

**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 RESPONSES TO EAST LOGAN  
WATER DISTRICT’S SECOND REQUESTS FOR INFORMATION**

Logan Telephone Cooperative, Inc. (“LTC”), by counsel, files its responses to East Logan Water District’s First Requests for Information, issued in the above-captioned case on January 13, 2023.

**FILED: January 27, 2023**

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-1:** Refer to Logan Telephone's Complaint, Page 7. Describe each practice and procedure that Logan Telephone is requesting the Commission to order the District to adopt.

**WITNESS:** Greg Hale

**RESPONSE:** LTC seeks the Commission to order and oversee the implementation of practices, policies, and procedures to bring the District in compliance with the law, including a formal locate improvement plan that incorporates input submitted by the District and LTC and requires the District to provide regular reporting to the Commission on its progress in implementing the plan. Please also see the response to request number 2-2, below.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-2:** Refer to the District's Response to Logan Telephone's First Request for Information, Request 9. State whether Logan Telephone agrees that the listed procedures are adequate and appropriate to ensure compliance with fully with Kentucky's Underground Facility Damage Prevention Act of 1994 regarding the timely and accurate marking and locating of its water facilities. If Logan Telephone does not agree, identify the revisions that Logan Telephone finds are necessary to ensure compliance.

**WITNESS:** Greg Hale

**RESPONSE:** While the procedures listed in the District's Response to Request No. 9 of LTC's First Requests for Information are an improvement from the District's prior policy of refusing to locate and mark its facilities, LTC believes revisions are necessary to ensure compliance with 811 laws. These revisions include, but are not limited to:

1. Clarifying when digging or potholing might be required to expose the District's line to verify the location of the District's facilities;
2. Clarifying when ground penetrating radar might be required to locate the water line;
3. Including procedures for providing a positive response to locate requests;
4. Revising paragraph 3 and paragraph 5 of the procedures to bring both in compliance with KRS 367.4909(7). Currently, these paragraphs provide that the District will "mark the facilities", but "[t]he marked area should be a strip of land at least four (4) feet wide but not wider than the width of the underground facility plus two (2) feet on either side of the outer limits of the facility." Under KRS 367.4909(7), Operators are required to mark the "approximate location" of the facility, not an area four (4) feet wide. The

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

procedures should be modified to provide that District employees mark the approximate location of its facilities, not a four-foot strip of land.

5. Revising procedures to clarify how the District will determine whether its locates are accurate;
6. Identifying how will the GPS coordinates will be used after they are collected;
7. Revising the procedures to include the time required to respond to locates request based on the type of request (i.e. Normal, Emergency, Design, Large and Fiber-to-the-Premise).

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-3** Refer to the District's Response to Logan Telephone's First Request for Information, Request 11. State whether Logan Telephone agrees with the position expressed in the District's Response. If Logan Telephone does not agree, state the reasons for its disagreement.

**WITNESS:** Greg Hale

**RESPONSE:** The District's position expressed in the District's Response to Request No. 11 of LTC's First Requests for Information states:

With two working days of receiving the request, an operator must notify the excavator that the excavation area has been determined to be an unmapped or untonable project. The operator must provide a positive response within five working days of the request, if a normal locate request, and within eight working days for a large project request from the later of receiving notification from an excavator or prior to the scheduled excavation start date if agreed upon as provided in KRS 367.4917(7).

LTC agrees with this position to the extent the locate request is not for a fiber-to-the-premises broadband deployment excavation request, in locations not already served by fiber-to-the-premises. Pursuant to KRS 367.4909(5)(f), an operator shall respond to fiber-to-the-premises locate requests and provide a positive response within four (4) working days.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-4** Refer to the District's Response to Logan Telephone's First Request for Information, Request 13. State whether Logan Telephone agrees with the position expressed in the District's Response. If Logan Telephone does not agree, state the reasons for its disagreement.

**WITNESS:** Greg Hale

**RESPONSE:** LTC agrees with the position expressed in the District's Response to Request No. 13 of LTC's First Requests for Information that:

As an operator, East Logan Water District must inform the excavator of the facilities' approximate location and description of any of its underground facilities that may be damaged or pose a safety concern because of the excavation; provide temporary markings to inform the excavator of the ownership and approximate location of the underground facility; and provide a positive response to the requesting party. Providing an approximate location for an unmapped or untonable facility means providing a location as accurately as possible from field location records and notifying the requesting party of East Logan Water District's inability to accurately locate.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-5** Refer to Logan Telephone's Response to the District's First Request for Information, Request 5. In its response, Logan Telephone provided no documents. State whether Logan Telephone has any written operating procedures, internal guidance policies, or instructions for its employees regarding Logan Telephone's excavations around the facilities of other utilities or responding to locate requests. If such documents exist, please provide a copy of each.

**WITNESS:** Greg Hale

**RESPONSE:** LTC does not have any written operating procedures "for dealing with excavations around the facilities of other utilities." LTC is guided by the requirements of KRS 367.4901 to 367.4917 in responding to locate requests and excavations around other utilities' facilities.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-6** Refer to the District's Response to Logan Telephone's First Request for Information, Request 17. Confirm that Mr. Zelli has received a flash drive containing electronic copies of the District's design blueprints and as-built construction plans that was delivered to his office on January 10, 2023.

**WITNESS:** Counsel

**RESPONSE:** Counsel confirms that it has received a flash drive from the District's counsel and that the flash drive appeared to contain design blueprints and as-built construction plans.



**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-7** State whether Logan Telephone had made locate requests to the District in 2022. If requests were made in 2022, state the number of the requests and the number of requests that Logan Telephone considers were not responded to in accordance with KRS 367.4909. For each District response that Logan Telephone considers out of compliance with KRS 367.4909, state the date of the Logan Telephone locate request, the date of the District's response and the reason why Logan Telephone considers the response a failure to comply with KRS 367.4909.

**WITNESS:** Greg Hale

**RESPONSE:** LTC objects as the information sought is equally available to the District. Subject to and without waiving this objection, LTC states that according to the Kentucky 811 Call Center, LTC made 107 locate requests to the District in 2022. LTC does not document each time the District does not properly respond. However, LTC believes the District generally cleared the area or marked an approximate location of its facilities with varying degrees of accuracy for almost every request in 2022. However, LTC did not have any fiber-to-the-premises construction or contractor projects within the District's territory in 2022. The scale of LTC and its contractors' locate requests will increase in 2023 as LTC plans fiber-to-the-premises construction to begin in the District's territory later this year.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-8** Refer to the District's Response to Logan Telephone's First Request for Information, Request 20. State whether Logan Telephone agrees that the District's purchase of locating equipment, an annual subscription to ArcGIS Online software and ArcGIS Mobile Worker, and its potential purchase of ground penetrating radar will improve its ability to locate its facilities. If it does not agree, explain why not and identify any equipment or facilities that it is seeking the Commission to order the District to purchase.

**WITNESS:** Greg Hale

**RESPONSE:** The District's "potential purchase," as opposed to the actual purchase, of equipment does not improve its ability to locate its facilities. It is unclear what specific "locating device and associated equipment" was purchased, therefore LTC cannot say whether this purchase will improve the District's ability to locate its facilities. LTC believes the purchase of the referenced software may aid in improving the District's ability to locate its facilities if it is appropriately used. However, the purchase of this software does not remedy the District's conscious decision and policy to refuse to locate its facilities. Further, the District will require trained employees to use any new equipment and mapping systems effectively, and as this case has shown, the District has struggled to hire, train, and retain employees that can appropriately locate the District's facilities.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-9** Refer to the District's Response to Logan Telephone's First Request for Information, Request 23. State whether Logan Telephone finds the policy stated in the response to comply with KRS 367.4909. If Logan Telephone does not find the stated policy to comply with KRS 367.4909, state the revisions to that policy that Logan Telephone requests the Commission to order East Logan District to make to that policy.

**WITNESS:** Greg Hale

**RESPONSE:** The District's stated policy in response to Request 23 of LTC's First Requests for Information fails to include any procedures to comply with KRS 367.4909 regarding emergency requests, design requests, or fiber-to-the-premises requests. For example, pursuant to KRS 367.4909(5)(f), the District should respond to fiber-to-the-premises requests in four working days.

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
CASE NO. 2021-00248**

**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO EAST LOGAN  
WATER DISTRICT'S SECOND REQUEST FOR INFORMATION**

**REQUEST NO. 2-10** Refer to Logan Telephone Cooperative, Inc.'s Complaint, Page 8.

List and describe “the other practices and procedures that are adequate and appropriate to ensure that East Logan’s water line breakages and unaccounted-for water loss are minimized.”

**WITNESS:** Greg Hale

**RESPONSE:** Specific to Paragraph B on Page 8 of LTC’s Complaint, LTC states that the Commission is best situated to determine, oversee, and implement the appropriate procedures to remedy the District’s unacceptable and excessive line breaks and unaccounted for water loss. Minimally, LTC would request the Commission address the various undisputed deficiencies in the District’s mapping, equipment, training, policies, and procedures.

