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FAX TRANSMITTAL COVER SHEET

RECEIVED

DATE: 12/19/07

DEC 20 2007

FAX NUMBER: 502-564-3460

PUBLIC SERVICE
COMMISSION

TIME: 4:05 pm

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Commonwealth of Kentucky
COMPANY/FIRM: Public Service Commission
CITY/STATE: Frankfort, Ky
FROM: THOMPSON LAW OFFICE
RE: Mike Little Gas Company, Inc.

WE ARE TRANSMITTING 6 PAGES INCLUDING THIS COVER SHEET.

REMARKS: If you should have any questions, please call our office at the above telephone number.

PLEASE CALL Kim @ (304) 235-2223 IF YOU HAVE PROBLEMS WITH THIS TRANSMISSION.

NOTICE

The information contained in this transmission is privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended addressee, the reader is hereby notified that any consideration, dissemination or duplication of this communication is strictly prohibited.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

DEC 20 2007

PUBLIC SERVICE
COMMISSION

In the matter of:

AN INVESTIGATION OF MIKI LITTLE)
GAS COMPANY, INC., MIKI THOMPSON)
WINNIE GREER, AND DANIEL GREER,)
INDIVIDUALLY AND AS OFFICERS OF)
THE UTILITY, FOR ALLEGED VIOLATIONS)
OF COMMISSION ORDERS AND SAFETY)
VIOLATIONS PURSUANT TO KRS 278.990)
AND KRS 278.992)

CASE NO. 2007-00107

RESPONSE TO COMMISSION STAFF'S SUPPLEMENTAL DATA REQUEST

Comes now Mike Little Gas and reports the following responses to inquiries made by the Commission in its Supplemental Data Request, and states as follows:

1. In its response to the Commission's Order, Mike Little submitted a letter from the Kentucky Department of Transportation advising Mike Little as to the construction of its gas line on a state right-of-way.
 - a. State whether Mike Little has applied to the Kentucky Department of Transportation for an encroachment permit to construct a gas main on a state right-of-way. If yes, state the date of the application and its current status. Provide any correspondence sent to Mike Little concerning the direction to cease construction for the pipeline.

Mike Little has not made a formal application for a permit in writing for the following reasons.

 - 1) It has been Mike Little's position that the section of pipeline in question is NOT considered construction, but replacement of steel pipe, therefore, a permit would not be necessary. Mike Little has had steel pipe in that location for more than fifty (50) years.
 - 2) Pursuant to page 2 of the Department of Highway's Guide for Obtaining Encroachment Permits on State Right-of-Way, a copy of which is attached hereto marked as Exhibit #1, and made a part hereof, Paragraph II. of the Procedure to Apply for a Permit requires an On-Site Meeting PRIOR to a written application being prepared and submitted by the applicant.

Agents for Mike Little have had at least two (2) on-site meetings with permit engineer, Gene Layne. Mr. Layne has advised that a permit will not issue for the location of the line and that the Department of Highways would only allow a permit for the other side of the highway. The other side of the highway is not an option for two reasons. The area is solid rock and cliff and second, Mike Little would be required to bore under the highway in two locations.
 - b. List and describe each meeting or conversation that Mike Little's representatives have had with representatives of the Kentucky Department of Transportation

regarding the construction of the gas main.

- 1) **Gene Layne, permit engineer for the Department of Transportation (DOT) has been to the site on at least two occasions. First, he met with Mike Little technician Layne Bailey, and a few days later with Mike Tackett. On both occasions he said that the pipe replacement and repair project must cease and that the DOT would not issue a permit for that construction. Mr. Layne also stopped by Mike Little office in Melvin and informed the office manager, Virginia Morgan the same. A few days later, Mike Little president and vice president Miki Thompson and Kara Vance made arrangements to meet once again with Gene Layne, however there was a misunderstanding as to the location of the meeting and Mr. Layne went once again to the site, while Mike Little representatives were at the local office. A follow up phone call was made and Mr. Layne reiterated the fact that it was the DOT's firm position that a permit would not issue for that location and that if Mike Little did submit a permit, it would be futile.**

After the conversation with Mr. Layne, Miki Thompson then contacted DOT Chief District Engineer Danl L. Hall to explain the situation. He then advised that he had talked with Mr. Layne and that he supported his position that the repair and replacement of the line along KY 122 would have to be placed in the back of the drainage ditch on the opposite side of the highway.

Miki Thompson then requested that the position of the DOT be placed in writing and that a permit application be provided nevertheless. The letter and permit application was received October 30, 2007.

After receiving the letter, Miki Thompson once again contacted Danl L. Hall and inquired whether he would personally look at photographs of the location and consider this a special exception for right of way and issue a permit. Mr. Hall advised that he would look at all information submitted and consider whether he could recommend Mike Little receive an exception, since the pipe has already been replaced and basically all that must be done is to cover the line and make arrangements for another connection off the right of way.

- c. **State when Mike Little expects to complete construction of the gas line if it cannot obtain the required permits.**

In the event Mike Little cannot obtain the required permit for the construction of the gas line, there are plans for two other approaches. First, Mike Little plans to petition the Floyd County Court for an injunction to prevent DOT from stopping work on the line. Second, Mike Little will attempt once again to acquire right-of-way from the adjoining property owners.

Mike Little anticipates that it will only take 30 days to complete the

PROCEDURE TO APPLY FOR A PERMIT

I. Preliminary Contact

- A. Call or visit the highway district that has jurisdiction in the county where the work is proposed and arrange to meet with the permit engineer at the site.
- B. The permit applicant, prior to meeting with the permit engineer, should have a preliminary sketch or site plan of the proposed work area. The permit engineer can review the proposal and if necessary contact other state agencies so they can provide necessary expertise in the area of drainage (i.e., water control), traffic control, construction procedures, material evaluations, etc., prior to or at the onsite meeting.

II. On-Site Meeting

At a time and date agreeable to the permit applicant and the permit engineer, a meeting at the proposed development site should be conducted in order to resolve any problems prior to formal submission of the permit request. The permit applicant should be prepared to show at the site exactly what he wants to do. The permit engineer along with other Department of Highway personnel deemed necessary will be ready to advise details necessary in preparing plans and technical documents required to obtain a permit. The permit engineer will provide the applicant with the necessary Permit Application (TC 99-1) and Permit Bond (TC 99-7) forms. The permit engineer will also have prepared the Required Documentation and Information (TC 99-18) form which will assist the applicant in preparing the permit request for formal submission.

During the on-site meeting, the applicant should thoroughly read the Documentation and Information form. The permit engineer will answer questions and discuss requirements on the Permit Application and Bond forms. The permit engineer will also advise as to the amount of indemnity (bond or check) necessary to guarantee the completion of the project. The types of indemnity are explained in detail later in this booklet.

NOTE: A Power of Attorney document must accompany the bond when the permit request is formally approved. The bond must have the insurance company seals.

III. Plans, Drawings, and Specifications

The permit applicant will be required to prepare, at his expense, a plan (to scale) which shows the scope of work to be done on and adjacent to the state's right of way. These plans should contain all the information checked on the Documentation and Information form (TC 99-18). Department of Highway roadway plan sheets with the encroachment shown in red will be required for submittal along with the applicant's plan and other necessary documents. (These are normally available at the District Office for a nominal charge.)

Specifications: At the on-site meeting, the permit engineer will discuss the 4-page General Notes and Specifications form (TC 99-21). The form is subdivided into ten areas, which deal with the manner in which the work on state right of way will be done. If there are any questions concerning the form, the permit engineer will advise as to what is necessary for the site development and why.

VERIFICATION

STATE OF WV

COUNTY OF Mingo TO-WIT:

This day personally appeared before me the undersigned, who after being by me first duly sworn, upon oath says that the facts and allegations contained in the foregoing

Response

are true, except where they are therein stated to be upon information, and that so far as they are therein stated to be on information, believes them to be true.

[Signature]
AFFILIANT

Taken, subscribed and sworn to before me this 1st day of

December, 2007.

My commission expires Feb. 5, 2013.

[Signature]
NOTARY PUBLIC

(NOTARIAL SEAL)

