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February 27th, 2020

East Logan Water District
Attn: Harris Dockins, Chairman
333 S. Franklin Street
Russellville, KY 42276

Dear Board Members of East Logan Water District,

For many years, East Logan and Logan Telephone have been very cooperative in working together to avoid damage to either utility's facilities. This has been our normal experience with all water utilities where we operate.

Unfortunately, things seemed to change beginning in 2015 while we were in the process of upgrading our facilities to fiber-optic lines to meet the broadband needs of our members. Since then we have seen inconsistent responses from East Logan regarding the locate requests of the contractors on our projects. When locates are even performed, they have often been very inaccurate, sometimes with flags and paint as much as fifteen to twenty feet from the actual location of the water line. This had led to accidental damage of East Logan lines, delays of our projects, expenses for repairs, and disruption of water service to our members and your customers. In most cases, the excavator had no idea the water lines were near the location of the excavation due to the refusal of East Logan to mark water lines as accurately as possible. After a lawsuit was filed by East Logan in 2015 against Logan Telephone and our contractor Electricom, an agreement was reached to allow that project to proceed where lines would be located more accurately by East Logan therefore allowing Electricom to continue the burial of fiber optic cable to our members while effectively avoiding damage to East Logan's water lines.

Since that time, we have met with several East Logan employees that have been very cooperative and tried to find ways for us to continue working together for the good of both our companies and the protection of underground facilities. However, at other times, East Logan has gone as far as completely refusing to locate water lines for our contractors, which is a clear violation of KRS 367.4909 as part of Kentucky's Underground Facility Damage Prevention Act of 1994.

We recently reviewed the 2019 locate requests submitted by our current contractor, North Central Service. The foreman of that project met with East Logan personnel in April of 2019 to talk over the job and let you know that the locate requests would be coming. He said that the meeting went well, and East Logan personnel seemed willing to meet their obligations to locate water lines to avoid damage. After the initial locate requests were put in on April 1st, it soon became clear that East Logan had not marked or located the water lines in the time required. The contractor's foreman called an employee of East Logan directly, and he came out and did some locates using some paint and flags. Our contractor was informed to call him directly and he would do his best. This process continued for locates requested through June of 2019.

In July of 2019 things changed. For locates requested during July and August of 2019, even calling East Logan personnel directly became problematic. When they did respond, they were hesitant to mark anything with paint or flags and explained that any markings were only in the general vicinity of where the lines were.

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In September of 2019 things became even worse. East Logan personnel told the contractor's foreman that they were not allowed to do any locating for them at all. The contractor's foreman was told that he could still contact East Logan personnel directly and they would do the best they could over the phone. Occasionally our contractors would find a blue marking flag next to a water meter or shut off valve in the area they were working. We assume this was an employee of East Logan making some attempt to avoid damage to facilities even though they had been directed by someone not to do any locates for our contractors. These are clear violations of the legal responsibilities of an operator under KRS 367.4909.

It was during this timeframe when locates were being refused that our contractors hit a line on Bucksville Road and we and our contractors received threats from Commissioner Browning.

Commissioner Browning continues to argue that East Logan has exclusive easements. He has been informed by multiple people on multiple occasions that East Logan easements are non-exclusive. This means that the property owners, who are Logan Telephone Cooperative members in most cases, have the right to allow additional operators to install facilities across their property. In the court filings involved in the 2015 litigation, East Logan's own attorney referenced the easements as non-exclusive.

Our engineers use the online maps provided by the Kentucky Infrastructure Authority to determine the location of East Logan's main water lines during the design phase of our projects. Whenever practical, they try and design our plant to avoid East Logan's main lines but there are times when landowners will want our facilities on the same side of the road. In these cases, accurate locations of water facilities are critically important for both practical and legal requirements.

In March, we plan to begin our next fiber construction project with North Central Service as the contractor. It will be critical that East Logan complies with KRS 367.4909 and locates your water lines in order that our contractors can avoid working near your lines, avoid any damage to your lines, and avoid any interruption of service to your customers and our members. We ask that you confirm in writing that you will meet the standards of KRS 367.4909 which requires your response to a normal locate request within two working days and to a large project request within five working days. It also requires that you inform our contractor of the approximate location of your facilities and provide markings to inform the contractor of the approximate location. We also ask that you confirm in writing that you will provide the approximate location as defined in KRS 367.4902 which requires a location not to exceed the combined width of your facility plus eighteen inches for your facilities that have a metallic tracer wire and requires your nonmetallic facilities to be located as accurately as possible.

We ask that you place our request for written confirmation on the agenda of your next Board meeting and that a vote be taken at that meeting.

We are hopeful that our cooperation can return to the levels we have both experienced in the past where we both work diligently to support the operations of the other. We look forward to your response on these matters.

Sincerely,

A handwritten signature in blue ink that reads "Gregory A. Hale". The signature is fluid and cursive, with the first name being the most prominent.

Gregory A Hale – GM

Cc: Lloyd Houchens, Carroll Browning