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IN THE KENTUCKY PUBLIC SERVICE COMMISSION

IN RE: INVESTIGATION:

Case No. 2003-00433
AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,
TERMS, AND CONDITIONS OF LOUISVILLE GAS AND
ELECTRIC COMPANY

and

Case No. 2003-00434
AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND
CONDITIONS OF KENTUCKY UTILITIES COMPANY

* * *

SWORN STATEMENT

OF

TIMOTHY N. BLAKLEY

AUGUST 8, 2005

ELLEN L. COULTER, RPR
Coulter Reporting, LLC
101 East Kentucky Street
Suite 200
Louisville, Kentucky 40203
(502) 582-1627
FAX: (502) 587-6299
E-MAIL: CoulterLLC@bellsouth.net

8/23/05 *ELA*

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I N D E X

Exhibit No. 1..... 25
(Page 20 of PSC Employee Information
Handbook)

A P P E A R A N C E S

SPECIAL GENERAL COUNSEL TO THE PUBLIC SERVICE
COMMISSION:

JONATHAN D. GOLDBERG
Goldberg & Simpson
3000 National City Tower
101 South Fifth Street
Louisville, Kentucky 40202

1 The sworn statement of TIMOTHY N.
2 BLAKLEY, taken in the offices of the Public Service
3 Commission, 211 Sower Boulevard, Frankfort, Kentucky,
4 on Monday, the 8th day of August, 2005, at
5 approximately 11:45 a.m.

6

7

EXAMINATION

8

9 BY MR. GOLDBERG:

10 Q. All right. Mr. Blakley, would you
11 give us your full name.

12 A. Full name is Timothy N. Blakley,
13 B-L-A-K-L-E-Y.

14 Q. Okay. And your address?

15 A. 30 -- work address, home address?

16 Q. Home address, if you will.

17 A. 3937 Hidden Springs Drive. And Hidden
18 Springs is two words.

19 Q. Is that in Frankfort?

20 A. Lexington.

21 Q. Lexington.

22 A. 40514-1022.

23 Q. And I take it you are employed here at
24 the Public Service Commission?

25 A. Yes, sir. I'm -- as a financial

1 analyst.

2 Q. And how long have you been employed
3 here at Public Service Commission?

4 A. August 16th, 2001.

5 Q. All right, sir. And have you had the
6 same personnel job classification since August of
7 2001?

8 A. Yes, I have.

9 Q. Okay. So that we're clear for the
10 record, what is your Commonwealth of Kentucky
11 personnel classification, if you know?

12 A. Do you mean like what they call me?
13 Public utility financial analyst 4.

14 Q. There you go. That's exactly what I
15 was talking about.

16 Now, who do you report to?

17 A. I report to Isaac Scott.

18 Q. All right, sir. And have you always
19 reported to Mr. Scott?

20 A. Always.

21 Q. Okay. And just generally tell me what
22 kind of work you do, just in general terms.

23 A. I review applications that are
24 submitted for rate cases, very few rate cases.
25 Mostly certificates of public need and necessity.

1 That's been the primary area. Complaints.

2 Q. Anything else?

3 A. Some gas rate cases, and that's
4 primarily the areas I've been --

5 Q. All right, sir. Do you have an area
6 that you are -- a special area that you are
7 investigating? Let me explain the question a little
8 bit. Mr. Sharifi has given us a statement, and I
9 know he does a lot of work in depreciation schedules.
10 Using that as sort of an example, do you have an area
11 that you focus in on in your financial analysis?

12 A. The answer to that question truthfully
13 is when it comes to -- oh, I have to back up. IRPs,
14 resource planning. I generally get assigned the --
15 not economic development, but demand side management
16 questions in areas -- in their rate cases.

17 Q. All right, sir.

18 A. But that's not my single focus. I'm
19 more -- take care of what needs to be done.

20 Q. Okay. Are you familiar with the two
21 rate cases filed in the fall of 2003, one filed by
22 LG&E and one filed by KU? And the numbers are
23 respectively 2003-00433 and 2003-00434.

24 A. 434, yes, because I only worked on the
25 Kentucky Utilities case.

1 Q. Okay.

2 A. My scope was limited.

3 Q. All right, sir. Tell me what you did
4 on the Kentucky Utilities case, which would be 00434.

5 A. It was sort of a training period to
6 where I did assigned tasks by my manager. It was
7 not "Here's a rate case, take care of it." It was,
8 "Okay, take a look at maybe the O & M expenses, take
9 a look at" --

10 Q. O & M?

11 A. O & M, yes, sir. I've got economic
12 development stuck in my mind.

13 Q. Did you work on some demand side
14 issues?

15 A. Demand side issues.

16 Q. All right, sir. As I understand
17 demand side issues, that would go on a rate case to
18 rate design or rate allocation. Am I correct?

19 A. Yes, sir.

20 Q. Okay. So you --

21 A. To my knowledge.

22 Q. All right. So you focus on those
23 kinds of issues in the KU case?

24 A. Not to the individual rate
25 classifications, but I look at the overall picture.

1 Q. All right, sir. And you said you had
2 a manager. I take it that's Mr. Scott?

3 A. Yes, sir.

4 Q. All right. Do you recall when -- and
5 again, using a time frame of fall of 2003 through
6 June of 2004, do you recall when you were first --
7 when you first began to work on the KU rate case?

8 A. I don't recall the exact date. It's
9 whatever the file date is for that case.

10 Q. All right, sir. Notice of intent was
11 November of 2003. Actual filing is late December of
12 2003.

13 A. It was late December when we got
14 documents that I got to start reading and working
15 with.

16 Q. Fair enough. Now, prior to getting
17 those documents and beginning the work with regard to
18 your assignment from Mr. Scott, had you had any
19 communication about the rate case, about the rate
20 case with anybody at KU or LG&E corporate?

21 A. Pertaining directly to the rate case?

22 Q. Yes, sir.

23 A. The answer is absolutely not.

24 Q. Okay. Am I understanding that you may
25 have had some other communication about something

1 else?

2 A. Yes.

3 Q. Okay. And what would have been that
4 communication, as best you know?

5 A. The two that I'd made note of was
6 during the hearing. I have a friend that works for
7 LG&E named Bob McGregor, who used to work on the
8 fifth floor when I was there in the marketing area.
9 Bob and I were good acquaintances, and he had a
10 very -- a keen interest in the hobby of mechanical
11 engineering, machining parts, things of this nature.
12 I generally go to places like Goodwill and other
13 places where you can find old books that cost maybe
14 at most 89 cents to a dollar. And if there's a book
15 that I think Bob can use as a reference, I'll buy it
16 and send it to him. But instead of sending it to
17 him, I stopped and talked to a Marty -- and I can't
18 think of Marty's last name. He's in their rates
19 department. And I asked him to deliver the book to
20 Bob McGregor.

21 I also had a conversation the next day
22 with a Bruce Sauer concerning his son. He told me
23 that he and his son were going to New Mexico for a
24 Boy Scout outing. It was a week-long hike, an
25 endurance type of event. And those are the two times

1 during the hearing that I actually talked with
2 someone at KU or LG&E, but they were never related to
3 the rate case or anything regarding the rate case.
4 Personal issues.

5 Q. All right, sir. And were these
6 personal issues, were you communicating by telephone
7 or were they actually here --

8 A. Here in the hearing room 1, and they
9 were face-to-face.

10 Q. Okay. Is this while the hearing was
11 ongoing or at a break?

12 A. During breaks.

13 Q. Okay. I take it these gentlemen are
14 personal friends of yours?

15 A. Yes, sir.

16 Q. Okay. Did you formerly work at LG&E
17 or KU?

18 A. Both.

19 Q. Okay. How long did you work at LG&E
20 and/or KU?

21 A. KU, I worked 23 years. Well, total
22 service for both companies was 23 years. I would say
23 21 years KU, two years LG&E.

24 Q. All right, sir. And just so -- for
25 the record, what did you do -- what kind of work did

1 you perform at KU/LG&E?

2 A. I was assigned to the marketing
3 department. My primary function was as a database
4 administrator looking for sales leads where -- this
5 was during the Enron time where you were seeing the
6 large beer companies absolutely shutting down. And
7 one of my suggestions was let's go after them.

8 Q. Okay.

9 A. Looking at -- okay. Let's get a
10 database of companies of this size that are going to
11 be going out of business because of the price of
12 electricity, and let's see if we can't lure them to
13 Kentucky.

14 Q. All right.

15 A. That was the type of work I did.

16 Q. All right, sir. And I take it that
17 you developed a lot of colleagues and friends during
18 that period of time that you maintained a
19 relationship with after you left. Fair statement?

20 A. I'm not sure if I understand
21 relationship.

22 Q. You developed friendships while you
23 were there, and you maintained your friendships after
24 you left by having communication with those people.

25 A. That's true.

1 Q. All right. And my point here,
2 Mr. Blakley, it's not unusual for you to communicate
3 with people from LG&E and KU because you worked there
4 for 21 years and had friends, correct?

5 A. Many mutual friends.

6 Q. All right. Now, you've told me about
7 these two conversations that occurred during the
8 hearing time while people were here. Do you recall
9 any other communication with anybody from LG&E or KU
10 from -- let's go back to the time you first began
11 working on the case -- late December of 2003, through
12 the middle of June 2004?

13 A. None that would pertain to the rate
14 case at all.

15 Q. All right, sir. Am I under -- am I
16 getting an understanding you may have had some social
17 communication with people from LG&E and KU like
18 you've defined for us before?

19 A. Yes, sir. I have another instance of
20 that.

21 Q. All right, sir. And when was that?

22 A. This is an approximate date. It was
23 in October -- well, this -- in October 2004, and I
24 have discussed this with the ethics officer,
25 Mr. Brady, downstairs. I went to -- turned out to be

1 a mutual friend's wedding, and I -- as I was exiting
2 the church, I saw Ron Dutton sitting in the chair.
3 He looked up at me and waved, and I shook his hand
4 and we spoke. And we spoke once again at the
5 reception. Our conversation at the reception was
6 limited to mutual friends that we had both worked
7 with at KU as programmers and where they were now.

8 Q. Again, nothing related to either of
9 the rate cases.

10 A. No, sir.

11 Q. All right. We've talked about three
12 conversations now. Can you remember any others or do
13 you have a record of any others?

14 A. Not with employees. But a
15 Mr. Lefferts [phonetic] from either Winchester or
16 Mount Sterling called wanting information concerning
17 the rate case.

18 Q. Okay. When do you recall the call?

19 A. It was after the formal hearing was
20 over, the best of my recollection.

21 Q. Okay.

22 A. I couldn't find my -- my notes on that
23 one.

24 Q. What leads you to believe it was after
25 the closing of the hearing?

1 A. Because he was interested in certain
2 testimonies of someone. That person, I will have to
3 dig and come up with that answer.

4 Q. All right. Did you know Mr. Lefferts?

5 A. No, sir.

6 Q. Do you know why he would have called
7 you?

8 A. He is known as a great contributor to
9 the Lexington Herald-Leader's editor's page.

10 Q. All right, sir. Are you communicating
11 that he writes articles for the op-ed pages?

12 A. His opinions, but he's not employed by
13 the company.

14 Q. Right.

15 A. And what I did -- and got permission
16 to do this -- was I went and on my RetrievalWare
17 system looked up the information he wanted. Then
18 wrote down the instructions on how anybody in the
19 Commonwealth or in the United States could go to our
20 server using RetrievalWare and obtain that
21 information that he wanted. And that was -- and then
22 I e-mailed that back to him.

23 Q. All right, sir. Do you know why he
24 would have called you? Did you ever develop an
25 understanding of why he selected Tim Blakley?

1 A. It could have been nothing more than
2 the -- whoever was working the front desk didn't know
3 where else to route the call.

4 Q. All right. So you don't know.

5 A. No, sir.

6 Q. And I take it you've never met
7 Mr. Lefferts?

8 A. No, sir.

9 Q. Okay. Is there a reason why you went
10 to the ethics officer?

11 A. On Ron Dutton?

12 Q. Uh-huh.

13 A. Yes, sir.

14 Q. Mm-hmm.

15 A. Because I do not ever want to do
16 anything that causes harm to my employer or causes a
17 shadow of a doubt in anything that I do.

18 Q. All right, sir. Tell me generally
19 what you recall of what the ethics officer related to
20 you when you went to see him.

21 A. That he was quite pleased that I came
22 to see him, and that -- I think he used the word
23 "casual" -- bumping into somebody at a social event
24 is not something that is unusual.

25 Q. All right, sir.

1 A. And me -- I tend to be
2 ultraconservative in what I do -- decided it was best
3 to report and get a clear opinion than to have
4 something come back and haunt me.

5 Q. Fair enough.

6 A. Because --

7 Q. All right. We talked about four
8 conversations or contacts. Can -- did you have any
9 others during this time frame? And again, the time
10 frame is when you first began working on the case
11 through the middle of June 2004.

12 A. Pertaining to the rate case?

13 Q. Yes.

14 A. Absolutely none.

15 Q. Okay. Any other communications with
16 LG&E or KU folk other than what you've told me or
17 what you recall?

18 A. The time period I don't recall. It
19 seemed to be close to Christmas I ran into Mike Toll
20 at Target. He's an LG&E employee, and we said
21 "hello," and that was virtually it.

22 Q. All right, sir. You're digging deep
23 here, Mr. Blakley -- I much appreciate it -- in
24 trying to help us and tell us everything you know.
25 Do you think you've catalogued all the contacts now

1 that you've had of LG&E/KU folks?

2 A. To the best of my knowledge, right now
3 that is true.

4 Q. All right, sir. Fair enough. Now,
5 let me ask you whether you had -- again using the
6 same time period, December of 2003 through June of
7 2004, do you believe you had any contacts with any of
8 the interveners? Do you know what I mean by
9 interveners?

10 A. Yes, sir, I do know. And the answer
11 is yes, I did have contact with them because I went
12 to the KIUC conference in Lexington which they host,
13 and said hello to Mike Kurtz.

14 Q. All right. When was that; do you
15 recall?

16 A. I believe there in October.

17 Q. October of 2003 or 2004?

18 A. 2004.

19 Q. All right. And were you the only PSC
20 employee to go to that conference?

21 A. No, sir, I was not.

22 Q. Okay. There were some others.

23 A. Yes, sir.

24 Q. Okay. Now, that's after the
25 determination by the Public Service Commission

1 relating to the rate cases. That would have been in
2 June of 2004.

3 A. Correct.

4 Q. All right. Actually June 15th, if my
5 recollection is correct. Again, using that time
6 frame, December 2003 through June of 2004, did you
7 have any contact with any of the interveners that you
8 can recall?

9 A. None.

10 Q. All right, sir. Now, did you, I take
11 it, participate in document requests and other
12 obtaining of information by the PSC with regard to
13 LG&E and KU from December of 2003 through the first
14 hearing date?

15 A. Yes, sir. KU only.

16 Q. All right. And in that regard, did
17 you just send documents out or did you have an
18 opportunity to communicate with a human being about
19 the document request?

20 A. Documents only.

21 Q. Documents only.

22 A. We are not allowed to -- the rules, as
23 I understand them, are -- let's say I was the team
24 leader, which I was not -- and the company calls and
25 they've got my name because it's on the Web site. I

1 will take their question and immediately turn it over
2 to legal.

3 Q. Okay. And did you have that
4 experience during the rate cases?

5 A. No, sir.

6 Q. Okay. And is that part of the
7 training here, to take the question, then turn it
8 over to legal once you get a contact from a party in
9 a rate case?

10 A. I can only answer for training for my
11 manager. And, yes, that is part of his training to
12 staff.

13 Q. Okay. That's Mr. Scott again, Isaac
14 Scott.

15 A. Yes, sir.

16 Q. And he's your immediate supervisor, as
17 I understand it.

18 A. Correct.

19 Q. All right, sir. And I take it
20 sometime after 2001 when you came and prior to your
21 participation in the KU/LG&E rate case, you had such
22 training from Mr. Scott?

23 A. (Nods head up and down).

24 Q. All right. We need you to say yes or
25 no. She can't get the nod of the head.

1 A. Oh, I'm sorry.

2 Q. That's all right.

3 A. It would be after my first six months
4 of employment when I started doing real case work.

5 Q. All right. That you had that training
6 given to you by Mr. Scott.

7 A. Yes, sir.

8 Q. Was everybody -- were all people in
9 your particular section given that same training, to
10 your knowledge?

11 A. I do not know the answer.

12 Q. Okay. Is this one-on-one training --

13 A. Yes, sir.

14 Q. -- with Mr. Scott?

15 Okay. Tell me, on the KU rate case,
16 who amongst your colleagues also worked on that case
17 with you? And again, I'm limiting the question to
18 Mr. Isaac Scott's group.

19 A. Andrea Edwards, because our questions
20 would parallel each other in both cases. So if I
21 could add a question that they can use, then they
22 were free to take it and vice versa.

23 Q. Okay. Was she doing the same thing
24 you were doing in the KU case on the LG&E case?

25 A. To my knowledge, yes.

1 Q. All right, sir. Let's move to the
2 period of time when the first informal conference
3 would have occurred, which would have been April 28,
4 2004, through the hearing process, all right, which
5 would have been the next week, and then also on May
6 the 12th. Tell me what role, if any, you played once
7 the first informal conference was convened through
8 the hearing process.

9 A. My role, honestly, was to sit and
10 observe and listen. I did not participate.

11 Q. All right.

12 A. By -- when I say "participate," I did
13 not -- did not ask questions of any KU or LG&E person
14 or intervener.

15 Q. Am I understanding you that you had no
16 conversation with either KU/LG&E personnel or
17 interveners on the merits of these cases?

18 A. Absolutely true.

19 Q. All right. Now, when you say you
20 attended, did you go to all days where testimony was
21 taken?

22 A. I'm not 100 percent certain.

23 Q. All right. Did you go to the informal
24 conference?

25 A. Yes, sir. My name should appear on

1 the log-in sheets.

2 Q. It does. And did you participate in
3 the following week in conversations between the
4 parties that occurred in hearing room 2?

5 A. Is this during the hearing, sir?

6 Q. This is -- has been represented to me
7 to be settlement discussions that were ongoing on
8 days beginning May 4, 5 and 6. And some of those
9 days were also days where testimony was taken.

10 A. Okay. This is kind of blunt, but my
11 general impression was they had the settlement talks
12 and I was not invited.

13 Q. All right, sir.

14 A. I don't know of a clearer way to put
15 it.

16 Q. No. If you weren't there, you weren't
17 there. And frankly, I would have been surprised if
18 it was otherwise because nobody has identified you
19 being there, but that's why I'm going through this to
20 find out where you were.

21 So you don't have a recollection of
22 participating in any of the discussions in hearing
23 room 2 when it was the interveners, LG&E, KU and
24 members of staff coming and going.

25 A. Correct. I do not.

1 Q. And do I take it your participation in
2 the hearings was as an observer of the process while
3 testimony was being taken?

4 A. I think that's a very fair observation
5 of my role.

6 Q. All right. Did you participate in
7 staff meetings, either before or after the settlement
8 discussions on those days they were occurring, or
9 hearings where evidence was actually taken?

10 A. Team meetings I would have attended.

11 Q. All right. You recall team meetings.

12 A. (Nods head up and down).

13 Q. Would there have been a team meeting
14 for each day that testimony was actually taken?

15 A. Not that I would have been involved
16 with.

17 Q. All right.

18 A. Maybe the higher echelon people, like
19 my manager and the legal, yes, but my level, no, sir.

20 Q. Do I understand it, then, you did not
21 participate in any staff meetings on any of the days
22 that there were negotiations and/or testimony was
23 given in front of the commissioners?

24 A. I'm not trying to be difficult, but I
25 really don't understand the question.

1 Q. Sure. What I'm looking for is did
2 you, Tim Blakley, participate in a staff meeting on
3 any day, May 3, 4, 5, 6, where there was actual
4 settlement discussions and/or testimony given before
5 the commissioners here at the PSC? Was there a staff
6 meeting that you participated in on any of those
7 days?

8 A. To my knowledge, I don't believe
9 there -- that I would.

10 Q. All right. Fair enough. So your real
11 participation after the first informal conference,
12 April 28, 2004, was simply to be in a hearing room
13 and hear testimony given.

14 A. (Nods head up and down).

15 Q. You had no other participation other
16 than that.

17 A. That is correct.

18 Q. Fair enough. Now, we talked about
19 that week, 3, 4, 5, 6. I'm also representing to you
20 that there was a hearing on May the 12th, all right?
21 Let me ask you the same set of questions. Did you
22 participate in any staff meetings on May the 12th
23 that you recall?

24 A. Not that I recall.

25 Q. Okay. All right. Did you ever have

1 opportunity, Mr. Blakley, to talk about any of
2 these -- either of the two rate cases to any of the
3 commissioners themselves?

4 A. Nothing of a serious note.

5 Q. All right. When you say "of a serious
6 note," tell me what you're thinking about. Do you
7 have a conversation in mind?

8 A. It might be something like passing in
9 the hallway with the chairman saying, you know, "This
10 is a bad time to come with this case here."

11 Q. Mm-hmm.

12 A. Because he had -- he was brand new,
13 just got here.

14 Q. That was his first rate case.

15 A. Yes, sir.

16 Q. All right. Other than a conversation
17 like that, anything on the merits?

18 A. No, sir.

19 Q. All right. Fair enough. Were you
20 present in the hearing room when Mr. Raff reported on
21 a radio interview he'd heard the attorney general
22 give where the attorney general had made an
23 accusation that there was ex parte or collusive or
24 inappropriate behavior going on associated with the
25 rate cases? Were you present on that day?

1 A. I think I was, but I'm not 100 percent
2 sure.

3 Q. All right. Do I take it you don't
4 have a recollection of that?

5 A. No, sir.

6 Q. All right. Fair enough. Now, let me
7 show you a document, and the document I'll show you
8 is the employee handbook. And I'm going to show you
9 page 20 of the employee handbook.

10 (DEPOSITION EXHIBIT NO. 1 MARKED)

11 Q. First let me get you to identify that
12 you have seen this before, the Employee Information
13 Handbook?

14 A. Yes, sir, I have seen this before.

15 Q. And turn to page 20, and you should
16 see a section, "Improper Ex Parte Communication." Do
17 you see that?

18 A. Yes, sir, I do.

19 Q. All right. Have you seen this part of
20 the handbook before?

21 A. Yes, sir, I have.

22 Q. Are you familiar with that particular
23 policy?

24 A. Yes, sir.

25 Q. All right. And as it relates to this

1 rate case, do you believe that Tim Blakley followed
2 the policy by not having any communication with any
3 of the parties on the merits of these cases?

4 A. Yes, sir, I believe I followed it to
5 the letter.

6 Q. All right, sir. Fair enough. Now,
7 did you observe, in your position of working here at
8 the Public Service Commission, anybody violating --
9 "anybody" being another staff member -- the ex parte
10 communication guidance on page 20 as it relates to
11 anybody from KU or LG&E?

12 A. No, sir, I did not.

13 Q. Okay. Let me ask you the same
14 question with regard to any of the interveners.

15 A. Same answer.

16 Q. All right. Now, finally we can all
17 use our subjective barometer on what is inappropriate
18 or collusive, and I'm asking you to do that. I'm
19 going to ask you the question, did you, Tim Blakley,
20 observe anything that you thought was an indicator of
21 collusive or inappropriate behavior on the part of
22 the staff as it related to anything you saw with
23 their conduct with LG&E and KU?

24 A. No, sir.

25 Q. All right. And let me ask you --

1 A. I saw business as usual.

2 Q. All right. Did you see any ex parte
3 communications?

4 A. No, sir.

5 Q. All right. And let me ask you that
6 same question. Did you see anything you thought was
7 inappropriate or collusive with the staff's
8 interaction with any of the interveners?

9 A. No, sir.

10 MR. GOLDBERG: All right. That's all
11 I have, Mr. Blakley. We appreciate it much.

12

13 (STATEMENT CONCLUDED AT 12:25 P.M.)

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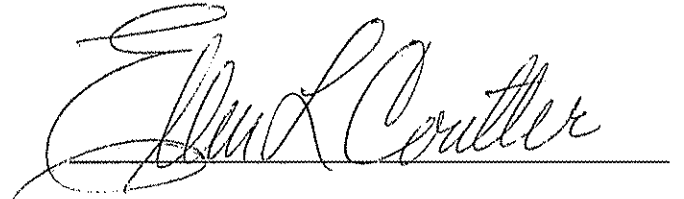
1 STATE OF KENTUCKY) (
) (SS:
2 COUNTY OF JEFFERSON) (
3

4 I, ELLEN L. COULTER, Notary Public,
5 State of Kentucky at Large, hereby certify that the
6 foregoing sworn statement was taken at the time and
7 place stated in the caption; that the appearances
8 were as set forth in the caption; that prior to
9 giving testimony the witness was first duly sworn by
me; that said testimony was taken down by me in
stenographic notes and thereafter reduced under my
supervision to the foregoing typewritten pages and
that said typewritten transcript is a true, accurate
and complete record of my stenographic notes so
taken.

10 I further certify that I am not
11 related by blood or marriage to any of the parties
hereto and that I have no interest in the outcome of
captioned case.

12 My commission as Notary Public expires
November 5, 2007.

13 Given under my hand this the 18th
14 day of August, 2005, at Louisville,
15 Kentucky.

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18 ELLEN L. COULTER
19 NOTARY PUBLIC
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I, the undersigned, TIMOTHY N. BLAKLEY, do hereby certify that I have read the foregoing sworn statement, and that, to the best of my knowledge, said sworn statement is true and accurate, with the exception of the corrections, if any, listed on the errata sheet.

Timothy N. Blakley
TIMOTHY N. BLAKLEY

Subscribed and sworn to before me this 28th day of September, 2005.

Mary Frances Brehaut
NOTARY PUBLIC

My commission expires Nov 30, 2008

COULTER REPORTING, LLC
101 EAST KENTUCKY STREET, SUITE 200
LOUISVILLE, KY 40203

ERRATA SHEET

NAME TIMOTHY BLAKLEY DATE OF DEPOSITION 8/8/05

After having read my deposition, I wish to make the following changes:

Page 7 Line 9
Change date filed file date to dated filed
Reason for change agrees with the PSC case management system.

Page 12 Line 2
Change chair to in the chair to in a pew
Reason for change the church did not have chairs set up.

Page 12 Line 15
Change Lefferts to Don C. Wiggings Jr
Reason for change NAME correction - attached are the 2 pages describing this event.

Page 13 Line 4
Change Lefferts To Wiggings
Reason for change NAME correction

Page 14 Line 7
Change Lefferts To Wiggings
Reason for change NAME correction

Page 14 Line 21
Change came to come
Reason for change more understandable.

Page 16 Line 16
Change strike there
Reason for change does not make sense.

Page _____ Line _____
Change _____
Reason for change _____

Page _____ Line _____
Change _____
Reason for change _____

Timothy N Blakley
Timothy Blakley

Subscribed and sworn to before me this 28th day of September, 2005.

Mary Frances Bethel
Notary Public

Commission expires 11/30/08

Page 12 Line 15
Tim Blakley

To: Aaron Greenwell, Isaac Scott
CC: File
From: Tim Blakley
Date: July 8, 2004

RE: Information Requested by Don C. Wiggings Jr.

A phone call from Mr. Don C. Wiggings Jr. was transferred to me this morning requesting the year ended December 31, 2003 Income Statement for Louisville Gas and Electric. I spoke to Aaron seeking permission to release this information. I believe that Aaron spoke to Beth O'Donnell concerning this matter. Later Aaron notified me that I could fax Mr. Wiggins the information. The fax cover sheet and the information faxed to Mr. Wiggins are attached. I also included our web address with instructions for Mr. Wiggings in hope that this would allow him access the data from the Public Service Commission's web site.

Mr. Don C. Wiggings Jr.
(859) 744-2478
79 Mockingbird Valley Rd
Winchester, KY 40391

211 Sower Blvd
PO Box 615
Frankfort, KY 40601
Phone (502) 564-3940
Fax (502) 564-1582
<http://psc.ky.gov/pschome.htm>

**Commonwealth of Kentucky
Public Service Commission**

Fax

To: Don Wiggins Jr	From: Timothy N. Blakley
Fax: (859) 744-2478	Pages: 5
Phone: (859) 744-2478	Date: 07/08/04
Re: LG&E 2003 Income Statement	CC:

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:** Attached is the income statement for Louisville Gas & Electric Company for the year ended December 31, 2003, that you requested. The information you requested can be obtained from our web site <http://psc.ky.gov/pschome.htm>.

- Scroll down and left mouse click on Utility Information
- You will be redirected to a new web page. Select Utility Information System
- You will be redirected to a new web page. Select Financial Information
- Since you are looking for Investor-Owned Utility left mouse click on the Button Submit
- You will be redirected to a new web page. Select the date of the information you need left mouse click on the Button Submit
- You will be redirected to a new web page. Select the Company name by placing your mouse pointer on the company and left mouse click on the company name to highlight your choice. Next left mouse click on the Button Submit.
- You will be redirected to a new web page. Select the Schedule(s) that contain the information you need. Again left mouse click on the Button Submit.

Louisville Gas and Electric Company 1/1/2003
Statement of Income for the Year (Ref Page 114)

	Total (c)	Total - Prev Yr. (d)	Electric (e)	Gas (g)	Other (f)
1. UTILITY OPERATING INCOME					
2. Operating Revenues (400)	\$1,093,520,775.00	\$1,026,183,706.00	\$768,187,509.00	\$325,333,266.00	
3. Operating Expenses					
4. Operation Expenses (401)	\$727,470,280.00	\$673,305,661.00	\$453,473,720.00	\$273,996,560.00	
5. Maintenance Expenses (402)	\$57,170,121.00	\$56,782,185.00	\$49,359,884.00	\$7,810,237.00	
6. Depreciation Expense (403)	\$107,252,662.00	\$101,054,754.00	\$91,960,508.00	\$15,292,154.00	
7. Depreciation Expense for Asset Retirement Costs (403.1)	\$117,311.00		\$117,311.00		
8. Amort and Depl of Utility Plant (404-405)	\$6,034,830.00	\$4,851,091.00	\$4,526,122.00	\$1,508,708.00	
9. Amort of Utility Plant Acq. Adj. (406)					
10. Amort of Property Losses, Unrecovered Plant and Regulatory Study Costs (407)					
11. Amort. of Conversion Expenses (407)					
12. Regulatory Debils. (407.3)					
13. (Less) Regulatory Credits (407.4)	\$6,014,913.00		\$6,014,913.00		
14. Taxes Other than Income Taxes (408.1)	\$17,065,308.00	\$17,458,357.00	\$13,049,013.00	\$4,016,295.00	
15. Income Taxes - Federal (409.1)	\$30,601,341.00	\$26,232,676.00	\$25,716,351.00	\$4,894,990.00	
16. Income Taxes - Other (409.1)	\$11,007,708.00	\$8,082,759.00	\$9,484,641.00	\$1,523,067.00	
17. Provision for Deferred Income Taxes (410.1)	\$67,376,916.00	\$112,979,496.00	\$55,028,287.00	\$12,348,629.00	
18. (Less) Provision for Deferred Income Taxes (411.1)	\$46,577,191.00	\$88,106,603.00	\$34,675,741.00	\$11,901,450.00	
19. Investment Tax Credit Adj. - Net (411.4)	(\$4,207,167.00)	(\$4,152,179.00)	(\$4,008,756.00)	(\$198,411.00)	
20. (Less) Gains from Disp. of Utility Plant (411.6)					
21. Losses from Disp. of Utility Plant (411.7)					
22. (Less) Gains from Disposition of Allowances (411.8)	\$223,921.00	\$216,947.00	\$223,921.00		
23. Losses from Disposition of					

Louisville Gas and Electric Company 1/1/2003
 Statement of Income for the Year (Ref Page 114)

	Total (c)	Total - Prev. Yr. (d)	Electric (e)	Gas (g)	Other (i)
24. Accretion Expense (411-10)	\$616,692.00		\$616,692.00		
25. Total Utility Operating Expenses (Enter Total of Lines 4 - 24)	\$967,689,977.00	\$908,271,250.00	\$658,409,198.00	\$309,280,779.00	
26. Net Utility Operating Income (Line 2 less line 25 - Carry forward to pg. 117 line 25)	\$125,830,798.00	\$117,912,456.00	\$109,778,311.00	\$16,052,487.00	

Statement of Income (continued) (Ref Page117)

	Current Year	Previous Year
27. Net Utility Operating Income (Carried from pg 114)	\$125,830,798.00	\$102,850,818.00
28. Other Income and Deductions		
29. Other Income		
30. Nonutility Operating Income		
31. Revenues From Merchandising, Jobbing and Contract Work (415)	\$549,763.00	\$560,632.00
32. (Less) Costs and Exp. of Merchandising, Job, and Contract Work (416)	\$1,082,212.00	\$1,433,484.00
33. Revenues From Nonutility Operations (417)	\$806,247.00	\$730,041.00
34. (Less) Expenses of Nonutility Operations (417.1)		
35. Nonoperating Rental Income (418)		
36. Equity in Earnings of Subsidiary Companies (418.1)		
37. Interest and Dividend Income (419)	(\$1,247,983.00)	\$475,645.00
38. Allowance for Other Funds Used During Construction (419.1)		
39. Miscellaneous Nonoperating Income (421)	\$613,556.00	\$130,350.00
40. Gain on Disposition of Property (421.1)	\$248,297.00	\$357,465.00
41. TOTAL Other Income	(\$112,332.00)	\$820,649.00
42. Other Income Deductions		
43. Loss on Disposition of Property (421.2)		
44. Miscellaneous Amortization (425)		
45. Miscellaneous Income Deductions (426.1 - 426.5)	\$7,029,564.00	\$2,083,116.00
46. TOTAL Other Income Deductions	\$7,029,564.00	\$2,083,116.00
47. Taxes Applicable to Other Income and Deductions		
48. Taxes Other Than Income Taxes (408.2)	\$50,385.00	\$42,851.00
49. Income Taxes - Federal (409.2)	(\$4,830,389.00)	(\$1,416,808.00)
50. Income Taxes - Other (409.2)	(\$1,004,050.00)	(\$365,565.00)
51. Provision for Deferred Inc. Taxes (410.2)	\$1,251,332.00	\$992,271.00
52. (Less) Provision for Deferred Income Taxes CR (411.2)	\$1,410,648.00	\$612,468.00
53. Investment Tax Credit Adj. Net (411.5)		
54. (Less) Investment Tax Credits (420)		
55. TOTAL Taxes on Other Income and Deduct.	(\$5,943,370.00)	(\$1,959,719.00)
56. Net Other Income and Deductions (Lines 39,44,53)	(\$1,198,526.00)	\$697,252.00
57. Interest Charges		
58. Interest on Long Term Debt (427)	\$20,888,744.00	\$20,859,457.00
59. Amort of Debt Disc. and Expense (428)	\$320,480.00	\$355,793.00

compiled: 7/8/2004 from data filed with Public Service Commission Commonwealth of Kentucky

Statement of Income (continued) (Ref Page 117)

	Current Year	Previous Year
60. Amortization of Loss on Reacquired Debt (428.1)	\$1,095,843.00	\$957,767.00
61. (Less) Amort. of Premium on Debt - CR (429)		
62. (Less) Amortization of Gain on Reacquired Debt - CR (429.1)	\$6,783,662.00	\$1,849,356.00
63. Interest on Debt to Assoc. Companies (430)	\$1,549,187.00	\$1,298,664.00
64. Other Interest Expense (431)		
65. (Less) Allowance for Borrowed Funds Used During Construction CR (432)	\$30,637,916.00	\$25,331,037.00
66. Net Interest Charges	\$93,994,356.00	\$78,217,033.00
68. Extraordinary Items		
69. Extraordinary Income (434)		
70. (Less) Extraordinary Deductions (435)	\$5,280,910.00	
71. Net Extraordinary Items (Lines 67 less 69)	(\$5,280,910.00)	
72. Income Taxes - Federal and Other (409.3)	(\$2,131,508.00)	
73. Extraordinary Items After Taxes (Lines 69 less 70)	(\$3,149,402.00)	
74. Net Income (Lines 67 and 73)	\$90,844,954.00	\$78,217,033.00

MODE = MEMORY TRANSMISSION START=JUL-08 15:11 END=JUL-08 15:15

FILE NO. =750

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-KY PUBLIC SERVICE COMM -

***** -KY PUBLIC SERVIC- ***** 5025641582- *****

211 Sower Blvd
 PO Box 615
 Frankfort, KY 40601
 Phone (502) 564-3940
 Fax (502) 564-1582
<http://psc.ky.gov/pschome.htm>



Fax

To: Don Wiggins Jr **From:** Timothy N. Blakley

Fax: (859) 744-2478 **Pages:** 5

Phone: (859) 744-2478 **Date:** 07/08/04

Re: LG&E 2003 Income Statement **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

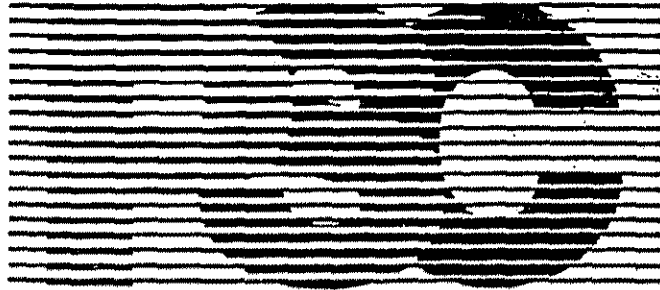
● **Comments:** Attached is the income statement for Louisville Gas & Electric Company for the year ended December 31, 2003, that you requested. The information you requested can be obtained from our web site <http://psc.ky.gov/pschome.htm>.

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EMPLOYEE INFORMATION HANDBOOK

EXHIBIT

BLAKELY /
8/8/05

The contents of this Employee Information Handbook reflect the current policies and procedures in effect at the PSC at the time of its printing.

Amendments to personnel law, regulations and policies may modify or supercede all statements in this information handbook.

It is the policy of the Public Service Commission to affirm equal opportunity for employment and advancement to all qualified persons without regard to race, color, religion, national origin, disability, sex, age, or sexual orientation.

Printed with State Funds

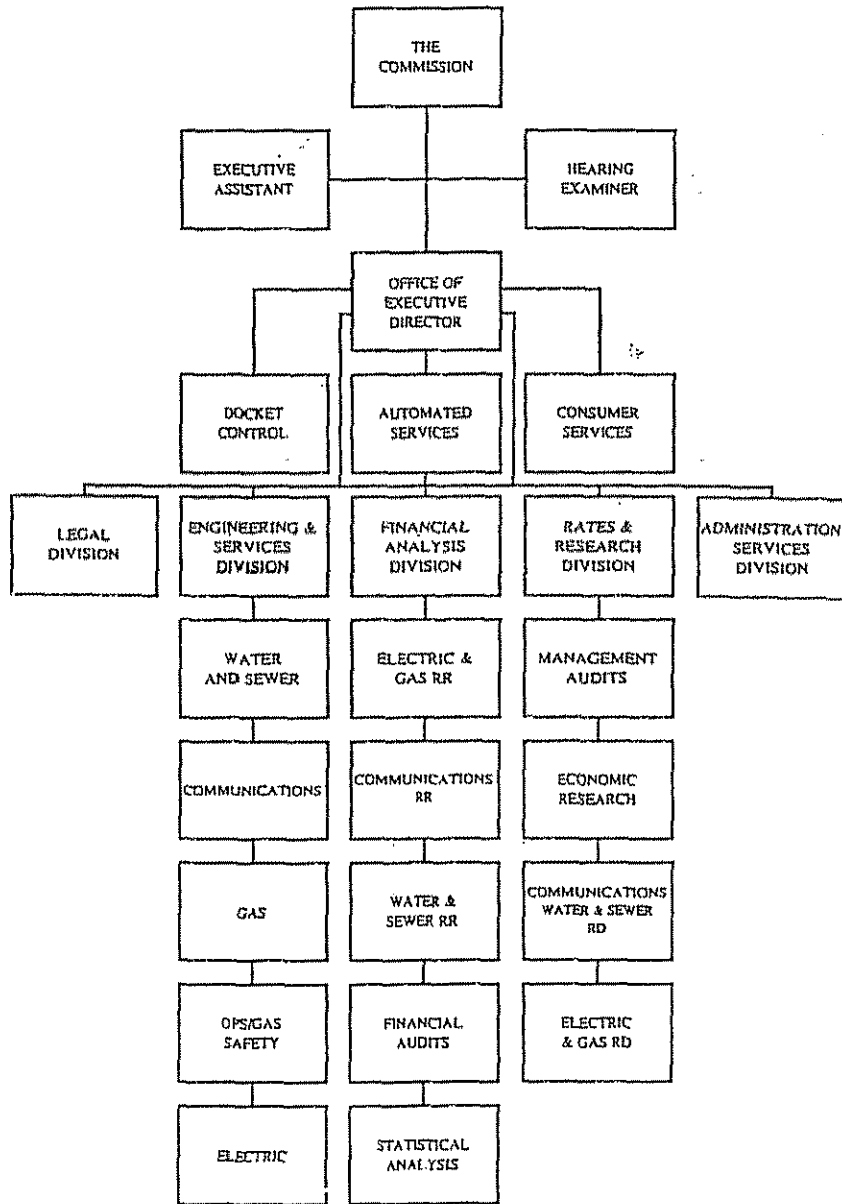
Effective 10-1-93

PSC EMPLOYEE HANDBOOK

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Public Service Commission Organizational Chart



PSC INFORMATION HANDBOOK

Introduction

The Commissioners and management team of the Kentucky Public Service Commission (PSC) recognize their employees as their most valuable asset. This booklet has been prepared to help employees learn about their commission, its structure and functions, and some of the many facets of the employment relationship into which they have entered. In referring to employees, "he" shall mean male or female.

Questions concerning employment should be directed to your immediate supervisor, or to your agency Personnel Administrator.

The Public Service Commission is an independent administrative body established by the Legislature in 1934 with quasi-legislative and quasi-judicial duties.

The Commission regulates intrastate rates and services of investor-owned electric, natural gas, telephone, water and sewage utilities, rural electric and telephone cooperatives, and water districts and associations. The Commission performs its regulatory functions through written orders following adjudicative and rulemaking procedures outlined in Chapter 278 of the Kentucky Revised Statutes and administrative regulations promulgated by the Commission in Title 807 of the Kentucky Administrative Regulations.

The Commission's goal is to ensure that every utility within its jurisdiction charges fair, just and reasonable rates for the services rendered and that those services are safe, adequate, efficient and reasonable.

The PSC consists of three (3) members appointed by the Governor with the advice and consent of the Senate. Commissioners are appointed for staggered four year terms. Appointments run from July 1 to June 30, with each commissioner staying in the office until his successor is sworn into office. The Governor designates one commissioner to act as Chairman and Chief Executive Officer and a second commissioner to serve as Vice Chairman and act for the Chairman in the latter's absence.

The PSC is divided into the following units: General Counsel (Legal), Engineering, Rates and Research, Financial Analysis, and Administrative Services. The Commission appoints an Executive Director, to serve at its pleasure, and to act as Chief Administrative Officer directing day-to-day operation of the Commission.

Affirmative Action Policy

The Commission is committed to the law of the Commonwealth in establishing a work place free from the injustices of discrimination. It is the policy of the Commission to affirm equal opportunity for employment and advancement to all qualified persons without regard to race, color, religion, national origin, disability, sex, age, or sexual orientation. Any employee who believes he has been subjected to discriminatory treatment in the workplace has the responsibility immediately to bring the problem to the attention of the agency Personnel Administrator.

The Americans With Disabilities Act of 1990 (ADA)

The Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., is a federal law that requires that public facilities and programs, when viewed in their entirety, be accessible to persons with all types of disabilities. The ADA also makes it unlawful to discriminate against a qualified person with a disability in any aspect of employment. The ADA applies to Commission employment practices and the terms, conditions and privileges of employment. The ADA protects qualified persons with a disability. This includes current Commission employees, qualified applicants seeking Commission employment and citizens seeking to utilize Commission facilities and programs. Contact the agency Personnel Administrator for further information.

Sexual Harassment Policy

The Commission does not tolerate sexual harassment of any kind. Sexual harassment in the workplace is a serious offense against the dignity of fellow workers and a violation of both state and federal law. Sexual harassment is viewed as misconduct and will subject any offending employee to disciplinary action up to and including dismissal. Any employee who has a complaint of sexual harassment at work by supervisors, co-workers, visitors or clients should immediately bring the problem to the attention of his supervisor, or, if the complaint involves supervisory personnel in the employee's line of command, complaints may be made to another supervisor, the agency Personnel Administrator or the Cabinet Personnel Administrator.

Vacancies

When a vacancy occurs in the Commission, it is usual practice to attempt to fill the position from within the agency or state government through promotion or transfer. When recruiting from the outside for a merit position, a register of names is requested from the Department of Personnel for the vacant position. A selection is made from this register. The new employee serves a probationary period of six months to obtain merit status. Non-merit appointments are made by the Commission to serve at the pleasure of the Commission.

Probationary Period

1. Initial probationary period is the period an agency observes an employee's job performance and determines to continue his employment or terminate it. The initial probationary period is six months. Employees who perform satisfactorily gain merit system status.
2. Promotional probationary period is the six months following a promotion during which the agency observes the employee's job performance. With satisfactory performance, the employee gains merit system status in the new job. If performance is not satisfactory, the employee is returned to his former position or to a position in the same job classification as the former position.

Transfers

If an employee wishes to transfer to another position or location within the Commission, he should submit the request in writing to his supervisor. If an employee wishes to transfer to another state agency, it is his responsibility to locate the new position. The Commission and the hiring agency will coordinate the transfer of Personnel records. The employee is responsible for notifying his immediate supervisor and negotiating a transfer date.

Promotions

Promotion is a change from a position in one class to a position in another class having a higher minimum salary or carrying a greater scope of discretion or responsibility. Employees who are promoted are required to serve a **promotional probationary period**. Employees who are promoted retain their status in the class from which they are promoted; if an employee does not successfully complete the promotional probation he must revert to a position in his former class. An employee who is promoted receives a salary increase of at least five percent or advances to the minimum of the grade for the new position (whichever is greater). An agency may give a five percent promotional increase to an employee who successfully completes promotional probation. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the agency, with the prior written approval of the Commissioner of Personnel, may grant upon promotion a ten percent or fifteen percent salary increase over the employee's previous salary.

Reclassifications

A reclassification occurs when an employee is given a different job classification because of a **material and permanent change** in his duties or responsibilities. An employee who is advanced to a higher pay grade through reclassification shall receive a salary increase of five percent except that in no case shall the employee's salary be below the minimum for the new pay grade. An employee placed in a lower pay grade through reclassification shall receive the same salary he received before reclassification.

Hours of Work

Full-time state employees are required to work 7.5 hours per day. Part-time and hourly employees shall be scheduled to work hours in accordance with the needs of the position. The normal work hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, unless flextime has been approved by the Executive Director. The employee shall not be scheduled to begin work earlier than 7:30 a.m. nor later than 8:30 a.m. Habitual tardiness or excessive absenteeism from work stations shall constitute grounds for disciplinary action.

Training

The Commission encourages all employees interested in career development to take advantage of courses offered at the Governmental Services Center at Kentucky State University. The Commission also encourages job enrichment through work-related workshops and seminars of a technical nature to improve job efficiency and effectiveness if within the budgetary allowance.

Performance Evaluations

Performance evaluations enable both the supervisor and employee to determine whether the employee is meeting the requirements of the job. Performance evaluations, updated job descriptions, standards and goals are to be completed for merit employees on June 30 (mid-year) and December 31 (year-end) of each year. An employee is not eligible to begin the evaluation process unless his probationary period is completed by January 1 of the year for which he is to be evaluated.

Job Classification

The goal of the classification process is to maintain a system that accurately matches what the employee does with how the employee is classified. Each employee has a detailed position description (PD) of his job duties. The PD is developed and monitored as a joint effort of both the employee and his supervisor.

Compensation (Pay) System

When jobs are classified, they are evaluated on thirteen (13) factors and compared to jobs in their proposed class. The following factors are included in the evaluation: minimum education requirement; minimum experience requirement; supervisory responsibilities; responsibilities for following, interpreting, enforcing, or developing policies or procedures; responsibility for materials and supplies; authority to handle and spend money; responsibility for personal contacts; responsibility for records and reports; responsibility for machinery and equipment; types of mental skills required; types of mental demands required; types of physical demands; and types of working conditions. This evaluation provides a basis for internal ranking of classes. In addition, the Department of Personnel maintains information about the salaries other employers pay for similar jobs. Using all available information, each class is assigned a pay range on the salary schedule.

Paychecks

All payroll checks are paid two weeks in arrears. For example, a new employee will not receive his first paycheck for four weeks. If the appointment date is September 1, he will receive his first check on September 30 for the September 1 - 15 pay period. Payday is always on the 15th and 30th of each month, unless payday falls on a Saturday or Sunday, in which case paychecks are delivered on the preceding Friday.

Resignation

An employee who desires to terminate his service with the state shall submit a written resignation to the agency. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

Retirement

All salaried employees and hourly Commission employees working an average of 100 hours a month are members of the Kentucky Employees Retirement System and contribute 5% of their base pay to the retirement system. The state contributes 7.65% of the employee's base salary to his retirement account. The following are benefits provided by the Retirement System:

Normal Retirement

1. A member who has attained age 65 and has acquired at least 48 months of service credit (12 months must be current service) is eligible for an annual retirement benefit as determined by the following formula:

YEARS OF SERVICE X 1.97% X FINAL COMPENSATION*

EXAMPLE: A member has 20 years of service and final compensation of \$15,000.

$$20 \times 1.97 = 39.4\%$$

$$39.4\% \text{ of } \$15,000 = \$5,910 \text{ annual payment}$$

$$\$5,910 \text{ divided by } 12 = \$492.50 \text{ monthly payment}$$

*Final compensation is the average annual salary earned during the five fiscal years when the member's salary was highest.

2. A member who has attained age 65 but has less than 48 months of service is eligible for a monthly benefit equal to the actuarial equivalent of twice the member's accumulated contributions. This amount must be calculated by the retirement system.

Early Retirement

1. A member may elect early retirement at any age with no decrease in benefits if the member has 27 years of service credit. At least 15 years of the service must be current service.
2. A member may choose early retirement if he is age 55 or older and has at least 60 months of service credit.
3. A member may also choose early retirement if he is under age 55, and has at least 25 years of service, 15 of which must be current service. The benefits are calculated the same as for normal retirement and are reduced 5% for each year of service credit under 27.
4. Under early retirement, the benefit is calculated the same as under normal retirement, except that benefits are reduced depending on the member's age or years of service.

Disability Retirement

A member who has acquired 60 months of service credit (12 months must be current service) is eligible for a monthly disability benefit if he should become disabled while actively contributing to the retirement system. Application for disability benefits must be made within 12 months of termination of employment. Disability benefits are calculated in the same manner as Normal Retirement benefits except that additional years of service credit may be added to the member's account and years of service at the time of disability.

Any questions should be referred to the Kentucky Employees Retirement System office at (502) 564-4646.

Deferred Compensation

All Kentucky state government employees may participate in the Deferred Compensation program. Deferred Compensation lets the employee set aside income from his paycheck for retirement. Money set aside for Deferred Compensation is

automatically payroll deducted twice each month. The employee pays no state or federal income tax on the money deferred until he begins receiving benefit payments at retirement or early retirement, when he may be in a lower tax bracket. For additional information, contact the Kentucky Public Employees Deferred Compensation System at 564-7240.

U.S. Savings Bonds

Savings Bonds are available to all employees through payroll deduction. Employees should contact the agency Personnel Administrator for forms and information.

Credit Unions

A state employee may join the Commonwealth Credit Union or the Kentucky Employees Credit Union. Each offers a wide range of financial services, including secured and unsecured loans, savings plans, and payroll deductions. Information may be obtained by calling:

Commonwealth Credit Union	(502) 564-4775
Kentucky Employees Credit Union	(502) 564-5597

Workers' Compensation

All Commission employees are protected by Workers' Compensation. If an employee is injured at work, he should advise his supervisor immediately. Reporting should be coordinated through the Personnel Administrator's office. Failure to report injuries to the supervisor within 24 hours may jeopardize an employee's entitlement to Workers' Compensation benefits.

Unemployment Insurance

All employees of the Commission (except Commissioners) are eligible for unemployment compensation under certain circumstances. Direct any questions to the agency Personnel Administrator.

Agency Leave Procedures

Accumulation and use of the following leave are controlled by 101 KAR 2:100:

Annual	Voting
Sick	Blood Donation
Compensatory	Military
Court	

Family and Medical Leave Act of 1993 (FMLA)

FMLA, 29 U.S.C. §2601 et seq., requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Unpaid leave must be granted for any of the following reasons:

- > to care for the employee's child after birth, or after placement of a child with the employee for adoption or foster care;
- > to care for the employee's spouse, child, or parent, who has a serious health condition; or
- > for a serious health condition that makes the employee unable to perform his job.

Job Benefits and Protection:

- > For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- > Return from FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

For additional information regarding FMLA, please contact the agency Personnel Administrator.

Holidays for State Personnel

State offices shall be closed and state employees shall be given a holiday on the following days:

- (a) The 1st day of January plus one extra day;
- (b) The 3rd Monday in February;
- (c) Good Friday, one-half day;
- (d) The last Monday in May;
- (e) The 4th day of July;
- (f) The 1st Monday in September;
- (g) Presidential election day as required under KRS 2.190;
- (h) The 4th Thursday in November plus one extra day;
- (i) The 25th day of December plus one extra day.

Smoking Policy

To provide a workplace that respects the rights of non-smokers, while ensuring smokers are not deprived of their rights, smoking is permitted only in specifically designated areas. This policy is in effect at all times.

Health Insurance

An employee has the option of receiving coverage through the carrier holding the state health insurance contract or if he lives or works within a defined service area, he may choose coverage through one of the health maintenance organizations (HMO's). Health coverage becomes effective the first day of the second month following the date of employment. When his employment terminates, the employee remains covered for the following month by the state's contributions.

The Retirement System provides hospital/medical insurance or Health Maintenance Organization coverage for recipients of a retirement benefit. Participation in these plans is optional and a recipient may purchase, at his own expense, coverage for his beneficiaries and dependents. The cost of coverage for the retirement system member may be partly paid by the retirement system depending on the number of years of service that the member accumulated. Percentages of the premium that will be paid by the system are as follows:

Less than 4 years	0%
4 - 9	25%
10 - 14	50%
15 - 19	75%
20 or more years	100%

Life Insurance

All eligible employees receive term life insurance coverage paid for by the state in the amount of \$6,560.00. To be eligible for life insurance benefits, a state employee must be a contributing member to one of the state administered retirement systems. The insurance becomes effective the first day of the second month following the date of employment. As with health insurance coverage, an employee will be covered by the state term life insurance one month following his separation from state service. State employees also have the option of purchasing additional life insurance. See the agency Personnel Administrator for additional information.

Other Insurance

Several dental insurance options are available for state employees through payroll deduction. The state does not contribute toward any of these premiums. Many premiums can be payroll deducted. See the agency Personnel Administrator for additional information.

Commonwealth Choice

Commonwealth Choice is a tax-saving opportunity that can benefit employees and their families who have dependent day care or out-of-pocket healthcare expenses. **Commonwealth Choice is not an insurance plan.** This optional benefit was implemented by the Kentucky Department of Personnel to help reduce taxes and increase spendable income. The cost-saving advantage of the plan is simple: any eligible dependent care and health care expenses paid through the plan are tax free. No federal or state income tax or Social Security tax on the money used to pay these eligible expenses is owed. Any full-time or permanent part-time, active state government employee who is eligible for state-sponsored health insurance coverage and will have completed one full year of continuous service by December 31 of a given year, can enroll in this tax-saving plan. For additional information on Commonwealth Choice, contact the agency Personnel Administrator.

Kentucky Employee Assistance Program (KEAP)

The Kentucky Employee Assistance Program (KEAP) is dedicated to helping employees find solutions to personal problems that may hinder effectiveness at work. Problems concerning marital, family, or emotional distress, alcoholism and drug abuse, financial or legal difficulties, or even medical problems can seriously diminish an individual's job performance. As a progressive employer, the Commonwealth of Kentucky recognizes that there are positive, workable solutions to many of these problems which trouble employees. All state employees and their families are eligible for KEAP services, and there is no cost for its information or referral services. All contact with KEAP is strictly confidential; any personal information disclosed will be kept confidential to the full extent permitted by state and federal law.

Drugfree Workplace

The Drug Free Workplace Act of 1988, 41 U.S.C. §701 et. seq., provides that recipients of federal grants shall inform their employees that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol and other controlled drugs in any designated workplace is prohibited. Conviction for such conduct may subject the employee to appropriate disciplinary action under state law, up to and including dismissal. The state may, in lieu of disciplinary personnel action, require an employee convicted of such conduct to participate in a drug abuse assistance or rehabilitation program.

Health and Safety

The Commission adheres to federal and state laws established to guarantee the health and safety of all employees in the workplace. Employees must follow the safety rules and procedures pertaining to their work unit. They must also maintain a personal commitment to exercising safe work habits and practices. For further information regarding health and safety in the workplace, please contact the agency Safety Coordinator.

Disciplinary Action

Supervisors are responsible for disciplining employees for just cause including conduct while on or off duty which may be prejudicial or detrimental to the Commonwealth or otherwise affect adversely the confidence of the public in the integrity of the Commission. Discipline may range from written reprimand to suspension or dismissal from state service. If an employee disagrees with any discipline received, he may appeal the action. The steps outlining these procedures are described in the Grievances Section.

Grievances

A grievance is a complaint filed by an employee which concerns some aspect of his employment. A grievance must be filed within thirty (30) days of the date of the action complained of or the date upon which the employee, exercising due diligence, became aware of the action.

Procedures

1. A grievance shall be filed with the employee's immediate supervisor.
2. The employee shall set forth in writing the basis of his grievance or complaint together with the corrective action desired. If the employee wishes to submit additional information or documentation, he may attach it to the grievance.
3. When a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, disability or age (forty (40) or over), the supervisor shall immediately notify the agency Personnel Administrator in compliance with affirmative action requirements.
4. Interviews to evaluate or investigate the grievance held with the complainant or other employees shall not require the use of leave time. For interviews held outside of normal working hours, compensatory time shall be granted.

5. All parties may have a representative present at each step of the grievance procedure.

To obtain additional information, contact the agency Personnel Administrator.

Misuse of Facilities or Equipment

No employee shall use any equipment, supplies, or properties of the Commonwealth for other than officially designated purposes. Any questions in this area should be directed to the employee's immediate supervisor.

Telephones are to be used for state business. If it is necessary for employees to make personal long-distance calls, they shall reimburse the state for personal calls in cash or by personal check payable to Kentucky State Treasurer.

PROFESSIONAL CONDUCT AND ETHICAL RESPONSIBILITIES

Employees of the Commission work for the benefit of the people of the Commonwealth of Kentucky. As public servants, employees are bound to adhere faithfully to standards of professional and ethical conduct. Employees represent the Commission and are expected to conduct themselves in a manner which will inspire the confidence, trust, and respect of the public.

Principles of ethical behavior are based on the belief that public servants must be independent and impartial; government policy and decisions must be made through established processes; public servants must not use public office to obtain private benefits; and the public should be able to have confidence in the integrity of its government. KRS 11A.005. The Commission requires its employees to avoid conflicts of interest, improper ex parte communications, and participation in activities which present the appearance of impropriety.

The following guidelines are set forth to illuminate areas of concern:

A. Adverse Pecuniary Interest

Commissioners are statutorily prohibited from holding an official position or owning stocks, bonds, or any other pecuniary interest in a utility. KRS 278.060(2). The Commission has adopted the same prohibition for its staff. The Commission has determined that participation in an investment plan where utility stocks or bonds are purchased as part of a total portfolio and where the Commission staff member has no control over the company chosen for investment (such as a mutual fund), does not constitute a violation of this prohibition. Any staff member who is in violation of this policy shall immediately disclose that fact to the Executive Director.

All employees are subject to the provisions of the Kentucky Model Procurement Act ("Act") which detail prohibited conflicts of interest for public officers and employees. An employee cannot be interested, either directly or indirectly, in any contract in which he may be called to act or vote. KRS 45A.430. Likewise, the Executive Branch Ethics Code ("Code"), applying to all employees of the Commission, prevents a public servant from acting as a representative of the state in a business transaction with himself or in any business in which he or a family member has a greater than five percent interest. KRS 11A.040(3). "Family" is defined in KRS 11A.010(4) to mean a person's "spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption:

parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister."

Another Code provision, KRS 11A.040(4), could affect employees by providing that they and their family members holding more than a five percent interest in a business cannot be parties, directly or by virtue of their partial ownership of the business, to any contract, agreement, lease, sale or purchase between that business and any state agency. For example, it is impermissible for the owner of a computer business to sell products to the Department of Human Resources if at least five percent of its shares are owned by the spouse of a Commission employee. Violation of this statute is a Class D felony.

B. Gifts and Favors

The Code provides that a public servant cannot knowingly accept compensation, other than that provided by law for public servants whose salary is paid by the Commonwealth, for the performance of any activity included in his official duties. KRS 11A.010(5). Compensation is defined as "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.010(3).

The Executive Branch Ethics Commission has concluded that when dealing with a civic organization or other organization not comprised of entities regulated by the commission:

"an executive branch employee may accept a free meal at an event in which he is invited to participate in furtherance of his official duties, provided these tests are met:

1. The meal is an integral part of the event and the employee's role in the program occurs immediately before, during, or immediately after the meal.
2. The employee's meal is the same available to all others at the event and is consumed on the premises.

We also approve acceptance of a small token of appreciation such as a coffee mug. Public servants are encouraged to make speeches and presentations for the benefit of citizens of the Commonwealth, but public servants shall be zealous to accept nothing more than a small token of appreciation." AO 90-10.

The Executive Branch Ethics Commission states that employees involved in regulating utilities should not accept meals or beverages from those utilities or trade associations whose members are regulated utilities. AO 93-50.

The Commission prohibits its employees from accepting any item, including food or entertainment, from any employee of or executive agency lobbyist for a regulated utility. The Commission strives to avoid the public perception that an improper relationship may exist between regulated utilities and the Commission or its staff.

C. Representing Non-State Interests

No employee shall represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which the state has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the official or employee and his official state responsibilities.

D. Misuse of Information

The Code prohibits Commission employees from knowingly disclosing or using confidential information acquired during the course of their work. KRS 11A.040(1).

Employees should carefully and conservatively evaluate a document before providing it or describing its contents to anyone other than another Commission employee. Consult the Commission's General Counsel for assistance if you are unable to determine whether a particular document should be released.

E. Outside Employment

Members of the Commission are required by statute to devote their entire time to the duties of their offices. KRS 278.050(1). Members of the Commission's staff are not legally prohibited from having other jobs. However, employees who do seek outside employment are expected to ensure there is no conflict with their Commission duties. Employees who are unsure whether outside employment conflicts with their Commission duties should notify the Executive Director or consult the General Counsel.

F. Post-Commission Employment

The Code places three restrictions on the type of employment a public servant is permitted to accept after leaving state government:

1. A former public servant may not act as a lobbyist or lobbyist's principal for a period of one year after the date he leaves state employment or his term of office expires, whichever is later.
2. A former public servant may not represent a person in a matter before a state agency in which the former public servant was directly involved for a period of one year after the date he leaves employment or his term of office expires, whichever is later.
3. A present or former public servant may not, within six months of the termination of his state employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This prohibition does not apply to individuals returning to the same business, firm, occupation, or profession in which they were involved prior to state government employment. The Executive Branch Ethics Commission has indicated through its Executive Director that it considers the Commission to be "doing business with" the utilities it regulates.

G. Improper Ex Parte Communication

1. "Ex parte communication" means an oral or written communication which relates to the merits of a formal proceeding pending before the Commission, or which the employee reasonably anticipates will be filed with the Commission, and which is not included in the public record, without notice and opportunity for all parties or interested persons to participate. A communication relevant to the merits includes any issue of fact or law relative to the matter pending.
2. The following types of communication are not prohibited ex parte communications if such communication is reasonably limited to the matter at hand:
 - (a) Any procedural inquiry, including prefiling inquiries.
 - (b) Staff's communications when performing routine operational inspections and safety inspections not for the purpose of investigating a matter pending before the Commission.
 - (c) Staff's communications when performing management audits pursuant to KRS 278.255 and routine field audits of accounts, books, and the Commission.

- (d) Staff's communications when performing cell site field inspections.
 - (e) Staff's communications when performing field reviews or inspections for preparation of Commission staff reports to be filed in pending or anticipated rate cases.
 - (f) Staff's communications in cases without intervenors, unless the staff determines intervention is likely.
3. Commissioners or Commission staff shall not participate in any prohibited ex parte communication with any interested person regarding the merits of any formal case or proceeding pending before the Commission or a case or proceeding that the employee anticipates will be filed with the Commission. It is improper to disclose a Commission decision prior to the issuance of an Order on the matter.
 4. If an employee participates in a prohibited ex parte communication, he shall immediately disclose the relevant details of the communication to the General Counsel.

H. Executive Agency Lobbyists

As of September 16, 1993, any individual who is engaged to promote, oppose, or otherwise influence the outcome of an executive agency decision is considered an executive agency lobbyist and is required to register with and make certain disclosures to the Kentucky Executive Branch Ethics Commission.

An "executive agency decision" is narrowly defined to include only those agency decisions regarding the expenditure of state or agency funds with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated. PSC employees are rarely involved in agency decisions affecting the disbursement or allocation of state or agency funds.

However, executive agency lobbyists are required to report on a quarterly basis all expenditures made on behalf of or financial transactions with any executive branch employee in any agency, whether or not the employee works for the agency the executive agency lobbyist was engaged to influence. All Commission employees must be aware that disclosure of expenditures and financial transactions involving them could be detrimental to the public's perception of the Commission and act accordingly.

Kentucky Public Service Commission
730 Schenkel Lane
Frankfort, Kentucky 40601
(502) 564-3940
(502) 564-7279 fax
(800) 772-4636 Public Information Hot Line

WHEN THE PUBLIC ASKS FOR DIRECTIONS TO PUBLIC SERVICE COMMISSION:

Take I-64 to the Frankfort/Versailles exit (Exit 58). Turn off the exit onto U.S. 60 (Versailles Road) toward Frankfort. Follow U.S. 60 all the way in until you reach the intersection of U.S. 60, 460 and 421 (approximately 3 miles). As you approach the intersection, the road will widen to 5 lanes and a sign will read "Capital Plaza Complex". Continue straight through the light onto U.S. 421 (Wilkinson Boulevard) for approximately 1 mile. At the first light (at Hardee's) you will turn right onto Schenkel Lane. We are on the second block, in a two-story brick building located on the right, across from the Chrysler dealership (Frankfort Auto Sales) and right before you get to the liquor store.

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