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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 2014-00084
 IMPROVEMENTS PROJECT PURSUANT TO KRS
 278.020 AND 278.300)

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

Comes the Jessamine-South Elkhorn Water District ("JSEWD"), by counsel, and for its Requests for Information to the Forest Hills Residents' Association, Inc. ("Forest Hills", or "Residents' Association"), 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 men 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, charges, 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 red 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.

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") September 8, 2014 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. Please provide the names, business addresses, and areas of expertise for all technical consultants who are or have been retained by, volunteers for, or otherwise engaged in assisting Forest Hills in its challenge to this CPCN application. If any claim of privilege or confidentiality is made, for this or any other response, please provide a full explanation of why such claim applies for each such claim.

RESPONSE:

REQUEST NO. 2. For each consultant assisting Forest Hills in its challenge to this CPCN application, please state whether such consultant has any business relationship, including employee, independent contractor, member or any other relationship, with the following:

- a. Kentucky American Water Company, American Water Works Company, or any affiliated or associated organization;
- b. Kentucky Infrastructure Authority;
- c. Kentucky River Authority;
- d. Kentucky Department of Water
- e. Kentucky Rural Water Finance Corporation
- f. Any other organization, professional services provider or consultant engaged in the provision of water or storage of water.

If so, please provide the dates of such relationship, the nature of the services performed, and the compensation for such services.

REQUEST NO. 3: Please provide all compensation paid or obligated to date by Forest Hills or its members for all professional assistance provided to Forest Hills in its efforts to oppose this CPCN Application, and the services rendered for said compensation. Please list each individual or entity providing such professional service separately in responding to this question.

RESPONSE:

REQUEST NO. 4: If any person or entity other than the Forest Hills Neighborhood Association is compensating any person or entity to provide advice and assistance of any kind to Forest Hills in this application, please provide full details of each such arrangement, including the name and address of the individual or entity being compensated, the services being provided, and the amount of compensation that has been provided. Compensation shall include any salary and benefits paid to such persons.

RESPONSE:

REQUEST NO. 5: Please provide full details of all services being provided by any person or entity associated in any manner with Kentucky American Water Company or American Water Works or any person or entity associated with either company, to assist FH in its challenge to this application, whether or not such persons or entities are being compensated for such assistance. Details should be given for each such person or entity separately.

RESPONSE:

REQUEST NO. 6: Please provide all costs incurred by Forest Hills in its challenge to this CPCN Application that have been, or will be, reimbursed to Forest Hills by some person or entity other than the Forest Hills Neighborhood Association or its members.

RESPONSE:

REQUEST NO. 7: Provide a copy of all documents or communications in the possession of Forest Hills or its counsel with respect to communications between Kentucky American Water Company or American Water Company or any of their associates or affiliates and the City of Nicholasville or any relevant agency thereof concerning any issue involved in this CPCN application, including the status of a possible water supply connection between the District and the City of Nicholasville or the feasibility of the City of Nicholasville providing water storage for the District.

RESPONSE:

REQUEST NO. 8: Please provide a copy of any and all analyses, studies, reports or other documents that analyze or review the selection of the proposed site for the water tank and any and all alternative sites considered not previously produced in Case No. 2012-00470.

RESPONSE:

REQUEST NO. 9: Please provide all economic studies, work papers or calculations that were prepared or used by Mr. Toleman in support of his conclusion with respect to alleged decreased property values in the Forest Hills subdivision.

RESPONSE:

REQUEST NO. 10: Provide a citation to all PSC decisions known to the Association or to Mr. Toleman where the PSC has considered the impact of property values in a CPCN application for construction of a water storage tank. If none, so state.

RESPONSE:

REQUEST NO. 11: Please provide all documents not previously produced in Case No. 2012-00470 containing or relating to studies, evaluations, discussions and/or communications, prepared by or on behalf of the Association with regard to the water tank proposed in this proceeding.

RESPONSE:

REQUEST NO. 12: Please provide any and all studies, analyses, projections and forecasts of the future demand for water and water storage by customers of JSEWD's Northwest Service

territory prepared for use by the Association in this proceeding or in Case No. 2012-00470 that have not been previously provided.

RESPONSE:

REQUEST NO. 13: Please produce all documents in the possession of the Association, its officers, or any person providing consulting or other services or advice to the Association, concerning water or storage provision to the District by the City of Nicholasville or any other water utility.

RESPONSE:

REQUEST NO. 14: Please provide all documents or correspondence between the Association, its officers or consultants concerning the provision of water, storage of water by JSEWD, or any other issue that the Association seeks to raise in this case and any other entity or person including but not limited to the following:

- a. Kentucky American Water Company, American Water Works Company, or any affiliated or associated organization;
- b. Kentucky Infrastructure Authority;
- c. Kentucky River Authority;
- d. Kentucky Department of Water
- e. Kentucky Rural Finance Corporation
- f. Any other organization, professional services provider or consultant engaged in the provision of water or storage of water.

RESPONSE:

REQUEST NO. 15: Please provide the minutes and attendance logs from any and all meetings of Association in which the water tank proposed in this proceeding or the storage of water was mentioned or discussed since the date of the most recent minutes produced in Case No. 2012-00470.

RESPONSE:

REQUEST NO. 16: Please identify with particularity and separately each and every issue or criticism that the Association has identified with the population growth study presented by Dallam Harper in this proceeding. If the Association is relying on expert assistants or consultants for any or all of such criticisms, please list any such person or entity as a respondent and provide the name, occupation, address, professional association and resume of such person or entity. Please identify respondent separately for each issue identified.

RESPONSE:

REQUEST NO. 17: For all respondents above, please explain in detail why no testimony was filed presenting such person or entity's findings or recommendations.

RESPONSE:

REQUEST NO. 18: Please identify with particularity and separately each and every issue or criticism that the Association has identified with the studies prepared and sponsored by Horne Engineering on behalf of the District in this proceeding. If the Association is relying on expert assistants or consultants for any or all of such criticisms, please list any such person or entity as a

respondent and provide the name, occupation, address, professional association and resume of such person or entity. Please identify respondent separately for each issue identified.

RESPONSE:

REQUEST NO. 19: For all respondents above, please explain in detail why no testimony was filed presenting such person or entity's findings or recommendations.

RESPONSE:

REQUEST NO. 20: Please admit or deny – other than Case No. 2012-00470, there is no PSC Order in a CPCN proposal for a water storage tank in which Mr. Ritchie's recommendations or similar proposal has been discussed or accepted by the Commission with respect to a proposed site for such a water storage tank. If denied, provide a full citation to all such authority known to the Association or to Mr. Ritchie and his firm.

RESPONSE:

REQUEST NO. 21: Provide a citation to all statutory or regulatory authority known to Mr. Ritchie or his firm that would require any water district to conduct the type of study that Mr. Ritchie recommends.

RESPONSE:

REQUEST NO. 22: With respect to the "three prongs" approach advocated by Mr. Ritchie:

- a. Provide a citation to all PSC statutes or regulations that require the consideration of such a three prong test in a water tank CPCN case;

b. Provide a citation to each and every PSC decision in which the “three prong” test has been considered or required to be used by the PSC as part of the site selection process for a proposed water tank;

c. Is it the Association’s position that the “three prong” test should be required as a precondition for all water districts seeking a CPCN for a water storage tank? If not, why not?

d. Has the Association made any effort to convince the PSC to initiate a rulemaking proceeding to properly promulgate the Association’s proposed new three prong requirement through the regulation adoption process established by law? If so, provide a copy of all such communications or documents with respect to such request. If not, why not?

RESPONSE:

REQUEST NO. 23: Provide a legible and complete copy of all photos taken on July 5, 2014, as well as any notes, communications or documents discussing, referring to, or related in any way to such photographs.

RESPONSE:

REQUEST NO. 24: Identify and list the specific methodology and principles of the EPRI/GTC Transmission Line Siting Methodology (“EPRI/GTC”), referenced in the pre-filed testimony of G. Michael Ritchie, that were utilized in the Jessamine South Elkhorn Water District Tank Siting Study (“Tank Study”), attached to said testimony.

RESPONSE:

REQUEST NO. 25: Identify and list the specific cells and data layer(s) used in the Tank Study.

RESPONSE:

REQUEST NO. 26: Regarding the statement on pages 3 and 4 of the Tank Study, “Using advanced mapping technology, Photo Science created the most accurate terrain map of Jessamine County that has ever been created”, please specifically identify and elaborate on the following items related to this statement:

- Method used
- Type of control employed
- Precision (horizontal & vertical)
- Was the map field checked
- Was the entire County mapped
- Does the map represent winter or summer conditions
- What is the scale of map and its accuracy

RESPONSE:

REQUEST NO. 27: Why is the Tank Study area restricted to a 1.25 mile radius of the Switzer site (i.e., Site C on the Tank Study)?

RESPONSE:

REQUEST NO. 28: Of the totality of the EPRI/GTC, was the GIS technology to identify the relative visual exposure from “sensitive vicinity” locations the only specific methodology used?

RESPONSE:

REQUEST NO. 29: Where would the location of the “Alternate Sites” found on page 8 of the Tank Study be (i.e., greenish-grey areas) if the viewshed of all of these alternate sites were combined into a comprehensive visual exposure map?

RESPONSE:

REQUEST NO. 30: List the addresses of each of the 16 residences that allegedly will likely have a view of the tank as reflected on the Site C illustration on page 9 of the Tank Study.

RESPONSE:

REQUEST NO. 31: For each viewshed analysis depicted on Sites A-H of the Tank Study list the following:

- Elevation of viewer
- Elevation of tank
- GIS data layers utilized
- Number, location, dimensions of cells and layers utilized.
- Opacity of tree canopy summer and winter

RESPONSE:

REQUEST NO. 32: For each of the viewshed analyses above, explain why 0.5 mile radius was selected.

RESPONSE:

REQUEST NO. 33: The Tank Study uses a tank elevation position of 145' above the ground. Why wasn't the actual over flow elevation used?

RESPONSE:

REQUEST NO. 34: Was the least cost path (LCP) procedure utilized in the alternate site selection process?

RESPONSE:

REQUEST NO. 35: For each of the alternate site locations selected in the Tank Study and reflected in the illustrations on pages 10-16 of the tank Study, specifically identify each of the following:

- GIS Database layers used;
- Layer evaluation; and
- Who were the stakeholders?
- Cell number & composition

RESPONSE:

REQUEST NO. 36: What are the differences in the impacts that are considered when evaluating the location of electric transmission lines as compared to elevated storage tanks?

RESPONSE:

REQUEST NO. 37: Please explain in detail the differences between the red color areas reflected on the illustration on page 7 of the Tank Study as compared to the red color areas reflected on the illustrations on pages 9-16 of the Tank Study.

RESPONSE:

REQUEST NO. 38: Please explain in detail the differences between the red color areas reflected on the illustration on page 8 of the Tank Study as compared to the red color areas reflected on the illustrations on pages 9-16 of the Tank Study.

RESPONSE:

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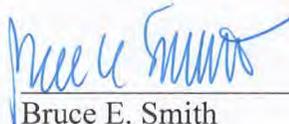
CO-COUNSEL FOR JSEWD

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 November 12, 2014.

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