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PUBLIC SERVICE
COMMISSION

BRUCE E. SMITH
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December 17, 2012

VIA UPS OVERNIGHT

Mr. Jeff R. Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

Re: **Case No. 2012-00470**

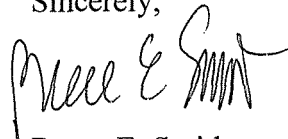
Dear Mr. Derouen:

Enclosed for filing is an original and 10 copies of my client's **Supplemental Requests for Information to Forest Hills Residents' Association, Inc. and William Bates** for filing in the above case.

Please note that Supplemental Request Nos. 9, 10 and 11 seek answers to questions also posed in JSEWD's Motion for Full Disclosure of Intervenors' Relationship to Kentucky American Water Company, filed December 7, 2012. Because the Intervenors objected to the timing and substance of this Motion and the PSC has not yet ruled on the matter, JSEWD has included these same questions as Requests in the Supplemental Requests, but does not waive the relief requested in its Motion.

Thank you.

Sincerely,


Bruce E. Smith

Enclosure(s)

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DEC 18 2012

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JESSAMINE-SOUTH ELKHORN)
 WATER DISTRICT FOR A CERTIFICATE OF)
 PUBLIC CONVENIENCE AND NECESSITY TO)
 CONSTRUCT AND FINANCE A WATERWORKS) CASE NO 2012-00470
 IMPROVEMENTS PROJECT PURSUANT TO KRS)
 278.020 AND 278.300)

JESSAMINE-SOUTH ELKHORN WATER DISTRICT'S SUPPLEMENTAL REQUESTS
FOR INFORMATION TO FOREST HILLS RESIDENTS' ASSOCIATION, INC. AND
WILLIAM BATES

Comes the Jessamine-South Elkhorn Water District ("JSEWD"), by counsel, and for its Supplemental Requests for Information to the Forest Hills Residents' Association, Inc. ("Residents' Association") and William Bates (collectively "Intervenors"), propound as follows:

DEFINITIONS

1. The terms "document" or "documents" mean anything which would be a "writing" or "recording" as defined in Rule 100(1) of the Federal Rules of Evidence on a "document" as defined in Rule 34(a) of the Federal Rules of Civil Procedure, including, without limitation, every original (and every copy of any original or copy which differs in any way from my original because of notations thereon or attachments thereto or otherwise) of every writing or recording of every kind of description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, electronic or electrical means whatsoever, including without limitation, memoranda, correspondence, electronic mail, electronic data compilations, notes, books, records, papers, pamphlets, brochures, circulars, advertisements, specifications, blueprints, maps, plats, surveys, drawings, sketches, graphs, charts, plans, laboratory or

engineering reports, notebooks, worksheets, reports, lists, analyses, ledger accounts, audits, inventories, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registration, solicitations, minutes, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, itineraries, agenda, payroll records, checkbooks, canceled checks, receipts, contracts, agreements, instrument assignments, applications, offers, acceptances, proposals, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, written memorials of oral communications, forecasts, photographs, photographic slides or negatives, films, filmstrips, x-rays, video or audio tapes and recordings.

2. The terms “thing” or “things” mean any tangible item, and shall be construed as broadly as possible.

3. The term “relating to” or “relate to” means alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, evidencing, showing, describing, reflecting, analyzing and/or constituting.

4. “And”, “or”, as well as “and/or”, shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed to be outside its scope.

5. The terms “any” and “all” shall be read to mean each and every.

6. The term “person” means a natural or judicial person, including any corporation, proprietorship, partnership, agency, or business association of any type.

7. The terms “you” or “your” shall mean the Intervenors either collectively or each of them singularly as may be applicable in the context of each of the Instructions and the Requests.

INSTRUCTIONS

1. In producing documents and things responsive to these requests, you shall respond in accordance with the requirements set for in the Kentucky Public Service Commission's ("PSC") November 27, 2012 Order and the production shall be organized and labeled to correspond with the information to which they are responsive, regardless of whether these documents and things are possessed directly by you or by your present or past agents, employees, companies, licenses, representatives, investigators, or attorneys.

2. If the attorney-client privilege or work product immunity is asserted as to any documents or thing, or if any documents or thing is not produced in full, produce the document or thing to the extent the request for production is not objected to, and, in so doing, state the following:

- (a) the specific ground(s) for not producing the document or thing in full;
- (b) the basis for such a claim of privilege or immunity and the facts supporting that basis; and
- (c) fully identify the information or material contained within the document or thing for which such privilege or immunity is asserted, including as applicable, the name of any document or thing; its date; the name, address and job title of each author or other person involved in its preparation, each addressee and each person to whom a copy of the document or thing has been sent or received; and the general nature of the document or thing (e.g., memoranda, letter).

3. Where an objection is made to a request, state all grounds upon which your objection is based.

4. If, after exercising due diligence, you are unable to determine the existence of any documents or things falling within a specific request, you shall so state in your written response.

5. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on your part, including, but not limited to, all documents which are in your business, personnel, and/or personal files or those of your present or past employees or contained or stored within a computer in your possession or those of your present or past representatives, attorneys, or accounts, or accessible to you or your present and past employees, or its representatives, attorneys, or accountants.

6. Whenever used herein, the singular shall be deemed to include the plural and the plural shall be deemed to include the singular and the disjunctive shall be deemed to include the conjunctive and the conjunctive shall be deemed to include the disjunctive so as to elicit all information potentially responsive to the request for production and all of its context.

REQUESTS

REQUEST NO. 1. As the Intervenors' investigation continues, please provide a supplemental response to any answer which the Intervenors have claimed is premature in their initial Responses to JSEWD's First Set of Informational Requests due to their ongoing investigation. This is specifically stated to be an ongoing request.

RESPONSE:

REQUEST NO. 2. Please admit or deny that, as stated on FH-BATES_R_JSEWD1#2h, page 9 of 14, property values in the Forest Hills Subdivision have been affected significantly by the economic downturn described therein.

RESPONSE:

REQUEST NO. 3: With respect to the response to JSEWD's Request No. 3 of its First Set of Information Requests, please provide the following:

a. For each member of the Residents' Association who believes that her or his property value will be diminished by the construction of the proposed water tank, a detailed statement of the support for such belief, including any analysis of how such a belief was formed. Further provide for each such member a statement as to what inquiry, if any, they made as to the ownership and anticipated use of any neighboring property prior to purchasing their property – if no such inquiry was made, please so state. Please also provide for each such member a statement as to whether they were advised by anyone, including any realtor, of the proposed use of JSEWD's subject property at any time.

b. Please state on behalf of the Residents' Association or any member thereof when and under what circumstances the Association or any member thereof learned that the developer of the subdivision was "aware years earlier of the location for the proposed water tower", as stated in FH-BATES_R-JSEWD1#2h, page 8 of 14.

c. For any response under JSEWD's Request No. 3 of its First Set of Information Requests or its subparts, or any other of JSEWD's First Requests in which the Intervenors stated that a response was dependent upon additional investigation, please provide an additional response based upon the Intervenors' investigation and review of the Information Responses

filed on December 11, 2012 or as a result of any other investigation conducted by the Intervenor.

RESPONSE:

REQUEST NO. 4: With respect to the response to JSEWD's Request No. 7 of its First Set of Information Requests, please provide any authority known to the Intervenor or to be relied upon by the Intervenor that does not involve a high voltage electric transmission line. Should such authority be discovered by the Intervenor in their ongoing investigation, this is specifically stated to be an ongoing request.

RESPONSE:

REQUEST NO. 5: With respect to JSEWD's Request No. 10 of its First Set of Information Requests, please provide any objections to the suitability of the proposed site under the conditions stated therein that the Intervenor have discovered after their review of the District's responses. If none, so state. This is specifically stated to be an ongoing request.

RESPONSE:

REQUEST NO. 6: Assuming *arguendo* that the PSC determines that the proposed water tank is needed, please respond to JSEWD's Request No. 11 of its First Set of Information Requests.

RESPONSE:

REQUEST NO. 7: With respect to JSEWD's Request No. 12 of its First Set of Information Requests, please state with specificity what, if any, inaccuracies that the Intervenor have

discovered in the history and background statement after their review of JSEWD's responses. If none, so state. This is specifically stated to be an ongoing request.

RESPONSE:

REQUEST NO. 8: Please advise as to when the Intervenors expect to be prepared to offer the results of their investigation in the form of any proposals or arguments (including the rationale, basis and support for such proposals) as to alternatives for either the site of the proposed water tank or the need for the proposed water tank.

RESPONSE:

REQUEST NO. 9: Provide details of any and all communications, conversations or discussions between the Intervenors, or any contractors, agents or representatives of the Intervenors and any officials, agents, contractors or representatives of Kentucky American Water Company ("KAWC"), that involve any reference whatsoever to this Application, the Intervenors' prior complaint in Case No. 2011-00138, or any other issue or aspect related to the subject water tank, including the dates, participants and subjects of such communications, conversations and discussions. Included in the response should be any documents, electronic conversations or other written documents that in any way reference this case. Should any claim of privilege be asserted, the Intervenors should state the date and nature of the contact and the full rationale and basis asserted for such a privilege;

RESPONSE:

REQUEST NO. 10: Provide details of the full relationship between any member of the Forest Hills Residents' Association, Inc. and KAWC or any employee, agent or contractor of KAWC. The same information should be provided for any resident or property owner in the Forest Hills Subdivision who is not formally a member of the Forest Hills Residents' Association, Inc. This should include any financial interests held by the above in KAWC or SKO; whether any resident or family of any resident is employed by KAWC either as an employee, contractor or otherwise; and any other information that is relevant to determining the nature and the extent, if any, of the relationship between KAWC and the Intervenors.

RESPONSE:

REQUEST NO. 11: Provide details of all assistance, if any, which has been provided or is planned to be provided by KAWC to the Intervenors or residents and owners in the Forest Hills Subdivision or their representatives in preparing or pursuing the Intervenors' position in this proceeding or in preparing and pursuing the interest that the Intervenors asserted in PSC Case No. 2011-00138. As used herein, "assistance" includes financial, technical, consulting, advice or any other form of assistance.

RESPONSE:

REQUEST NO. 12: Please admit or deny that JSEWD's storage capacity must be sufficiently sized to provide adequate storage capacity for its customers under both normal conditions and drought of record conditions, in order to for the system to have sufficient contracted water supply and storage to meet maximum daily customer demands under both scenarios. If denied in whole or in part, please provide a detailed explanation of the reason or reasons that all or part of this

request is denied, with the rationale, basis and support for such denial. In particular, if denied, please state how such denial is consistent with the PSC's Order of April 25, 2008 at page 36 in Case No. 2007-00134.

RESPONSE:

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and

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CO-COUNSEL FOR JSEWD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing has been served on the following by email and U.S. Mail, First Class on December 17, 2012.

Robert M. Watt, III, Esq.
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Bruce E. Smith