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September 14, 2009

Lindsey W. Ingram III, Esq.  
Stoll Keenon Ogden PLLC  
300 West Vine Street  
Suite 2100  
Lexington, Kentucky 40507-1801

A.W. Turner, Esq.  
Kentucky-American Water Company  
2300 Richmond Road  
Lexington, Kentucky 40502

Assistant Attorney General David Spenard  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

Re: Case No. 2009-00367  
Kentucky-American Water Company

Gentlemen:

The enclosed electronic mail messages between Commission Staff and the Office of Attorney General have been placed in the record of the above-referenced proceeding.

Sincerely,

  
Jeff Derouen  
Executive Director

Enclosure

**Wuetcher, Jerry (PSC)**

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**From:** Spenard, David (KYOAG) [david.spenard@ag.ky.gov]  
**Sent:** Friday, September 11, 2009 2:58 PM  
**To:** Wuetcher, Jerry (PSC)  
**Cc:** A.Turner@amwater.com; L.Ingram@skofirm.com  
**Subject:** RE: PSC Case No. 2009-00367

Mr. Wuetcher,

Good afternoon.

Thank you for contacting this Office.

With regard to KAWC's request to file in electronic format (and deviate from 807 KAR 5:001 Section 8(2)), the Attorney General does not object.

With regard to KAWC's request to utilize the alternative rate adjustment procedure (807 KAR 5:076), the Attorney General is in agreement that utilization of the alternative procedure is in the best interest of Company and the customers. Therefore, the Attorney General supports KAWC's request for a deviation from the Section 1 limits of the alternative procedure regulation in order to allow KAWC to utilize this mechanism.

Please place this response in the record. If the Commission requires or would like a more formal response (by way of letter to the Executive Director), then please advise and I will submit a letter on Monday (the 14th) or Tuesday (the 15th). Otherwise, please consider this response as the position of the Office of the Attorney General regarding KAWC's requests.

Regards,

David

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**From:** Wuetcher, Jerry (PSC) [mailto:JWuetcher@ky.gov]  
**Sent:** Friday, September 11, 2009 2:31 PM  
**To:** Spenard, David (KYOAG)  
**Cc:** A.Turner@amwater.com; L.Ingram@skofirm.com  
**Subject:** PSC Case No. 2009-00367

Mr. Spenard:

Does the AG intend to submit any response to KAWC's request for a deviation from the eligibility requirements of 807 KAR 5:076? Commission Staff would like to ensure that any AG position is considered before the Commission makes a ruling on the request. If the AG intends to respond, please advise as to when such a response is expected to be filed with the Commission.

Respectfully,

Gerald E. Wuetcher  
Executive Advisor  
Public Service Commission of Kentucky  
(502) 564-3940, Extension 259  
(502) 229-6500 (cell)  
gerald.wuetcher@ky.gov

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