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Charles R. Borders  
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January 28, 2011

## PARTIES OF RECORD

Re: Case No. 2010-00049

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact M. Todd Osterloh at 502-564-3940, Extension 439.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen  
Executive Director

TO/kar

Attachment

**INTRA-AGENCY MEMORANDUM**

**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File

**FROM:** Todd Osterloh, Staff Attorney

**DATE:** January 28, 2011

**RE:** Case No. 2010-00049  
Wilmer and Pauline Conn v. Fleming County Water Association  
Conference of January 27, 2011

On January 27, 2011, Commission Staff held an informal teleconference to discuss the upcoming hearing in this case. The following individuals participated in the informal conference:

Marvin W. Suit	Fleming County Water Association
Gene Jett	Fleming County Water Association
J. E. Smith	Fleming County Water Association
Wilmer Conn	Complainant
Todd Osterloh	PSC Staff
Eddie Beavers	PSC Staff
Dennis Jones	PSC Staff
James Rice	PSC Staff

The parties discussed next week's hearing. Mr. Conn stated that he and his wife would testify as to general background information related to their complaint. He also stated that Scott Wilburn, who is the supervisor of the Maxey Flats site and works with the Kentucky Division of Waste Management, will testify as to the ownership of the water line and sampling data from the area. Jerry Ferguson, a friend of the Conns, will also testify as to the water lines in the area. Mr. Conn stated that he would likely introduce photographs and letters as evidence in support of his complaint.

Because the Conns have not retained an attorney for this case, Mr. Osterloh suggested that he question Mr. and Mrs. Conn prior to cross-examination by the Fleming County Water Association ("FCWA"). FCWA did not object to this arrangement. Mr. Conn will ask initial questions of Mr. Wilburn and Mr. Ferguson prior to cross-examination by FCWA and Commission Staff.

FCWA indicated that Mr. Smith would testify as to why the water line along Upper Rock Lick Road was disconnected and Mr. Jett would testify as to how the line was disconnected. The conference then adjourned.