

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
CASE NUMBER: 2004-00348

RECEIVED
JUN 9 9 2005
PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

HOWARD B. KEEN

COMPLAINANT

vs.

CARROLL COUNTY WATER DISTRICT # 1

DEFENDANT

**COMPLAINANT HOWARD B. KEEN'S
INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS PROPOUNDED TO THE DEFENDANT
CARROLL COUNTY WATER DISTRICT # 1**

The Defendant, Carroll County Water District # 1 (hereinafter "Defendant") is hereby requested to answer each of the Interrogatories and Request for Production of Documents hereinafter set forth within ten (10) days of service hereof pursuant to the June 9, 2005 Order of the Public Service Commission in the above styled action. These Interrogatories should be deemed continuing, and the Defendant is hereby put on notice to supplement these answers at any time additional information becomes available.

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State your full, correct name and any other name or nickname by which you have ever been known. (If you are answering on behalf of a corporation, partnership, or other entity, state the full name of the entity, any other names by which the entity has been known in the five (5) years preceding this lawsuit, and the full name and title of the person answering this Interrogatory).

ANSWER:

2. During the year immediately prior to the commencement of this action, was Defendant a party to any lawsuit in any state or federal court? If so, for each action, state:

- a. The court in which it was filed.
- b. The date on which it was filed.
- c. The name of each plaintiff.
- d. The name of each defendant.
- e. The file number.
- f. Whether it is still pending, and, if not, the date on which it terminated.

ANSWER:

3. Please produce copies of any and all plans requiring the granting of an easement by Howard B. Keen (hereinafter "Complainant") as well as any and all plans that were created and/or edited due to the Complainant's refusal to grant such an easement. Include copies of any and all survey results and engineering schematics.

ANSWER:

4. Please list the following alleged costs to the Defendant:
- a. Cost of drafting plan utilizing the easement of the Complainant's land
 - b. Certified, estimated cost of implementing original plan utilizing the easement of the Complainant's land

- c. Cost of editing/re-drawing plan to exclude the easement of the Complainant's land.
- d. Certified, actual cost of implementing edited plan excluding the easement of the Complainant's land.

ANSWER:

5. Please describe, with specificity, how the Complainant's refusal to relinquish his property rights via an easement to the Defendant, caused the Defendant the alleged additional costs mentioned in the Defendant's *Verified Response*. Please include a summary of the additional costs, if any, to the Defendant, due to the Complainant's refusal to relinquish his property rights.

ANSWER:

6. Identify and describe in detail all NON-PRIVILEGED statements, whether, oral, or recorded, concerning the facts and circumstances involved in this case (i.e. when made, the verbatim contents thereof, if oral or written, etc.) and identify in detail who made each of the statements (i.e. names, addresses, phone numbers, employers, job titles, etc.).

ANSWER:

7. State the name, occupation, business address, business telephone number, residence address, and residence telephone number of each person you expect to call as a witness at trial or who has knowledge of facts and circumstances you rely upon as to any

issue in this case, together with a summary of the matters to be testified about or within the knowledge of each such person.

ANSWER:

8. Identify and describe in detail any photographs, motion pictures, videotapes, drawings, or reproductions of any type showing or depicting the location of where the incident that is the subject of Defendant's Complaint occurred, including any pertinent details (i.e. when taken or prepared, by whom, the general nature of what is depicted, etc.).

ANSWER:

9. State the name, occupation, business address, business telephone number, residence address, and residence telephone number of each person you expect to call as an expert witness at trial, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

ANSWER:

10. If you, your assignors, or any agent thereof had any conversations with the Complainant material hereto:

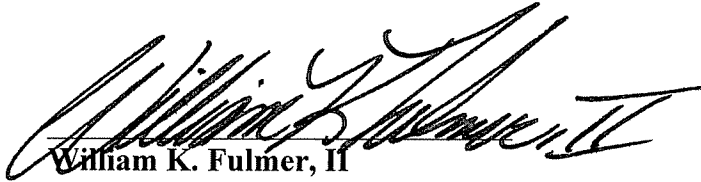
- a. State when said conversation took place,
- b. Where, who was present, and
- c. Set forth the substance thereof as fully as possible.

ANSWER:

11. Do you agree to reasonably supplement your responses to these Interrogatories and the accompanying Request for Production of Documents to include information hereafter acquired?

ANSWER:

Interrogatories Prepared By:



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document has been served via the United States Postal Service, first-class, postage pre-paid to the following:

Hon. Ruth H. Baxter
Crawford & Baxter, P.S.C.
523 Highland Avenue
P.O. Box 353
Carrollton, Kentucky 41008

Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

Date: 6/15/05



William K. Fulmer, II
Attorney for Complainant