

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:  
ELECTRONIC APPLICATION OF)  
GRANT COUNTY SANITARY SEWER DISTRICT)  
FOR AN ALTERNATIVE RATE ADJUSTMENT)**

**CASE NO. 2022-00377**

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**GRANT COUNTY SANITARY SEWER DISTRICT'S RESPONSE TO  
INTERVENOR CITY OF CRITTENDEN'S SECOND REQUEST FOR INFORMATION**

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Comes now the Grant County Sanitary Sewer District (the "District") and submits its Responses to the Intervenor City of Crittenden's Second Request for Information ("Crittenden's Second Request").

**GENERAL OBJECTION:** The District generally objects to Crittenden's Second Request in that the underlying intervention in this proceeding by the City of Crittenden has not been properly authorized or approved by its legislative body, Crittenden City Council. The District has reviewed Minutes from Crittenden's City Council meetings and could find no reference, discussion, or authorization directing Crittenden to Intervene in this proceeding. Therefore, any action taken by Crittenden in furthering its attempted Intervention in this rate case proceeding is void. In addition, the undersigned Counsel for the District requested in writing of Crittenden's counsel, Mr. Brandon Voelker (attached), for any and all action and/or authorization taken by Crittenden City Council authorizing this Intervention. Crittenden's counsel has not responded to that Request. One can only assume that such silence would confirm that no authorization exists. KRS 83A.060(12)(13) provides that a Legislative Body of a City may adopt Municipal Orders. Municipal Orders must be in writing and adopted only at an official meeting of the Legislative Body. Municipal Orders shall be maintained in an Official Order Book. Crittenden has not adopted any Municipal Order (or any other action) authorizing this action. In addition, KRS 82.081 provides that a City shall constitute a "corporation" with capacity to sue and be sued. In this particular case, Mayor Purcell has not obtained any authority from the corporate body (i.e., Crittenden City Council) authorizing Intervention in this matter. Rather, Mayor Purcell has advanced an independent campaign against the District. Accordingly, Crittenden's actions herein are inappropriate and contrary to law. Notwithstanding the foregoing General Objection, the District would respond as follows:

**REQUEST 1:** Refer to the Application generally to answer the following:

- a. Provide a detailed chart comparing GCSD's current average monthly residential rates to all other privately and publicly owned sanitary sewer utilities average monthly residential rates in Kentucky.

**RESPONSE:** Objection. The information requested in this Request is not relevant to this rate increase proceeding and is, therefore, not required to be provided by the District. Secondly, the information requested is overly burdensome and would create an undue expense and hardship on the District to provide such irrelevant information. This Request seeks billing information for **all** privately and publicly owned sanitary sewer utilities. As this information is available to Crittenden through the Public Service Commission's website, Crittenden can obtain such information on its own. To require the District to search Public Service Commission records to obtain such information would be unreasonable and overly burdensome.

Thomas R. Nienaber  
SKEES, WILSON & NIENABER, PLLC

- b. Provide a detailed chart comparing GCSD's proposed average monthly residential rates to all other privately and publicly owned sanitary sewer utilities average monthly residential rates in Kentucky.

**RESPONSE:** See Objection to Request No. 1(a) above.

Thomas R. Nienaber  
SKEES, WILSON & NIENABER, PLLC

**REQUEST 2:** Provide the proof of publication for both the original and corrected rate increase notice that was issued to GCSD customers. Also, provide copies of all other notifications of the rate increase that GCSD sent to the customers via bill inserts, posted on social media, etc.

**RESPONSE:** See attached.

Ms. Dianne Cook, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 3:** Refer to the Application generally and provide, by customer class, the actual usage (volumes and revenues) for the twelve months ending December 31, 2022.

**RESPONSE:** See attached.

MORRIS & BRESSLER, PSC  
Ms. Debra Dedden  
6900 Houston Rd STE 3  
Florence, KY 41042

**REQUEST 4:** Refer to the Application, page 6, section 12, in which GCSD states that it provides sanitary sewer services to approximately 1,650 customers. Please state the exact number of listed customers located within the City of Crittenden.

**RESPONSE:** See attached.

Mr. Paul Harp, Superintendent  
GRANT COUNTY SANITARY SEWER DISTRICT

Ms. Dianne Cook, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 5:** Produce all communications between GCSD's commissioners, staff, and consultants which concern the rate increase.

**RESPONSE:** Objection. The information requested is irrelevant to this rate increase proceeding. However, without waiving that objection, the District would provide the attached communications supplied by Morris & Bressler, Ms. Debra Dedden; and Skees, Wilson & Nienaber, Counsel Thomas R. Nienaber.

MORRIS & BRESSLER, PSC  
Ms. Debra Dedden  
900 Houston Rd STE 3  
Florence, KY 41042

SKEES WILSON & NIENABER PLLC  
Mr. Thomas R. Nienaber  
7699 Ewing Blvd., PO Box 756  
Florence, KY 41022-0756

**REQUEST 6:** Please provide a copy of all emails, phone records, text messages, and other documents showing communications between or among GCSD commissioners, GCSD employees, your witnesses, and any person not a party to this case regarding, containing the following search terms: "Rate Increase", "HMB", "Treatment Plant", "Expansion", "Violet Road", "Bullock Pen Water District", "Bullock Pen", "BPWD", "Crittenden", "Repairs", "Chemical Costs", "Fuel", and "Power". This request seeks communications created between 2020 and the filing of this case.

**RESPONSE:** Objection. The requested information is irrelevant to the pending rate increase proceeding. Without waiving that objection, Counsel would refer Crittenden to Request No. 5 above.

SKEES WILSON & NIENABER PLLC  
Mr. Thomas R. Nienaber  
7699 Ewing Blvd., PO Box 756  
Florence, KY 41022-0756

**REQUEST 7:** Refer to the Application, page 6, section 12, in which GCSD states that it provides

sanitary sewer services to approximately 1,650 customers. Please state the exact number of listed customers considered to be residential.

**RESPONSE:** Approximately 1,528 residential customers as of December 31, 2021.

Ms. Dianne Cook, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 8:** Produce any other supplementary documents dictating the contractual and labor agreements established between GCSD and Bullock Pen Water District. This request does not seek the various management agreements produced in response to the commission staff's request.

**RESPONSE:** See attached.

Mr. Paul Harp, Superintendent  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 9:** Produce any conflict-of-interest policy maintained by GCSD in relation to its commissioners and contracts.

**RESPONSE:** Objection. The information requested is irrelevant and immaterial to the subject rate increase proceeding. However, notwithstanding such Objection, the District would respond as follows. The District does not have a formal Conflict-of-Interest Policy. Rather, the District follows Conflict-of-Interest Standards established by Statute and/or common law.

SKEES WILSON & NIENABER PLLC  
Mr. Thomas R. Nienaber  
7699 Ewing Blvd., PO Box 756  
Florence, KY 41022-0756

**REQUEST 10:** Please produce any invoices or billing documents demonstrating expenses related to the management agreement, labor charges, and contractor services exchanged with Bullock Pen Water District. This request seeks documents created between 2018 and the filing of this case.

**RESPONSE:** See attached.

Ms. Ashley Dyer, HR Director  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 11:** Produce any documents demonstrating the cost of Fuel/Power associated with pumping and treatment. This request seeks documents created between 2018 and the filing of this case.

**RESPONSE:** See Response to Question #10 above.

Ms. Dianne Cook, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 12(a):** Produce all billing and invoice statements exchanged between GCSD and any other utility including but not limited to Owen Electric Cooperative, Inc. This request seeks documents created between 2018 and the filing of this case.

**RESPONSE:** See attached.

**REQUEST 12(b):** Provide a chart demonstrating the monthly fuel costs related to GCSD's physical plants and properties. This request seeks information for the period between 2018 and the filing of this case.

**RESPONSE:** Fuel cost information has already been reported in previous Resquest No. 15.

Mr. Paul Harp, Superintendent  
GRANT COUNTY SANITARY SEWER DISTRICT

Ms. Dianne Cook, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 13:** Produce an excel file or PDF document listing the address of all properties who received services from GCSD during the year of 2022.

**RESPONSE:** See attached.

Ms. Ashley Dyer, HR Director  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 14:** Provide the names of the various Bullock Pen Water District personnel who provide services to GCSD pursuant to the relevant management agreements. Additionally, please describe the various services that the individual provides to GCSD.

**RESPONSE:** See attached.

Mr Paul Harp, Superintendent  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 15:** Please provide all maintenance records related to upgrades and repairs performed to GCSD's Wastewater Treatment Plant. This request seeks documents created between 2013 and the filing of this case.

**RESPONSE:** Objection. The information requested is irrelevant for the period prior to the most recent rate increase filed by the District in 2019. Therefore, the District will only provide the requested information from the date of the last rate increase. However, without waiving the foregoing objection, the District would provide the attached information.

Mr. Paul Harp, Superintendent  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 16:** Produce an excel file or PDF document listing the address of all properties who received services from GCSD during the year of 2022 located on Violet Road, Eads Road, Charles Givins Drive, Carla Court, and Beverly Lane.

**RESPONSE:** See attached.

Ms. Ashley Dyer, HR Director  
GRANT COUNTY SANITARY SEWER DISTRICT

**REQUEST 17:** Produce all communications, documents, and contracts exchanged between GCSD and HMB Professional Engineering.

**RESPONSE:** Objection. This Request is overly broad and would not produce relevant information to this rate increase proceeding. The requested information does not relate to any specific time period, nor does it relate to any specific subject matter. Without waiving that objection, the District would provide the attached information.

Ms. Amy Ruark, Office Manager  
GRANT COUNTY SANITARY SEWER DISTRICT

All documents requested are in portable document format (PDF) and are searchable and appropriately bookmarked and/or Excel format with all formulas, rows, and columns unprotected and fully accessible. The representative of Grant County Sanitary Sewer District responsible for supervising the preparation of this Response on its behalf shall be Chairman Charles Givin. This Response is accompanied by a signed Certificate executed by Chairman Charles Givin under oath certifying that the responses contained herein are true and correct to the best of his knowledge, information and belief formed after a reasonable inquiry.

Comes now the District through its Chairman, Charles Givin, and states that he has reviewed the attached Response to Crittenden's Second Request and states that the information and documentation contained therein is true and correct to best of his knowledge and belief:

GRANT COUNTY SANITARY SEWER DISTRICT

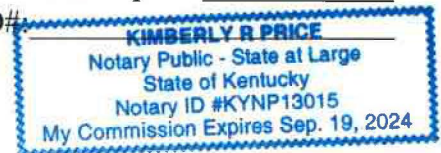
BY:   
CHAIRMAN CHARLES GIVIN

**CERTIFICATE**

COMMONWEALTH OF KENTUCKY  
COUNTY OF GRANT

Subscribed, sworn to and acknowledged before me by Chairman Charles Givin, Grant County Sanitary Sewer District, on this 2nd day of March, 2023.

  
NOTARY PUBLIC, State at Large  
My Commission Expires: \_\_\_\_\_  
Notary ID# \_\_\_\_\_



**CERTIFICATE**

The undersigned certifies that a copy of the foregoing Response to the City of Crittenden's Second Request for information was duly emailed to the below described entities this 2nd day of March, 2023.

Kentucky Attorney General  
Via Email: [rateintervention@ag.ky.gov](mailto:rateintervention@ag.ky.gov)

City of Crittenden  
Via Email: [bvoelker@gatlinvoelker.com](mailto:bvoelker@gatlinvoelker.com)

SKEES, WILSON & NIENABER, PLLC

BY: 

THOMAS R. NIENABER

7699 Ewing Blvd., PO Box 756

Florence, KY 41042-0756

Phone: 859.371.7407

Fax: 859.371.9872

Email: [tnienaber@fuse.net](mailto:tnienaber@fuse.net)

*Attorney for Grant County Sanitary Sewer District*