

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION


In the Matter of:

INVESTIGATION OF THE FAILURE OF WATER)	
SERVICE CORPORATION OF KENTUCKY TO)	Case No.
HOLD ANNUAL PUBLIC MEETINGS IN THE)	2014-00272
CITIES OF CLINTON AND MIDDLESBORO)	

Water Service Corporation of Kentucky, by counsel, hereby gives notice of its filing of the attached affidavit for entry in the record of this matter.

Respectfully submitted,

STURGILL, TURNER, BARKER & MOLONEY, PLLC



M. TODD OSTERLOH
CHARLES D. COLE
333 W. Vine Street, Suite 1400
Lexington, Kentucky 40507
Telephone No.: (859) 255-8581
tosterloh@sturgillturner.com

ATTORNEYS FOR WATER SERVICE CORPORATION
OF KENTUCKY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served via U.S. Mail on this the 28th day of October, 2014.

Jennifer Black Hans
Gregory T. Dutton
Angela M. Goad
Assistant Attorneys General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601



COUNSEL FOR WSCK

AFFIDAVIT

Comes the affiant, after being duly cautioned and sworn, and states as follows:

1. In my capacity as an attorney for Water Service Corporation of Kentucky (“WSCK”), I contacted Commission Staff member Gerald Wuetcher on November 19, 2013, to seek his advice on the best procedural vehicle for presenting two issues to the Commission or Commission Staff. WSCK wanted to address two requirements from the final order of Case No. 2012-0013, including matters related to a meeting with the Commissioners and public meetings to be held in Clinton and Middlesboro.

2. In response, Mr. Wuetcher indicated his personal belief that the request to consolidate the public meetings to satisfy the order in Case No. 2012-00133 and any possible public meetings to be held in the then-pending rate case was reasonable, and he recommended that WSCK draft a letter to the Commission’s Executive Director detailing the request and specifying the utility’s reasoning for the request. Exhibit 1, which has been redacted to protect attorney-client privileged information, to this Affidavit provides contemporaneous support for my statements herein.

3. On December 3, 2013, I sent a letter addressed to the Commission’s Executive Director Jeff Derouen detailing WSCK’s proposal to consolidate the public meetings to satisfy the order in Case No. 2012-00133 and any possible public meetings to be held in the then-pending rate case and specified the utility’s reasoning for the request. The letter was mailed and emailed to the Executive Director by my legal assistant. I also forwarded a copy of the letter on December 3, 2013, to Commission Staff member James Wood, with whom I had been communicating about the meeting with the Commissioners and the utility.

Todd Osterloh

From: Todd Osterloh
Sent: Tuesday, November 19, 2013 1:50 PM
To: Steve Lubertozi (SMLubertozi@uiwater.com)
Subject: Kentucky Corix transfer requirements

Steve,

I spoke with Commission Staff member Jerry Wuetcher regarding the Corix transfer requirements. He thought that our requests were reasonable.

He advised that for the meeting with Commission Staff that we would need to submit a form that I can fill out to request the meeting. As for who would need to participate, he indicated that he obviously couldn't name specific names, but indicated that the Commission would want individuals with meaningful knowledge as to the operations of Corix, its subsidiaries, and Utilities, Inc. [REDACTED]

As for the public meetings in the communities, Jerry suggested drafting a letter to the Executive Director. [REDACTED]

M. Todd Osterloh

Attorney

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December 3, 2013

VIA MAIL & EMAIL

Jeff DeRouen, Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

RE: Utility Hosted Public Meeting in Middlesboro and Clinton

Dear Mr. DeRouen:

As you will remember, the Commission approved the indirect transfer of control of Water Service Corporation of Kentucky ("WSCK"), in Case No. 2012-00133. As a condition of the transfer, WSCK and its corporate affiliates, Corix Utilities (Illinois) LLC and Utilities, Inc., agreed to host annual public meetings in the cities of Middlesboro and Clinton, Kentucky to provide a forum for customers to communicate with utility management.

WSCK has a rate case pending before the Commission (Case No. 2013-00237). Based on the current procedural schedule, an evidentiary hearing has been set for March 18, 2014, and it may be moved to April. Although there has been no indication whether the Commission will hold local public meetings related to the rate case, the Commission has held public meetings in Middlesboro and Clinton in WSCK's last two rate cases. If public meetings were to be held, we would anticipate that they would be held in March or early-April before the evidentiary hearing.

In contemplating the scheduling of a public forum as envisioned by the agreement in the transfer case, it occurred to WSCK that the dominant focus of any meeting held by WSCK in Middlesboro and Clinton December 2013 would be the current rate case. In order to avoid the economic inefficiency of holding two sets of meetings less than three months apart in which the focus of the meetings is the same, WSCK proposes to consolidate the meetings and hold one set of meetings. This would also allow other interested individuals, such as Commission Staff and representatives of the Attorney General's office, to hear the input from the customers without having to make a second trip from Frankfort.





December 3, 2013
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Please advise as to whether this proposal is acceptable to the Commission and Commission Staff. As always, if you have any questions, do not hesitate to contact me.

Sincerely,
STURGILL, TURNER, BARKER & MOLONEY, PLLC

M. Todd Osterloh

MTO/mlm

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Todd Osterloh

From: Mary Myers
Sent: Tuesday, December 03, 2013 11:42 AM
To: 'Jeff.DeRouen@ky.gov'
Cc: Todd Osterloh
Subject: Utility Hosted Public Meeting in Middlesboro and Clinton: please see attached correspondence sent on behalf of Atty Todd Osterloh



LTR Derouen
Public Meeting i...

Mary Myers
Legal Assistant
mmyers@sturgillturner.com



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Todd Osterloh

From: Todd Osterloh
Sent: Tuesday, December 03, 2013 12:34 PM
To: JamesR.Wood@ky.gov
Subject: FW: Utility Hosted Public Meeting in Middlesboro and Clinton: please see attached correspondence sent on behalf of Atty Todd Osterloh

FYI – This may also come up in your discussions

From: Mary Myers
Sent: Tuesday, December 03, 2013 11:42 AM
To: 'Jeff.DeRouen@ky.gov'
Cc: Todd Osterloh
Subject: Utility Hosted Public Meeting in Middlesboro and Clinton: please see attached correspondence sent on behalf of Atty Todd Osterloh



LTR Derouen
Public Meeting i...

Todd Osterloh

From: Todd Osterloh
Sent: Tuesday, December 03, 2013 3:02 PM
To: 'Wood, James R (PSC)'
Cc: DeRouen, Jeff (PSC) (Jeff.DeRouen@ky.gov)
Subject: RE: Date for meeting

Thanks, Jim.
Todd

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com



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From: Wood, James R (PSC) [<mailto:JamesR.Wood@ky.gov>]
Sent: Tuesday, December 03, 2013 2:53 PM
To: Todd Osterloh
Cc: DeRouen, Jeff (PSC)
Subject: Date for meeting

Todd:

Looks like we will set a date for the meeting after the rate case has concluded. It will probably be a month or two after the conclusion of the rate case. Your other question about public meetings is being discussed. I will get back with you later on that issue.

Jim

James R. Wood

Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602