

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOGAN TELEPHONE COOPERATIVE, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2021-00248
)	
EAST LOGAN WATER DISTRICT)	
)	
DEFENDANT)	

**EAST LOGAN WATER DISTRICT’S FIRST REQUEST FOR INFORMATION
TO LOGAN TELEPHONE COOPERATIVE, INC.**

Pursuant to the agreed procedural schedule between the parties in this matter, East Logan Water District (“the District”) respectfully submits the following requests for information to the Logan Telephone Cooperative, Inc. (“Logan Telephone”) to be answered no later than December 9, 2022.

Instructions

1. As used herein, “Documents” include all correspondence, memoranda, notes, email, maps, drawings, surveys, or other written or recorded materials, whether external or internal, of every kind or description in the possession of, or accessible to, Logan Telephone, its witnesses, or its counsel.
2. Please identify by name, title, position, and responsibility the person or persons answering each of these data requests.
3. These requests shall be deemed continuing so as to require further and supplemental responses if Logan Telephone receives or generates additional information within

the scope of these requests between the time of the response and the time of any hearing conducted herein.

4. To the extent that the specific document, work paper, or information as requested does not exist, but a similar document, work paper, or information does exist, provide the similar document, work paper, or information.

5. To the extent that any request may be answered by a computer printout, spreadsheet, or other form of electronic media, please identify each variable contained in the document or file that would not be self-evident to a person not familiar with the document or file.

6. If Logan Telephone objects to any request on the ground that the requested information is proprietary in nature, or for any other reason, please notify the undersigned counsel as soon as possible.

7. For any document withheld on the ground of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown, or explained; and the nature and legal basis for the privilege asserted.

8. In the event any document requested has been destroyed or transferred beyond the control of Logan Telephone, its counsel, or its witnesses, state: the identity of the person by whom it was destroyed or transferred and the person authorizing the destruction or transfer; the time, place, and method of destruction or transfer; and the reason(s) for its destruction or transfer. If such a document was destroyed or transferred by reason of a document retention policy, describe in detail the document retention policy.

9. If a document responsive to a request is a matter of public record, please produce a copy of the document rather than a reference to the record where the document is located.

Requests for Information

1. Identify the address of each location for which Logan Telephone receives water service from the District. For each location, state the total amount billed for water service for each year from 2017 to 2021.

2. List the time periods since 2013 in which Logan Telephone's construction and deployment of its fiber to the home ("FTTH") fiber optic network involve excavations and installations in the District's territory.

3. For each time period listed in response to Question 2, state whether Logan Telephone's own employees only performed the excavations and installations in the District's territory. If Logan Telephone employees were not the only persons performing excavations for Logan Telephone in the District's territory, state the percentage of the total excavation work that Logan Telephone employees performed for each of the listed periods.

4. For each time period listed in its response to Question 2, if Logan Telephone contracted with contractors to perform excavations and installations occurring in the District's territory, provide for each contractor performing such excavations and installations:

- a. the contractor's name and address;
- b. the time period(s) during which the contractor worked in the District's territory;
- c. the area(s) within the District's territory in which the contractor performed excavations;
- d. each contract that Logan Telephone had with the contractor regarding the deployment of its FTTH fiber optic network during these period(s);

e. all written instructions that Logan Telephone provided to the contractor regarding the deployment, locating the District's water mains, and the placement of fiber optic cable near water utility lines;

f. all email and written communication between Logan Telephone and its contractor regarding the deployment, including coordinating construction plans with the District;

5. Provide all of Logan Telephone's operating procedures, internal guidance policies, and instructions for dealing with excavations around the facilities of other utilities.

6. Describe Logan Telephone's policies and practices regarding the placement of fiber optic cable near water utility lines.

7. List and describe all restrictions that Logan Telephone places on its contractor regarding vertical and horizontal spacing between water lines and Logan Telephone's fiber cable.

8. Describe how Logan Telephone selects the route and location for installing its fiber network. Provide all documents in which that policy is explained or discussed.

9. Provide the original planning schedules for Logan Telephone's prior deployments of its FTTH fiber optic network in areas within the District's territory.

10. Provide all revisions to the original planning schedules for Logan Telephone's prior deployments of its FTTH fiber optic network in areas within the District's territory and all documents in which those revisions are discussed.

11. For each of Logan Telephone's prior deployments of its FTTH fiber optic network in areas within the District's territory, state how the actual time required for the excavation and installation compared to the planned or expected time for excavation and installation.

12. Provide all documents provided by Logan Telephone management officials to the members of Logan Telephone's Board of Directors regarding the fiber deployment schedules and the Logan Telephone's actual experience in meeting those schedules.

13. Provide the minutes of each meeting of Logan Telephone's Board of Directors in which Logan Telephone's fiber deployment in the District's territory was discussed.

14. Provide all correspondence, memoranda, emails and other forms of communication between Logan Telephone management and its Board of Directors regarding the complaint that Logan Telephone has filed with the Public Service Commission.

15. State the name and position of each person that Logan Telephone currently expects to call as a witness at any hearing held on Logan Telephone's complaint.

16. Describe the process or procedures that Logan Telephone has to address complaints involving the contractors with whom it has contracted for excavation and installation services related to its FTTH fiber optic network deployment.

17. Provide a copy of all complaints that Logan Telephone received regarding North Central Service.

18. State the number of claims made against North Central Service for excavation damage while performing excavation and installation services for Logan Telephone.

19. State the number of damage claims for which North Central Service has acknowledge liability or responsibility incurred while performing excavation and installation services for Logan Telephone.

20. Describe Logan Telephone's liability for any damage resulting from the actions of its contractors with whom it has contracted for excavation and installation services related to its FTTH fiber optic network deployment.

21. Describe the procedures that Logan Telephone has in place to ensure that its contractors are exercising reasonable efforts to avoid damage to the facilities of other utilities while performing excavation and installation services related to Logan Telephone's FTTH fiber optic network deployment.

22. Provide all documents that Logan Telephone received from Findley Engineering regarding the performance of North Central Service while performing excavation and installation services related to Logan Telephone's FTTH fiber optic network deployment in the District's territory

23. State the number of claims and total dollar amount of those claims for which Logan Telephone has accepted responsibility that resulted from the actions of its contractors performing excavation and installation services related to Logan Telephone's FTTH fiber optic network deployment since 2013.

24. State when Logan Telephone expects to resume excavations and installation of its FTTH fiber optic network in the District's territory.

25. Based upon its current plans, what percentage of the excavations will be performed by Logan Telephone employees when deployment of fiber cable in the District's territory resumes?

26. Provide a map and a time table for Logan Telephone's next deployment of its FTTH fiber optic network in the District's territory.

27. State whether Logan Telephone is willing to have a preconstruction meeting with the District's representatives prior to commencing its next deployment of its FTTH fiber optic network in the District's territory. If it is not willing, explain why not.

28. Identify the name and position of the Logan Telephone official who the District may contact to address locate issues. Describe the extent of that official's authority to resolve locate issues.

29. Assume that, in response to a request from Logan Telephone or its contractor, the District has exercised its best efforts to locate its facilities and is able only to provide an estimated location that exceeds the tolerance zone. Describe the actions that Logan Telephone personnel or

its contractors will take under those circumstances. Provide documents in which Logan Telephone has address such circumstances.

30. Refer to Logan Telephone's Response to Commission Staff's First Request for Information, Item 5.

a. Provide all written reports that were prepared for the incidents listed in spreadsheet labelled LTC_000002.

b. State the total footage of cable installed in the District's territory between from January 1, 2020 to December 31, 2020 by North Central Services.

c. State the total footage of cable installed in Butler County Water System's service area between from January 1, 2021 to December 31, 2021 by Floyd's Equipment.

31. Provide for each year from 2013 to 2018 for each contractor that Logan Telephone contract for excavation and installation services related to Logan Telephone's FTTH fiber optic network deployment:

a. The number of incidents involving excavation damage;

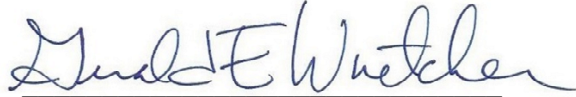
b. The total footage installed by the contractor; and,

c. The number of claims paid by the contractor.

32. Refer to Logan Telephone's Complaint, Paragraph 21. List the date of each occasion in which Logan Telephone conferred with the District, identify the form of the contact (e.g., telephone conference call, in-person meeting), and the persons present each entity. Provide all documents regarding each meeting.

Dated: November 18, 2022

Respectfully submitted,

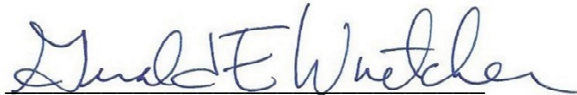


Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3017
Fax: (859) 259-3517
gerald.wuetcher@skofirm.com

Counsel for East Logan Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, and the Public Service Commission's Order of July 22, 2021 in Case No. 2020-00085, I certify that this document was transmitted to the Public Service Commission on November 18, 2022 and that there is currently no party that the Public Service Commission has excused from participation by electronic means in this proceeding.



Gerald E. Wuetcher