

**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 FIRST REQUESTS FOR
INFORMATION TO EAST LOGAN WATER DISTRICT, INC.**

In accordance with the agreed procedural schedule provided in the Parties’ joint motion to the amendment the Scheduling Order by the Kentucky Public Service Commission (the “Commission”), Logan Telephone Cooperative, Inc. (“Logan Telephone”), by counsel, hereby request the response of East Logan Water District, Inc. (the “East Logan”) to the following 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 your possession or subject to your 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. **“Logan Telephone”** shall mean Logan Telephone Cooperative, Inc. as defined and identified in the first paragraph of this Request for Information.

8. **“You”** or **“your”** means the East Logan Water District, Inc., East Logan, or ELWD, its members, and their respective agents, officers, employees, commissioners, 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 you should serve upon counsel: (1) supplemental responses to these data requests if additional information or information that changes your 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 your responses to these requests are due.

REQUESTS FOR INFORMATION

1-1. Since January 1, 2019, identify each locate request that East Logan did not provide permanent or temporary markings of its facilities in total and broken out into the types of locate requests contained in KRS 367.4909(5).

1-2. Since January 1, 2022, identify the number of locate requests East Logan received in total and broken out into the types of locate requests contained in KRS 367.4909(5).¹

1-3. Since January 1, 2022, identify the number of second or subsequent requests for the same locate requests East Logan received in total and broken out into the types of locate requests contained in KRS 367.4909(5).

1-4. Since January 1, 2022, identify the length of time East Logan took to respond to each requestor/excavator in total and broken out into the types of locate requests contained in KRS 367.4909(5). Also, provide information showing whether underground facilities were marked within the statutory window, and the average time it takes to respond to a locate request.

1-5. Since January 1, 2022, identify the number of times East Logan reached an agreement with an excavator outside of the statutory time limits required by KRS 367.4909, with the aggregate numbers and broken out into the types of locate requests contained in KRS 367.4909(5).

1-6. Since January 1, 2022, identify whether locate requests East Logan received have been performed by East Logan personnel or by a third-party contractor. If the answer is both, provide the number of locate requests performed by East Logan personnel and third-party contractors, respectively.

1-7. State whether East Logan keeps records and statistics for the number of underground facilities located accurately versus inaccurately. Provide all records and statistics compiled since January 1, 2016.²

¹ Each of Requests 1-2 through 1-9 are drawn from the Commission's requests for information contained in the November 16, 2022 Order in *In the Matter of Electronic Investigation into Compliance with Excavator Locate Requests Pursuant to KRS 367.4909 and KRS 367.4917(7)*, Case No. 2022-00363.

² Please note that this request differs from the request in ordering paragraph 2(f) of the November 16, 2022 Order in Case No. 2022-00363 by referencing a broader timeframe of communications, given the unique factual circumstances of the present case.

1-8. Explain the method East Logan uses to determine whether an underground facility has been located accurately versus inaccurately.

1-9. State what policies and procedures East Logan has implemented to reduce the number of inaccurately located facilities. Provide a copy of any such documented policies and procedures information detailing the efficacy of those procedures for reducing the number of inaccurately located underground facilities.

1-10. Identify East Logan's basis for denying Paragraph 31 of the Complaint that KRS Chapter 278 imposes an obligation upon a public utility to locate its facilities in response to a locate request from a utility contractor.

1-11. Identify the response time(s) that East Logan believes is required (pursuant to KRS 367.4909(5)(e)) for a locate request of unmapped or untonable facilities.

1-12. Identify East Logan's basis for failing to provide permanent or temporary markings for the facilities it identified in response to Q-4 of the Commission Staff's First Requests for Information.

1-13. Identify the obligations that East Logan believes is required of it (pursuant to KRS 367.4909(7)) when it receives a locate request for unmapped or untonable facilities.

1-14. To the extent East Logan denies that KRS 367.4909(7)(b) imposes an obligation on East Logan to provide permanent or temporary markings of its facilities to inform the excavator of the approximate location of the facility, explain its basis for that denial.

1-15. Identify East Logan's policy for marking its unmapped or untonable facilities as accurately as possible from field location records pursuant to KRS 367.4909(7)(b) and KRS 367.4903(11)(b).

1-16. Identify all replacements or repairs made to East Logan's facilities from 2012 through present. Your answer should include: (i) the location of the facility, (ii) a description of the replacement or repair, (iii) the specific product used for the replacement or repair, (iv) whether the repair or replacement included installing a metallic tracer wire, and (v) whether East Logan updated its records or maps in connection with or following the replacement or repair.

1-17. Produce East Logan's design blueprints, as-built construction plans, field locate records, and any other document it uses to identify its facilities.

1-18. Describe the issues and reasons why the metallic tracer wire you identified in response to Q-2 of the Commission Staff's First Request for Information is in "poor condition" and identify any efforts East Logan has made or will make to remedy this issue.

1-19. Identify the percentage of facilities not identified in the design blueprints and as-building construction plan you described in response to Q-2 of the Commission Staff's First Request for Information.

1-20. From 2016 till present day, identify and produce all requests for proposal, proposals, quotes, invoices, estimates, bids, offers, or any other documents sent or received by East Logan in connection improving the mapping and locating of its facilities.

1-21. Identify the amount budgeted and spent by East Logan, since January 1, 2019, to update the "poor quality" maps and records identified in response to Q-2 of the Commission Staff's First Request for Information. Produce all records and documents supporting your answer to this Request.

1-22. State whether East Logan's maps and records are in compliance with Section 23 of 807 KAR 5:006 regarding identifying the location and size of its transmission lines, distribution

lines, and service connections. To the extent, East Logan believes that its maps are in compliance with this Section, identify its basis for that belief.

1-23. Identify East Logan’s current “position” regarding the marking of its facilities. Your answer should include whether East Logan’s position has changed since its August 25, 2020 meeting of its Board of Commissioners in which it agreed that East Logan “should not put marking on the ground if ‘guessing’ where the line is, which would be the situation for [East Logan’s] water lines.”

1-24. Produce any and all internal communications between East Logan employees, agents, commissioners, and/or officials from January 1, 2019 to the present regarding the marking of its facilities in response to locate requests.

1-25. Produce any and all internal communications between East Logan employees, agents, commissioners, or officials from January 1, 2019 to the present regarding Logan Telephone, North Central Service, Inc., Finley Engineering Company, Inc., or any other known agent, employee, or contractor for Logan Telephone.

1-26. Identify all facility-locate training (whether by Kentucky 811 or any other entity) that East Logan has undertaken since 2017 and provide any materials provided to East Logan in connection with same.

1-27. Please explain how East Logan believes a “tolerance zone” (as defined at KRS 367.4903(25)) can be identified if facilities are not marked by the owner of the facility.

On this the 18th day of November, 2022.

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ Christopher S. Zelli

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*Counsel to Logan Telephone
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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
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