

**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, INC.)		
))		
	DEFENDANT)		

**LOGAN TELEPHONE COOPERATIVE, INC.’S SUPPLEMENTAL REQUESTS FOR
INFORMATION TO EAST LOGAN WATER DISTRICT, INC.**

In accordance with the amended procedural schedule established by the Kentucky Public Service Commission (the “Commission”) dated December 16, 2022, Logan Telephone Cooperative, Inc. (“LTC”), by counsel, hereby request the response of East Logan Water District, Inc. (the “East Logan”) to the following Supplemental Requests for Information.

DEFINITIONS

1. Whenever it is necessary to bring within the scope of these information requests documents that might otherwise be construed to be outside their scope: (1) the use of “and” as well as “or” shall be construed both disjunctively and conjunctively; (2) the use of a word in its singular form shall be construed to include within its meaning its plural form as well, and vice versa; (3) the use of “include” and “including” shall be construed to mean “without limitation”; and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices.

2. “**Commission**” means the Kentucky Public Service Commission.

3. “**Document**” means any written, recorded, transcribed, printed, or impressed matter of whatever kind, however produced, stored or reproduced, including but not limited to

sound or pictorial recordings, computerized or electronic information, books, pamphlets, letters, memoranda, telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes, working papers, handwritings, charts, paper, writings, printings, transcriptions, tapes and records of all kinds. "Document" includes, without limitation, all workpapers produced by or relied upon by a witness.

4. **"Identify"** mean the following:

a: when identifying a person, to give such person's:

- (1) full name;
- (2) business address, residence address (if no business address is available), and telephone number;
- (3) his or her present or last known position and business affiliation at the time in question; and
- (4) the nature of such person's participation in, and the scope of his/her responsibility with regard to, the facts and events underlying the present matter;

b: when identify an oral communication, to:

- (1) identify the author(s) thereof and the parties thereto;
- (2) state the date of the communication;
- (3) state the place of the communication;
- (4) state the substance of the communication; and
- (5) state whether such communication has been reduced to writing and, if so, identify each document and the present custodian thereof;

c: when identifying other information, to state:

- (1) the source thereof;
- (2) any oral communications pertaining thereto;
- (3) any documents pertaining thereto; and
- (4) the substance of the information;

d: when identifying a document, to:

- (1) identify the author thereof and the parties thereto;
- (2) state its title or other identifying data;
- (3) state the date of the document or, if no date appears thereon, the approximate date;
- (4) state the exact nature and substance thereof;
- (5) identify each person having possession, care, custody, or control of the original and any copies thereof; and
- (6) if such document was, but no longer is, in East Logan's possession or subject to its control, state what disposition was made of it.

5. **"Person"** includes a natural person, a business organization of any type, an unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

6. **"LTC"** shall mean Logan Telephone Cooperative, Inc. as defined and identified in the first paragraph of this Request for Information.

8. **"East Logan"** means the East Logan Water District, Inc. or ELWD, its members, and their respective agents, officers, employees, consultants, and witnesses.

GENERAL INSTRUCTIONS

1. Please identify the witness who will be prepared to answer questions concerning each request.

2. If any request appears confusing, please request clarification directly from the undersigned.

3. To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper or information.

4. If the company has objections to any request on the grounds that the requested information is proprietary in nature, or for any other reasons, please notify the undersigned as soon as possible.

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

6. To the extent that a request calls for information not available for all categories or all periods of time for which the information is sought, please explain why the information is not available and answer the request for the time or categories for which it is available.

7. These requests shall be deemed continuing, and East Logan should serve upon counsel: (1) supplemental responses to these data requests if additional information or information that changes its response to any data request is obtained during the course of this proceeding; and (2) any documents requested herein that become available or that are discovered after the date East Logan's responses to these requests are due.

SUPPLEMENTAL REQUESTS FOR INFORMATION

REQUEST NO. 2-1: Identify the exact date East Logan adopted the written procedures it provided in response to Request No. 1-9 of LTC's First Requests for Information. East Logan's answer should include the date its Board of Commissioners' approved these written procedures and which Commissioners voted to approve or disapprove these procedures.

REQUEST NO. 2-2: Identify each East Logan employee, agent, contractor, Commissioner, and representative that has received a copy of the written procedures it identified in response to Request No. 1-9 of LTC's First Requests for Information.

REQUEST NO. 2-3: For a fiber-to-the-premises broadband deployment excavation request that East Logan considers a “large project,” identify East Logan’s procedure for responding and providing a positive response pursuant to KRS 367.4909(5)(f).

REQUEST NO. 2-4: Identify the specific date East Logan’s interpretation of KRS 367.4909 changed to now “requiring that its facilities be marked to the best of its ability,” as stated by East Logan in response to Request No. 1-12 of LTC’s First Requests for Information.

REQUEST NO. 2-5: State whether East Logan’s Board of Commissioners unanimously approved its new interpretation of KRS 367.4909 to now “requiring that its facilities be marked to the best of its ability,” as stated by East Logan in response to Request No. 1-12 of LTC’s First Request for Information, and if not, which Commissioner(s) disapproved.

REQUEST NO. 2-6: Identify any and all efforts East Logan made to “search” its records for communications and documents in response to Request No. 1-24, including all East Logan representatives that conducted the search; which files, folders, minutes, reports, or physical or digital depositories were searched; and the specific dates East Logan conducted its “search.” To the extent East Logan searched email accounts, identify each employee email account searched, and all search terms and date ranges used.

REQUEST NO. 2-7: Identify each East Logan employee that received the locate training identified in response to Request No. 1-26 of LTC’s First Requests for Information.

REQUEST NO. 2-8: Identify the specifics of the locate training identified in response to Request No. 1-26 of LTC’s First Requests for Information, including the vendor and specific vendor employee(s) that provided the training, any training materials provided, the topics and materials covered, the length of the training, and the cost to East Logan for the training.

REQUEST NO. 2-9: Identify the equipment purchased by East Logan from the vendor identified in response to Request No. 1-26 of LTC’s First Requests for Information and produce all invoices, receipts, and proofs of payment.

REQUEST NO. 2-10: State whether East Logan has purchased the ground penetrating radar it identified in response to Request No. 1-20 of LTC’s First Requests for Information, and, if not, state whether East Logan’s Board of Commissioners approved the purchase of the ground penetrating radar at its January 2023 meeting.

REQUEST NO. 2-11: Regarding Step 3 of East Logan’s “Procedures for Locating Underground Facilities” produced in response to Request No. 1-9 of LTC’s First Requests for Information, explain how marking “a strip of land four (4) feet wide” complies with East Logan’s obligation under KRS 367.4909(7) to mark the approximate location of its facilities.

REQUEST NO. 2-12: Regarding Step 6 of East Logan’s “Procedures for Locating Underground Facilities” produced in response to Request No. 1-9 of LTC’s First Requests for Information, identify how East Logan determines “the location is correct” before shooting the GPS coordinates of the line.

REQUEST NO. 2-13: To the extent East Logan has purchased or approved the purchase of ground penetrating radar, identify any changes East Logan has made to its “Procedures for Locating Underground Facilities” produced in response to Request No. 1-9 of LTC’s First Requests for Information specifically regarding East Logan’s efforts to identify its facilities.

REQUEST NO. 2-14: Regarding East Logan’s “Procedures for Locating Underground Facilities” produced in response to Request No. 1-9 of LTC’s First Requests for Information, identify if and at what point East Logan would pot-hole a location to confirm the location of its

facilities if East Logan could not identify its facilities by the other methods identified in these Procedures.

REQUEST NO. 2-15: Produce all communications with the Kentucky Rural Water Association (the “Association”) regarding the assistance the Association provided as described by East Logan in response to Request No. 1-20 of LTC’s First Requests for Information.

On this the 13th day of January, 2023.

Respectfully submitted,

DINSMORE & SHOHL LLP

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Counsel to Logan Telephone Cooperative, Inc.

Certification

I hereby certify that a copy of the foregoing has been served electronically on all parties of record through the use of the Commission’s electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission’s July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Christopher S. Zelli
Counsel to Logan Telephone Cooperative, Inc.