

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In re: the matter of:

ELECTRONIC APPLICATION OF CUMBERLAND	)	CASE NUMBER
FALLS HIGHWAY WATER DISTRICT FOR A	)	2022-00365
DEVIATION	)	

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CUMBERLAND FALLS HIGHWAY WATER DEPARTMENT'S RESPONSE  
TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

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Comes now the Cumberland Falls Highway Water Department, by and through counsel, and for its Response to Commission Staff's First Request for Information, states and provides as follows:

REQUEST 1. Refer to the document filed on October 28, 2022.

- a. Specifically identify each tariff provision(s) to which Cumberland Falls Highway Water Department requests a deviation.
- b. Provide Exhibit B with signatures and date of execution.
- c. Explain for each handwritten notation or change to Exhibit B.

RESPONSE: (1)(a) See attached. The Requirements for Line Extension requires that the customer execute a contract before any work commences and the original bill of material or invoices should be provided within ten (10) days of the completion of work, along with proof of payment. These requirements were not met.

(1)(b) See attached (un-redacted copy of Exhibit B).

(1)(c) Not applicable (other than typed in information and signatures). The date, location of the property and anticipated cost were typed in the document prior to its execution. The document was then signed by M\*\*\* Sparks and a representative of the Cumberland Falls Highway Water District, Michael Baird. M\*\*\* Sparks' address and telephone number (now redacted) were written on the contract, where indicated, as well.

This response was answered by counsel, with documents provided by the Cumberland Falls.

REQUEST 2: Provide all of Cumberland Falls Highway Water Department District's board of commissioners' meeting minutes for the years 2020, 2021, and 2022.

RESPONSE: See attached. A\*\*\*\*\* Moses, an employee of the Cumberland Falls Highway Water Department District assisted with the procurement of these documents and provided same to counsel.

REQUEST 3. Provide a list identifying and describing each disbursement from Cumberland Falls Highway Water Department to the contractor that includes the date of each disbursement, an explanation of each disbursement, and the date the board approved the disbursement.

RESPONSE: Not applicable. No disbursements have been made relative to this request/project. This response was answered by counsel, with assistance from Michael Baird.

REQUEST 4: Provide a list of each request for reimbursement that includes the date of the request, the date of expenditure, a description of expenditure, and a statement of whether supporting documentation was provided. If supporting documentation was provided, provide the documentation and identify the request for reimbursement it was provided to support.

RESPONSE: See attached. All documents provided by M\*\*\*\*\* Sparks to support his request for reimbursement and to show expenses are attached hereto.

All requests were made in person at monthly board meetings. The first request date was November 1, 2021; the documentation was given to the board at the monthly meeting held on November 15, 2021. No documentation was provided by M\*\*\*\*\* Sparks other than the calculation sheet for the request (attached). There was no meeting held in December 2021. On January 27, 2022, M\*\*\*\*\* Sparks attended the meeting and requested reimbursement. He was informed the contract had not been signed in February, 2021 as requested and was not signed until December 28, 2021. M\*\*\*\*\* Sparks was also informed he still had not turned in the required paperwork. M\*\*\*\*\* Sparks said he would get the paperwork together and bring it to the next meeting. The issue was then tabled. On February 21, 2022, Mr. Sparks dropped off paperwork a few hours prior to the meeting. It was given to the commissioners that evening at the meeting and there was still missing documentation. The issue was again tabled.

On March 21, 2022, Mr. Sparks requested his reimbursement and after reviewing the paperwork brought in at the February meeting, the board said more information was needed. The issue was tabled. There was no meeting in April 2022 and M\*\*\*\*\* Sparks did not attend the May 16, 2022 meeting.

On June 20, 2022, M\*\*\*\*\* Sparks addressed the board for reimbursement. It was stated there are concerns with the amount charged for the waterline installation, no proof of payment for the amount charged and the contract not being adhered to. The issue was once more tabled.

M\*\*\*\*\* Sparks did not attend the commissioners' meeting held on July 18, 2022.

On August 15, 2022, M\*\*\*\* Sparks addressed the board for reimbursement. Because of concerns with the amount, incomplete paperwork, *etc.*, the issue was again tabled.

On September 19, 2022, M\*\*\* Sparks addressed the board for reimbursement and provided new supporting documents. Attorney Amanda Hill stated if the district decides on an amount and agrees to deviate from the contract, it must be submitted to Public Service Commission for approval. The board gave permission for Attorney Hill to move forward with proceedings.

On October 17, 2022, M\*\*\*\* Sparks addressed the board to inquire as to the status on the reimbursement issue. The board agreed to have Attorney Hill file the necessary paperwork with the Public Service Commission seeking approval to deviate from the tariff and reimburse M\*\*\* Sparks.

This response was provided by A\*\*\*\*\* Moses, after a review of the minutes.

**REQUEST 5:** Provide each invoice, receipt, and email originally submitted with the document filed on October 28, 2022 in a readable format insuring that each item is legible and showing in its entirety, except as provided by 807 KAR 5:001, Section 4(1) and Section 13;

**RESPONSE:** See response to paragraph number 4. Also attached hereto is a copy of a price quote from Ferguson Waterworks provided by the project engineer, K\*\* Taylor. The items and prices on this document match those on the largely illegible invoice previously provided.

This response was provided by counsel, with assistance from K\*\*\* Taylor.

**REQUEST 6:** Identify the name of the employee who was the main contact for the contractor, and identify that employee's position and the responsibilities that employee has on a daily basis for Cumberland Falls Highway Water Department.

**RESPONSE:** Michael Baird; district manager of Cumberland Falls Highway Water District. His duties include overseeing daily operations and managing employees.

This response was provided by Michael Baird.

**REQUEST 7:** Provide a copy of the plat filed at the Property Valuation Administration for the development.

**RESPONSE:** Please see attached plat recorded in the Whitley County Court Clerk's Office. Per an employee of the Whitley County Property Valuation Administration (PVA) office, plat maps are kept in the County Court Clerk's Office.

This document was retrieved from Eeclix by counsel. Counsel also reached out to the Whitley County PVA by phone on November 28, 2022.

REQUEST 8: Provide the name of the engineer involved in this project. If the engineer was hired by the district, provide the date of employment and amount of compensation.

RESPONSE: Kenneth Taylor is the engineer involved in this project; Mr. Taylor was hired by \*\*\*\* Sparks and/or \*\*\* \*\*\*\*\*, LLC with regards to this project; however, he is also the engineer for Cumberland Falls Highway Water Department and the company for which he works, Kenvirons, has been providing services for the Cumberland Falls Highway Water Department for approximately 20 years.

K\*\*\* Taylor is the senior project engineer with Kenvirons, Inc., which has an address of 770 Wilkinson Boulevard, Frankfort, Kentucky 40601.

Mr. Taylor was hired by \*\*\*\* Sparks (and/or his company, \*\*\* \*\*\*\*\*, LLC) on or about January 18, 2021. His compensation received from M\*\*\* Sparks and/or his company, \*\*\* \*\*\*\*\*, LLC, is \$3,039.50.

This information was provided by K\*\* Taylor.

REQUEST 9: Identify the employee in charge of maintaining contracts for Cumberland Falls Highway Water Department.

RESPONSE: The employee in charge of maintaining contracts for CFHWD is Michael Baird.

This response was provided by Michael Baird.

REQUEST 10: Provide a copy of all written policies and procedures for contracts with Cumberland Falls Highway Water Department including but not limited to who is responsible for maintaining a copy of each executed contract and who reviews for contract compliance with the tariff on file with the Commissioner.

RESPONSE: Please see attached documents provided in response to Request 1(a). Cumberland Falls Highway Water District's employee responsible for maintaining a copy of each executed contract and who reviews for contract compliance with the tariff on file with the Commission is Michael Baird.

This response was provided by Michael Baird.

REQUEST 11: Provide a copy of all written policies and procedures for enforcement and compliance with the tariff on file with the Commission.

RESPONSE: Please see attached documents in response to Request 1(a).

RESPECTFULLY SUBMITTED,

/s/ Amanda Hill  
 HON. AMANDA HILL  
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 CORBIN, KENTUCKY 40702  
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VERIFICATION

The MANAGER for the Cumberland Falls Highway Water Department, MICHAEL BAIRD, states that he has read the foregoing RESPONSES TO REQUEST FOR INFORMATION and certifies that the statements contained therein are true and correct to the best of his knowledge and belief.

Mike Baird  
 MICHAEL BAIRD

COMMONWEALTH OF KENTUCKY    )  
   )  
 COUNTY OF WHITLEY             )

Subscribed, acknowledged and sworn to before me by Michael Baird on this the 29<sup>th</sup>  
 day of March, 2022.

Alex Hill  
 NOTARY PUBLIC / STATE AT LARGE  
 My Commission Expires: 10/05/2024  
 Commission ID No.: KYNP 89825

## ATTACHMENTS

- (A) See attached tariffs. (R-1<sup>1</sup>).
- (B) See unredacted document attached and labeled to original request for deviation as Exhibit B. (R-1).
- (C) Minutes for 2020, 2021, and 2022. (R-3).
- (D) All documents provided by M\*\*\*\* Sparks to support his request for reimbursement and to show expenses are attached hereto. (R-4 and R-5).
- (E) See copy of a price quote from Ferguson Waterworks (the items and prices match the largely illegible invoice previously submitted, and included in R-4). R-5.
- (F) Plat recorded in the Whitley County Court Clerk's Office. (R-7).

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<sup>1</sup>Response to Request No. 1