9 • homeless programs
- 10 • volunteer programs
- 11 • youth development
- 12 • transportation services
- 13 • housing
- 14 • energy assistance and conservation programs
- 15 • emergency assistance
- 16 • adult education and employment assistance
- 17 • community outreach and referrals.

18 Although the Council's core service territory includes Lexington-Fayette, Bourbon, Harrison and  
19 Nicholas counties, the Council also provides services in other Kentucky counties. For example,  
20 the Council administers the WinterCare Energy Fund providing services across most of the state;  
21 child development services extend into Scott and Madison counties; the Retired and Senior  
22 Volunteer Program extends into Jessamine County. The Columbia Gas Energy Assistance  
23 Program and WarmWise program and Kentucky Utilities' Home Energy Assistance Program and  
24 WeCare Program each provide services throughout the service territory of their respective

1 utilities. Most notably, for this case, the Council operates the Kentucky American Water Help to  
2 Others (H2O) Program throughout the Company's distribution area.

3 The Council is uniquely positioned to speak on behalf of low-income populations with utility-  
4 related problems as staff members have extensive contact with and knowledge of this population,  
5 performing more than 9,000 individual program intakes and assessments annually. Additionally,  
6 Council staff members are able to help participants access other Council assistance programs as  
7 well as other community resources to address the multiple obstacles and barriers that most low-  
8 income households face. This comprehensive approach provides greater stability and self-  
9 sufficiency to these households, supporting a family's ability to afford necessities such as utility  
10 service.

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

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

18 A: The Council creates opportunities for individuals and families to become self-sufficient  
19 members of the community. Created in 1965, the Council is the designated community action  
20 agency for Lexington-Fayette, Bourbon, Harrison, and Nicholas counties in Central Kentucky  
21 and serves the low-income population through advocacy, service delivery and community  
22 involvement.

23 The Council operates **Head Start**, **Early Head Start** and **Migrant Head Start** child  
24 development programs that have been recognized nationally. The organization also operates

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

10 Other programs include senior volunteerism projects **Retired and Senior Volunteer Program**  
11 **(RSVP)** and the **Foster Grandparents Program (FGP)**. To support economic independence,  
12 the Council offers a **Financial Fitness** consumer education program that provides training on  
13 financial management and offers families the chance to save for a home, small business or higher  
14 education. Also, the Council works each year with community partners to provide tax  
15 preparation and education on the **Earned Income Tax Credit (EITC)** and how to apply. The  
16 Council serves youth in Fayette County through its **Literacy, Education, Experience, and**  
17 **Postsecondary, or LEEP**, program which provides education, employment, mentoring, and life  
18 skills development for youth who have dropped out of school or are at risk of dropping out.

19 The Council also operates a number of utility assistance programs in partnership with local  
20 utilities, public and private funding sources, and other community action agencies across the  
21 state. These 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 a **Weatherization Assistance Program** designed to help  
4 low-income individuals and families conserve energy. Weatherization services include caulking,  
5 weather-stripping, replacement of thresholds and door sweeps, re-glazing windows and replacing  
6 broken glass, outside wall repair, minor roof repair, attic insulating, repairing and replacing  
7 skirting around the foundation, under-floor insulation including wrapping pipes and insulating  
8 heat ducts, venting the attic and crawl spaces, and repairing or replacing heating equipment and  
9 venting system. The Council operates several additional weatherization and furnace replacement  
10 programs including the Kentucky Utilities **WeCare** project and Columbia Gas of Kentucky's  
11 **WarmWise** high-efficiency furnace replacement program for its low-income customers.

12 The Council currently administers a utility funded energy subsidy program serving 850 low-  
13 income households in partnership with **Columbia Gas of Kentucky** and the network of  
14 community action agencies serving the Columbia Gas service territory. The Council also  
15 implemented and administers the **Kentucky Utilities Home Energy Assistance (HEA)**  
16 **Program**, which serves 2,600 KU customers whose primary heat source is KU electricity by  
17 providing regular monthly subsidies throughout the winter and summer peak usage months.

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

20 **Q: Are there initiatives through which Community Action Council partners with**  
21 **Kentucky American Water Company? Please discuss.**

22 A: The Council administers Help to Others (H2O) through contributions from Kentucky  
23 American Water shareholder funds and customer donations. The funds are available throughout  
24 the Kentucky American Water service territory for customers with household incomes up to 150

1 percent of federal poverty guidelines. Assistance is provided for water service, activation fees  
 2 and reactivation fees. Participants may receive up to \$100 in benefits per fiscal year if they are in  
 3 danger of having their water disconnected. Intake staff provides information to participants about  
 4 saving water and detecting leaks.

5 The Council has operated Help to Others since 2006, when its name was changed from Water for  
 6 Life. The Water for Life program began in 2000. The Council receives no administrative  
 7 funding to cover the cost of taking and processing applications for the Help to Others program,  
 8 therefore maximizing the availability of benefits for customers.

9 **Q: Please describe the low-income population in the Kentucky American Water**  
 10 **Company service territory.**

11 A: Based on Census data and customer counts provided by the Company, the following chart  
 12 provides poverty status by county for KAWC service counties. The chart shows an estimated  
 13 number of KAWC low-income customers based on the poverty rate by county. All poverty rates  
 14 used are the most recent county-level data available from the U.S. Census 2011 five-year  
 15 estimates.

<b>KAWC Service County</b>	<b>Poverty Rate</b>	<b>KAWC Customers by County</b>	<b>Estimate of KAWC Customers in Poverty</b>
Fayette	17.9%	101,945	18,248
Bourbon	16.4%	806	132
Harrison	19.9%	96	19
Clark	16.6%	1,313	218
Scott	13.4%	4,936	661
Woodford	13.4%	198	27
Owen	12.8%	3,498	448
Grant	16.5%	61	10
Gallatin	18.4%	179	33

1 Census Data indicates that there are approximately 19,796 KAWC customers in poverty  
 2 throughout its service territory. The percent of KAWC customers who are in poverty, according  
 3 to these estimates, is at least 17.5 percent of the total customer base of 113,032. It's important to  
 4 note here that these figures represent only 100% of the Federal Poverty Guideline. This guideline  
 5 is an outdated measure even according to the Federal officials who issue it. In recognition of this  
 6 inaccurate capture of the number of poor in the United States, many assistance programs –  
 7 including the Company's Help to Others program – actually serve families at higher incomes  
 8 such as 150 percent of the federal poverty guidelines. Were it possible to calculate using these  
 9 thresholds, it is highly likely that a substantially larger percentage of the Company's customers  
 10 would be living in poverty.

11 The Census Bureau uses income and family size as the basis for determining poverty. Poverty  
 12 and need affordability is an economic equation of income versus basic needs of a family  
 13 depending on the size of a family. Families in poverty, based on the limits of their income,  
 14 cannot meet their basic needs. Their expenses, as a family, exceed their revenues.

15 Despite 2007 and 2009 increases in the annual shareholder contribution, the Help to Others  
 16 Program severely lacks resources to keep up with need among the Company's customers unable  
 17 to afford water. The table below illustrates the Company's contribution to this program, its  
 18 customers' contributions and the number of residential accounts receiving benefits from the  
 19 program in each of the past four years.

20

Year	KAWC Contribution	Customer Contributions via KAWC bills	Contributions Directly to the Council	Total Program Contributions	Number of Approved Applications for Assistance
2007	\$21,500	\$996	\$101	\$22,597	442
2008	\$50,000	\$913	\$10	\$50,923	907



2009	\$50,000	\$1,144	\$0	\$51,144	906
2010	\$60,000	\$867	\$0	\$60,867	1,094
2011	\$60,000	\$1529	\$220	\$61,749	987
2012	\$60,000	\$1018	\$357	\$61,375	798
2013	\$60,000	\$49*	\$688	\$60,737	300

1 \* *Data from only available through March 2013.*

2 As seen in the table above, the Help to Others Program, at its peak in 2010, was able to provide  
3 benefits to 1,094 families. With at least 19,796 customers living in poverty (see above) this  
4 represents a small fraction of the number of customers unable to afford water. Additionally, the  
5 Company pointed out in response to information requests in this case that “We do not know the  
6 value of contributions that ratepayers made to the program during these same years via other  
7 means, such as through direct donations to Community Action Council.” The Council does have  
8 access to this information as shown above and the results are abysmal. Customer response to the  
9 H2O program has been insignificant and the Company’s contribution is well below the amount  
10 necessary to operate an effective program.

11 Water services are not only a basic need, but a survival need. This does not include an  
12 assessment of other basic needs that households require like food, shelter, medication, and much  
13 more. The stress of these demands stretches a family’s resources beyond what it can sustain.  
14 Unfortunately with a rate increase, the affordability gap will greatly widen.

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

17 A: Kentucky American Water Company reports in filings that the current, average, total  
18 monthly cost for residential customers is \$32.75. Based on the requested residential rate increase,  
19 the company reports the real dollar increase for the average customer will be \$69.12 annually or  
20 \$5.76 per month. The proposed increase would therefore change the average residential monthly  
21 rate to \$38.51, a cost that represents as much as 4 percent of monthly income for a family at the

1 federal poverty level. The chart below illustrates the cost to low-income customers as a  
 2 percentage of their monthly income. Of note is that some low-income customers may exceed the  
 3 average monthly cost of water, especially larger households. Also, as with the Council's other  
 4 programs, many low-income participants' incomes fall well below the federal poverty guideline,  
 5 making the monthly KAWC bill an even larger portion of their income.

# in Household	Federal Poverty Level Annual Income	Federal Poverty Level Monthly Income	Average KAWC Bill as % of Monthly Income (assuming increase approved as proposed)
1	\$11,490	\$957.50	4.0%
2	\$15,510	\$1,292.50	3.0%
3	\$19,530	\$1,627.50	2.4%
4	\$23,550	\$1,962.50	2.0%
5	\$27,570	\$2,297.50	1.8%

6  
 7 If the affordability gap continues to widen as a result of the outcome of this case, families will be  
 8 forced to make choices about which basic needs they will attempt to satisfy. Families have to do  
 9 this now at current rates. With a rate increase, the magnitude of having to negotiate basic needs  
 10 will increase and the impact will become greater. The stress of stretching resources will continue  
 11 to act as a barrier to increasing opportunity and reaching self-sufficiency. For those who have  
 12 made strides in increasing their incomes, they will have to take two or three steps back and some  
 13 back to where they started in the income versus basic needs equation. The rate increase will  
 14 create a barrier but it will also create a situation where relief agencies will not be able to come  
 15 close to providing assistance that will really matter.  
 16 The proposed rate increase in this case is too high and cannot be afforded by those with limited  
 17 or fixed incomes. This is evident in that at current rates and fees, the affordability gap already

1 exists. I am encouraging Kentucky American Water Company and the Commission to reconsider  
2 the increase set forth in this filing.

3 **Q: How does Kentucky American Water Company's current safety net assistance**  
4 **program work?**

5 A: The current Help to Others Program is available to households with incomes up to 150%  
6 of federal poverty guidelines and provides assistance for water service, activation fees and  
7 reactivation fees. Applicants must provide proof of income for all adults in the home and the  
8 Kentucky American Water Company bill must be in the applicant's or a household member's  
9 name.

10 Participants currently can receive up to \$100 per fiscal year if they are in danger of having their  
11 water disconnected. Staff provides information on saving water and detecting leaks. In some  
12 cases, the \$100 annual limit is inadequate because low-income customers in aging homes or  
13 rental units have had an undetected water leak.

14 Under Help to Others, Kentucky American Water customers also may contribute to the program  
15 through their monthly bills.

16 **Q: Are resources for water service assistance sufficient to meet the needs of the**  
17 **population in the Kentucky American Water Company service territory? Please discuss.**

18 A: No, resources are not sufficient to meet the needs of the population and the resources that  
19 exist are becoming less effective with each approved rate increase. Unlike energy assistance, for  
20 which federal LIHEAP funding, local public and private funding, and utility-supported programs  
21 are available, there are few options available to households needing assistance with their water  
22 bill. The Council has access to only a few thousand dollars in private donor funds that could be  
23 used each year for water assistance and these funds must serve the needs of all of the

1 organization's more than 30,000 annual program participants. No significant resource is  
 2 available beyond the Help To Others Program described earlier in this testimony.  
 3 As the size of bills has increased the ability of the Help to Others program to meet needs has  
 4 decreased because the scope of the program remains essentially unchanged since 2007 when the  
 5 Company more than doubled its annual shareholder contribution. Customer contributions to Help  
 6 to Others have increased some due to joint efforts by the Company and the Council to promote  
 7 the opportunity to customers but the amount remains largely insignificant given the need. As  
 8 demonstrated by the chart below, the average amount of assistance per customer has increased  
 9 41 percent since 2008 and the number of customers helped has decreased each of the past two  
 10 years despite increased need and no change in the available funds. Rate increases are slowly  
 11 rendering the program void.

Year	Number of Customers Assisted	Average Amount of Assistance per Customer
2008	907	\$47.09
2009	906	\$51.04
2010	1,094	\$50.19
2001	987	\$55.50
2012	798	\$66.70

12  
 13 In order to increase from serving only a fraction of the number of households unable to pay their  
 14 bills, the Council would need a substantial increase in funds available for the Help to Others  
 15 program. There are approximately 19,976 customers with low-income in the Company's service  
 16 area – people unable to afford even the most basic needs. To provide \$66.70 (the prior year  
 17 average) of assistance to each of them annually would require approximately \$1.33 million.  
 18 Therefore, the Help To Others program is currently funded at about 4.6 percent of actual need.

19 **Q: What do you propose the solution in this case?**

1 **A:** Regardless of the size of the increase in rates, people with low-income already experience  
 2 an affordability gap. While asking for the Company’s rate increase proposal to be denied in full  
 3 or in part, I am encouraging Kentucky American Water Company and the Commission to  
 4 restructure the Company’s rates to reflect customer usage. A graduated or tiered rate structure,  
 5 which provides an initial amount of water at free or very low cost and then charges more as  
 6 consumption levels increase would benefit all customers – especially those on low or fixed-  
 7 incomes – by giving them more control over their monthly water costs. These rates would  
 8 determine a minimum amount of life-sustaining water a household needs and then customers  
 9 would receive that basic amount of water at a free or substantially reduced rate. A next tier of  
 10 consumption would cost more followed by third or more tiers at which the cost increases in  
 11 proportion to usage.

12 While such a rate structure is favorable for all customers as a way to control costs and  
 13 incentivize conservation, it is especially preferable for customers with low-income because of  
 14 the impossible decisions they often face when choosing whether to pay for housing, medicine,  
 15 food and other basic necessities. With graduated rates, the customer could reduce their water  
 16 costs substantially and control those costs more easily. The 2012 Water & Wastewater Rate  
 17 Survey published by the American Water Works Association found that increasing block rates,  
 18 such as those proposed here where water becomes more expensive with increased consumption,  
 19 are a national trend. A chart from that survey is below:

20 Water Rate Structure Distribution<sup>1</sup>

	2000	2002	2004	2006	2008	2010	2012
<b>Decreasing Block %</b>	35	31	25	24	28	19	18
<b>Uniform %</b>	36	37	39	40	32	31	30

<sup>1</sup> “2012 Water and Wastewater Rate Survey.” American Water Works Association. 2013.

<b>Increasing Block %</b>	29	32	36	36	40	49	52
<b>Total %</b>	100	100	100	100	100	100	100

1  
2 The Council made this same proposal in the Company’s previous rate case, 2010-00036, and the  
3 Commission ordered that the proposal “should be further studied and additional customer data  
4 gathered to permit a thorough assessment of the proposal’s potential effects.” The  
5 Commissioners further ordered the Company to initiate a meeting of interested parties to study  
6 matters of affordability and to file regular reports to the Commission on progress. Unfortunately,  
7 while the Company may have complied with the specific requirement that meetings take place  
8 and reports be filed, we feel the Company did not initiate a thorough review of all options to  
9 address the dilemma of unaffordable water costs for households with low-income.

10 While the Council was generally supportive of the legislation proposed by the Company during  
11 these meetings that would have allowed water utilities to grant a reduced rate service to some  
12 low-income residential customers, we are extremely disappointed by the Company’s apparent  
13 lack of interest in making any changes to its rate structure or low-income programming which  
14 could benefit its customers. The Company led the collaborative in such a way as to place the  
15 burden for research and program design on all parties but itself, despite a portfolio of such  
16 programs already available throughout the American Water network. The Council hoped to see  
17 the Company propose some changes to rate structure or programming given ineffective effort  
18 made at reaching a collaborative proposal. Instead, the Company called the collaborative  
19 together, after months of inaction, for a brief meeting just days before filing this case to quickly  
20 push for action on the “legislative option.” The timing between that meeting and the filing was  
21 not helpful to creating the kind of environment necessary to bring the diverse parties in the

1 matter to a solution that all of them could support. Thus, the legislative option did not get off the  
2 ground.

3 Therefore, since the Company has not to date created a process that would permit an open and  
4 transparent discussion of all options available to address the problems its most vulnerable  
5 customers have been facing as a result of the 71% increase in rates in recent years,”, we would  
6 urge the Commissioners to deny this rate increase pending an acceptable solution.

7 **Q: Are there other American Water programs which may be of benefit to Kentucky**  
8 **American Water customers?**

9 A: Yes, and we would encourage the Commissioners and staff to examine this programming  
10 for options which would benefit customers in Kentucky. While we acknowledge statutory and  
11 regulatory differences among the states, we find it troubling that Kentucky American Water  
12 appears to have the least generous portfolio of solutions for its most vulnerable customers of all  
13 of the American Water affiliates. Kentucky’s people with low-income deserve the same access to  
14 life sustaining water as residents of West Virginia, Texas, New Jersey, California, and other  
15 states.

16 In West Virginia in 2012, West Virginia American water proposed a 20 percent rate discount  
17 program for customers with low-income. The President of West Virginia American Water stated  
18 in a Company-issued press release that the program was “...a way to lessen this impact for  
19 customers struggling to make ends meet.” Also, Missouri American Water in 2009 proposed a  
20 reduced rate for qualified low-income customers. We would appreciate the same level of  
21 commitment for Kentucky customers.

22 In other states, including California, New Jersey, and New Mexico, American Water already has  
23 or has proposed tiered rates and has issued press releases stating the benefits of these rates for  
24 customers. A release from New Mexico American Water in 2010 stated that the tiered rate

1 structure “creates incentives for conservation and maintains an affordable base rate for customers  
2 that conserve.” We would ask why Kentucky American Water does not share this interest in  
3 affordability solutions.

4 **Q: Is it Kentucky American Water Company’s responsibility to work toward solutions**  
5 **that impact the lives of low-income people for the positive?**

6 **A:** As a public utility, Kentucky American Water Company has an obligation to its low-  
7 income customers. It is the only choice for water service. Low-income people cannot shop  
8 around for a better deal and cannot choose to go without water as it is a life-sustaining resource.

9 **Q: In summary, please state your position regarding Kentucky American Water**  
10 **Company’s proposed rate increase and your recommendations regarding the same.**

11 **A:** The rate increase is too high and will negatively affect the ability of low-income  
12 customers to pay for essential service. Without additional means of support like changes in rate  
13 structure, rate discounts, or a substantial increase in assistance funds, the affordability gap will  
14 be greater and continue to grow.

15 **Q: Does this end your direct testimony?**

16 **A:** Yes



## CERTIFICATE OF SERVICE

I hereby certify that CAC's April 2, 2013 electronic filing is a true and accurate copy of the Prefiled Testimony of Jack E. Burch to be filed in paper medium; and that on April 2, 2013, the electronic filing has been transmitted to the Commission, an original and one copy of the filing will be delivered to the Commission, and electronic mail notification of the electronic filing is provided to the Commission and the following:

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