

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

THE JOINT PETITION OF KENTUCKY-)	
AMERICAN WATER COMPANY,)	
THAMES WATER AQUA HOLDINGS)	CASE NO. 2002-00317
GmbH, RWE AKTIENGESELLSCHAFT,)	
THAMES WATER AQUA US HOLDINGS,)	
INC., APOLLO ACQUISITION COMPANY)	
AND AMERICAN WATER WORKS CO. INC.,)	
FOR APPROVAL OF A CHANGE IN)	
CONTROL OF KENTUCKY-AMERICAN)	
WATER COMPANY)	

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT’S MOTION TO SUPPLEMENT THE RECORD**

Comes now, the Lexington-Fayette Urban County Government (the “LFUCG”), by counsel, and moves that the Commission supplement the record in this case by considering the December 2002 letter from Roy W. Mundy, II to “our valued water customers” and the enclosures sent therewith, as evidence in this proceeding (the “Letter”). An original of the letter and the enclosures is attached hereto as LFUCG’s Exhibit No. 1, and is incorporated herein by reference.

Following the filing of briefs in this case, Kentucky-American Water Company (“Kentucky-American”) sent the Letter, which seems to indicate the type of issues that the Joint Petitioners’ believe are “functionally related” to the provision of utility service.¹ The issue of use of customer lists and information has been raised in this hearing, and the Joint Petitioners distinguished between uses that are “functionally related” to utility service, and those that are not. The Letter details Kentucky-American’s views on a number of issues, including local election results and the November 21, 2002

¹ The attached letter was received on or about December 7, 2002.

Commission hearing, including Kentucky-American's characterization of a letter alleged to have been written by Sir Ian Byatt ("Byatt Letter"), which was properly excluded from the record of this case.²

Because the Letter was not available to the LFUCG until after the post-hearing briefs were filed, the LFUCG respectfully requests that the Commission supplement the record in this case by admitting the Letter into evidence.

WHEREFORE, the Lexington-Fayette Urban County Government respectfully requests that the Commission grant its Motion to Supplement the Record, and consider Exhibit No. 1 hereto as relevant evidence in this case.

Respectfully submitted,

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: /s/ Anthony G. Martin
Anthony G. Martin
P. O. Box 1812
Lexington, KY 40588
(859) 268-1451

BY: /s/ David J. Barberie
David J. Barberie
Corporate Counsel
Department of Law
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500
ATTORNEYS FOR LEXINGTON-
FAYETTE URBAN COUNTY

² The Letter neglects to inform Kentucky-American's customers that the Byatt Letter was excluded from consideration by the Commission due to its lack of relevance.

NOTICE AND CERTIFICATION

Counsel gives notice the original and three copies of the foregoing document have been filed by United States Mail, first class postage prepaid to Thomas M. Dorman, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615, and by uploading the filing to the file transfer protocol site designated by the Executive Director. The undersigned counsel hereby certifies that the electronic version is a true and accurate copy of the documents filed in paper, the electronic version has been transferred 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. Undersigned counsel also certifies that a copy of the foregoing motion was served by first class U.S. Mail delivery, postage prepaid, on the following, all on this the 1th day of December 2002:

William H. Bowker
Deputy Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

Gerald E. Wuetcher
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

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

Lindsey Ingram, Esq.
And Robert M. Watt, III, Esq.
Stoll, Keenon & Park
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801

Jack Hughes
124 West Todd Street
Frankfort, Kentucky 40601

Hon. Dennis G. Howard II
and
Hon. David E. Spenard

Attorney General's Office
Utility and Rate Intervention Division
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204

Foster Ockerman, Jr., Esq.
Martin, Ockerman & Brabant
200 North Upper Street
Lexington, Kentucky 40507

/s/ David J. Barberie
ATTORNEY FOR LEXINGTON-
FAYETTE URBAN COUNTY
GOVERNMENT

PSC/Case No. 2002-00317/LFC_M_121102.pdf