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August 29, 2008

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PUBLIC SERVICE  
COMMISSION

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

Dear Ms. Stumbo:

On August 28, 2008, I received your letter dated 8/26/08. Like your previous letter on this issue dated 8/20/08, it was ambiguous on the question of whether the Commission believes I engaged in impermissible *ex parte* communication with Chairman Armstrong via the copy of my letter dated 8/14/08 to Governor Steve Beshear. As I stated in my letter to you dated 8/25/08, I believe that because my letter to the Governor was directed at the broad policy level, and because I copied Chairman Armstrong solely in order to be courteous and let him know what was going on, my letter had no relevance to any particular Commission case. It is clear to me that I have not engaged in any impermissible *ex parte* communication. I respectfully request an unambiguous statement from your office that either confirms or contradicts that conclusion, please.

I am quite familiar with the proper way to file a public comment so as to enable the Commission to know immediately that it is a public comment and which case or cases it is relevant to. I always include the appropriate case numbers as part of my public comments, and the Commission has always filed them in the records of the appropriate cases in the past. None of my recent letters on public policy (dated 8/14/08, 8/25/08, and this letter dated 8/29/08) included any case numbers, and none of them requested that the Commission file them into the record of any existing case. My letter dated 8/25/08 in fact requested the opposite, and this letter will do the same.

I understand the Commission policy you described in the last paragraph of your letter dated 8/26/08. If, however, these letters do not relate to the subject matter of any particular Commission cases, the policy would not apply. There would be no reason you could not remove my letters dated 8/14/08 and 8/25/08 from the records of all cases before the Commission. It seems to me they are only cluttering up the records of four cases for no legitimate reason.

I have cause to suspect, however, that certain of your staff attorneys may intentionally be trying to maintain a cloud of ambiguity around the issue of *ex parte* communication in order to use it against me in ongoing proceedings. I suspect they may be trying to inject these letters into the record of these cases for reasons that are not legitimate and serve no proper public purpose. The pattern that is emerging from this exchange of letters is beginning to look like either an attempt by a government agency to entrap a citizen, an attempt to retaliate against a whistleblower, an attempt to lay the foundation of a SLAPP suit, or some combination of more than one of these dubious strategies. I do not think any of these methods is an appropriate way for a public agency to deal with a citizen whose only motivation is to provide pertinent information to that agency that might help it make better decisions. I therefore respectfully object to the filing of these letters into the records of any Commission cases and renew my request that they be removed from all of them.

I would also like to propose the idea of mediation between me and one or more of the staff attorneys who are working on this issue. I feel that an unfortunate level of mutual mistrust has gradually arisen that might be reduced or eliminated if we could openly talk over these issues in the presence of a skilled facilitator or ombudsperson. In the best scenario, it might be possible for us to come to an understanding about how we would interact with each other in the future, with a concomitant reduction in the amount of unproductive interpersonal friction that appears to be occurring now. Does the Executive Branch employ anyone who could serve in this type of mediating role? Please advise.

Sincerely,

A handwritten signature in cursive script that reads "Geoffrey M. Young". The signature is written in black ink and is positioned above the typed name.

Geoffrey M. Young