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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AIRVIEW UTILITIES, LLC)
PETITION FOR ABANDONMENT)

CASE NO. 2016-00207

**ATTORNEY GENERAL'S OBJECTION TO AIRVIEW UTILITIES'
MOTION FOR EXTENSION OF TIME TO ANSWER THE ATTORNEY GENERAL'S
SECOND REQUEST FOR INFORMATION**

The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, submits the following Objection to Airview Utilities' ("Airview") Motion for Extension of Time to Answer the Attorney General's Second Request for Information ("Motion for Extension of Time").

Throughout the pendency of this case, Airview has repeatedly filed late responses to both the Public Service Commission ("Commission") and Attorney General's requests for information. According to the Commission's Order, Airview was required to file its responses to the Attorney General's First Request for Information on September 20, 2016.¹ However, Airview did not file the response to the Attorney General's request for information until September 22, 2016.

Thus, on September 26, 2016, the Attorney General filed a Motion for Extension of Time through September 28, 2016, in order to have adequate time to review Airview's responses and draft a second round of discovery. The Attorney General then filed his Second Request for Information to Airview with the Commission, as well as mailed a hard copy and provided a courtesy copy via electronic mail to Airview's legal counsel on September 28, 2016. According to

¹ Case No. 2016-00207, Order (September 6, 2016).

the Commission's Order, Airview was to file its responses to the supplemental requests no later than October 6, 2016.² However, instead of properly filing responses to the discovery requests on October 6, Airview instead filed a motion requesting an extension of time to file and serve its answers through Tuesday, October 11, 2016.

Airview asserts in the motion that it has "requested the Attorney General to delete certain information requests which are not believed by Airview to result in the production of information relevant to this case."³ Airview further states in its motion that no party will be prejudiced.⁴ Neither of these statements are accurate. Counsel for Airview contacted the Attorney General's Office on October 4, 2016, to discuss generalized issues with the second request for information. Airview was advised to provide a specific list of objectionable question(s), and the Attorney General's Office would make a good faith attempt to limit the scope if possible. At the time that Airview filed its Motion for an Extension of Time with the Commission, the Attorney General had received no request to "delete" information requests, and only received an email discussing Airview's specific issues on October 6, 2016 at 7:43 p.m.

The Attorney General objects to Airview's Request for an Extension of Time through October 11, 2016, due to the simple fact that the formal hearing is scheduled for October 12, 2016 at 9:00 a.m.⁵ The Attorney General will inarguably be prejudiced and not have adequate time to prepare if Airview is permitted to provide discovery responses on the eve of the formal hearing.

WHEREFORE, the Attorney General respectfully requests the Commission to DENY Airview's Motion for an Extension of Time to Answer the Attorney General's Second Request for Information. In the alternative, if the Commission is inclined to grant Airview's motion, then

² *Id.*

³ Airview's Motion for Extension of Time (October 6, 2016).

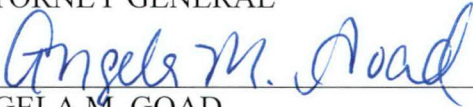
⁴ *Id.*

⁵ Case No. 2016-00207, Order (September 6, 2016).

the Attorney General requests the formal hearing currently scheduled for October 12, 2016, be rescheduled to a later date in order to not prejudice the parties to the pending case.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL



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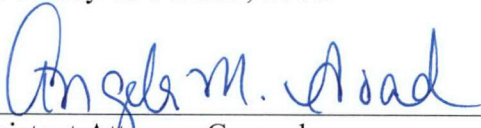
Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Dr. Talina R. Mathews, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail to:

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this 7th day of October, 2016.



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