

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF FRANKFORT	)	
ELECTRIC & WATER PLANT BOARD OF AN	)	CASE NO.
AMENDMENT TO WATER SUPPLY AGREEMENT	)	2020-00269
WITH FARMDALE WATER DISTRICT	)	

COMMISSION STAFF'S INITIAL REQUEST FOR INFORMATION  
TO FRANKFORT ELECTRIC & WATER PLANT BOARD

Frankfort Electric & Water Plant Board (Frankfort Plant Board), pursuant to 807 KAR 5:001, is to file with the Commission an electronic version of the following information. The information requested herein is due on October 2, 2020. Pursuant to the Commission's Orders in Case No. 2020-00085,<sup>1</sup> issued March 16, 2020, and March 24, 2020, Frankfort Plant Board SHALL NOT FILE the original paper copy of all requested information at this time, but rather shall file original paper copies within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Frankfort Plant Board shall make timely amendment to any prior response if Frankfort Plant Board obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which Frankfort Plant Board fails or refuses to furnish all or part of the requested information, Frankfort Plant Board shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Frankfort Plant Board shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide a detailed explanation for the basis of the proposed contract amendment.

2. Based on the Kentucky Supreme Court's recent ruling in *Ledbetter Water Dist. v. Crittenden-Livingston Water Dist.*, 2018-SC-000494-DG, 2020 WL 1303913, at \*1 (Ky. Feb. 20, 2020), *reh'g denied* (July 9, 2020), explain why the proposed contract amendment, with a term exceeding 20 years, is not void due to violating Kentucky

Constitution § 164. Further, provide a detailed explanation of the impact that ruling might have on the current contract between Frankfort Plant Board and Farmdale Water District.

3. Provide copies of the minutes of any board meetings in which this contract at issue was discussed or voted upon.
4. Provide a copy of the advertisement for bids for this contract.
5. Provide a copy of the contract and amendments.



Kent A. Chandler  
Acting Executive Director  
Public Service Commission  
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DATED SEP 16 2020

cc: Parties of Record

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