

Commonwealth of Kentucky
Before the Public Service Commission

In the Matter of:)
AN INVESTIGATION INTO THE FEASIBILITY AND) Case No. 2001-00117
ADVISABILITY OF KENTUCKY-AMERICAN WATER)
COMPANY'S PROPOSED SOLUTION TO ITS WATER)
SUPPLY DEFICIT)

ATTORNEY GENERAL'S MOTION TO COMPEL THE
KENTUCKY-AMERICAN WATER COMPANY'S RESPONSE
TO QUESTIONS 21 AND 22 OF HIS REQUEST FOR INFORMATION

Comes now the Attorney General with his Motion to Compel the Kentucky-American Water Company to fully respond to Questions 21 and 22 of the 4 February 2002 Request for Information by the Attorney General to the Kentucky-American Water Company. In support of his Motion, the Attorney General states the following:

The Commission has made a determination that Kentucky-American's business development planning and activities are relevant and should be considered.¹ The Commission specifically requests that the parties to this proceeding discuss how "Kentucky-American's business development planning and activities affect Kentucky-American's projected demands."²

The Attorney General made two requests (data requests 21 and 22) for Kentucky-American to supply information directly relating to its business development planning and activities.

21. Please identify the water suppliers (both suppliers subject to the jurisdiction of the Public Service Commission as well as any other water suppliers offering

¹ Order, 26 September 2001, pages 3 and 4.

² Order, 28 January 2002, Appendix A.

water service) that have been given presentations by Kentucky-American regarding water supply. Please provide a listing of suppliers and presentations from January 1, 1996, to present. (Include copies of all correspondence and meeting materials.)

22. Please identify the water suppliers (both suppliers subject to the jurisdiction of the Public Service Commission as well as any other water suppliers offering water service) that have been given presentations by Kentucky-American regarding the outsourcing of management, transfer of assets, merger, or any other form of consolidation or change in control. Please supply a listing of suppliers and presentations from January 1, 1996, to present. (Include copies of all correspondence and meeting materials.)

The Company did not comply. Kentucky-American did not supply all of the information requested under Attorney General data request 21, and the basis for its non-compliance is the Company's position that the information is outside the scope of the proceeding and is not relevant.³ Kentucky-American did not supply any information requested under Attorney General data request 22, and the basis for its non-compliance is the Company's position that the information is "outside the scope of this phase of this proceeding."⁴

The information that the Attorney General seeks is clearly relevant to this proceeding, and it is vital to assessing the feasibility and advisability of the Company's proposal for its water supply deficit. It is relevant and necessary for responding to the Commission's request, and it is also relevant and necessary for the Attorney General's representation and advancement of the consumers' interest.

³ See KAWC response to AG 1-21.

⁴ See KAWC response to AG 1-22.

WHEREFORE, the Attorney General requests the Commission enter an Order compelling Kentucky-American's to fully respond to the Attorney General's information requests 21 and 22.

Respectfully submitted,

A.B. CHANDLER III
ATTORNEY GENERAL
/s/ David Edward Spenard
David Edward Spenard
Assistant Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204
502-696-5453
(FAX) 502-573-8315

Notice of Filing

Counsel gives notice that (pursuant to Instruction 4(a) of the Commission's 15 May 2001, Order of procedure) the original and three copies in paper medium have been filed by hand delivery to Thomas M. Dorman, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601. Further, one copy in electronic medium has been filed by uploading the filing to the file transfer protocol site designated by the Executive Director all on this 21st day February, 2002.

/s/ David Edward Spenard
Assistant Attorney General

Instruction 10 Certification

Per Instruction 10 of the Commission's 15 May 2001, Order of procedure, counsel certifies that the electronic version is a true and accurate copy of the document filed in paper medium, the electronic version has been transmitted to the Commission, and the Commission and other parties have been notified by electronic mail that the electronic version has been transmitted to the Commission.

/s/ David Edward Spenard
Assistant Attorney General

Certificate of Service

Counsel certifies that this motion has been served by mailing a true and correct copy of the same, first class postage prepaid, to the other parties of record on this 21st day of February 2002. Copies have been sent to the following:

Roy W. Mundy II
Kentucky-American Water Company
2300 Richmond Road
Lexington, Kentucky 40502

Gerald J. Edelen
Dept. of the Army, Corps of Engineers
P. O. Box 59
Louisville, Kentucky 40201

Lindsey W. Ingram Jr.
Robert Watt
Stoll, Keenon & Park, LLP
201 East Main Street Suite 1000
Lexington, Kentucky 40507 1380

Phillip J. Shepherd
P. O. Box 782
Frankfort, Kentucky 40602

Joe F. Childers
201 West Short Street, Suite 310
Lexington, Kentucky 40507

Libby Jones
P. O. Box 487
Midway, Kentucky 40347

Damon R. Talley
P. O. Box 150
Hodgenville, Kentucky 42748-0150

David Barberie
(Edward Gardner)
LFUCG Dept. of Law
200 East Main Street
Lexington, Kentucky 40507

A copy is also being sent to the following:

David F. Boehm
Boehm, Kurtz & Lowry
2110 CBLD Center
36 East Seventh Street
Cincinnati, Ohio 45202

/s/ David Edward Spenard
Assistant Attorney General