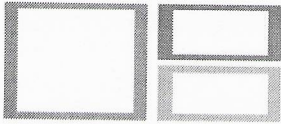


**Scott County, Kentucky
KY PSC Case No. 2022-00432
Response to Bluegrass Water Utility Operating Company, LLC**

Exhibit 18a



David Spenard <dspenard@strobobarkley.com>

FW: 2022-00432 Confidential Information

1 message

West, Michael (KYOAG) <Michael.West@ky.gov>

Fri, Jun 30, 2023 at 9:27 AM

To: "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>, "cameron.culbertson@scottky.gov" <cameron.culbertson@scottky.gov>

From: West, Michael (KYOAG) <Michael.West@ky.gov>

Sent: Friday, June 30, 2023 8:41 AM

To: PSC Executive Director <PSCED@ky.gov>; PSC Electronic Filings Mailbox <pscfilings@ky.gov>

Cc: Goad, Angela M (KYOAG) <Angela.Goad@ky.gov>; asilas [REDACTED] brooks.herrick@dinsmore.com;

dwoodsmall [REDACTED]; Home, John G (KYOAG) <John.Home@ky.gov>; john.selent@dinsmore.com;

kerry.ingle@dinsmore.com; Cook, Larry (KYOAG) <Larry.Cook@ky.gov>; mduncan [REDACTED]; West, Michael

(KYOAG) <Michael.West@ky.gov>; rmitten [REDACTED]; Strobo, Randy <rstrobo@strobobarkley.com>;

sarah.reddick@dinsmore.com; tip.depp@dinsmore.com

Subject: 2022-00432 Confidential Information


****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please find the attached confidential information related to our recent filing.

J. Michael West | Deputy Executive Director | Office of Rate Intervention


Office of the Kentucky Attorney General | 1024 Capital Center Drive, Suite 200 | Frankfort, KY 40601

P: 502-696-5433 | C: [REDACTED] | F: 502-564-2698 | Michael.West@ky.gov

Follow the Attorney General's Office @KYOAG  

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2 attachments

 **Dittemore Testimony Confidential Pages.pdf**
25K

 **230630 Conf Docs Letter.pdf**
123K



David Spenard <dspenard@strobobarkley.com>

KY-PSC Electronic Filing Center Notification for Case #2022-00432

West, Michael (KYOAG) <Michael.West@ky.gov>
To: "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>

Fri, Jun 2, 2023 at 8:22 AM

From: KY_PSC Filings <pscfilings@ky.gov>

Sent: Thursday, June 1, 2023 10:44 PM

To: Goad, Angela M (KYOAG) <Angela.Goad@ky.gov>; asilas [REDACTED]; brooks.herrick@dinsmore.com; cameron.culbertson@scottky.gov; dspenard@strobobarkley.com; dwoodsmall [REDACTED]; Horne, John G (KYOAG) <John.Horne@ky.gov>; john.selent@dinsmore.com; kerry.ingle@dinsmore.com; Cook, Larry (KYOAG) <Larry.Cook@ky.gov>; mduncan [REDACTED]; West, Michael (KYOAG) <Michael.West@ky.gov>; rmitten [REDACTED]; Strobo, Randy <rstrobo@strobobarkley.com>; sarah.reddick@dinsmore.com; tip.depp@dinsmore.com

Cc: PSC Electronic Filings Mailbox <pscfilings@ky.gov>

Subject: KY-PSC Electronic Filing Center Notification for Case #2022-00432

[Quoted text hidden]

2 attachments

 **230601 Conf Letter.pdf**
258K

 **230601 Supplemental Data Requests Unredacted Pages.pdf**
72K



David Spenard <dspenard@strobobarkley.com>

KY-PSC Electronic Filing Center Notification for Case #2022-00432**West, Michael (KYOAG)** <Michael.West@ky.gov>

Wed, Jul 12, 2023 at 9:48 AM

To: PSC Electronic Filings Mailbox <pscfilings@ky.gov>, PSC Executive Director <PSCED@ky.gov>

Cc: PSC Electronic Filings Mailbox <pscfilings@ky.gov>, "Goad, Angela M (KYOAG)" <Angela.Goad@ky.gov>,"

"asilas [REDACTED]" <asilas [REDACTED]>, "brooks.herrick@dinsmore.com" <brooks.herrick@dinsmore.com>,"

"cameron.culbertson@scottky.gov" <cameron.culbertson@scottky.gov>, "dspenard@strobobarkley.com"

<dspenard@strobobarkley.com>, "dwoodsmall [REDACTED]" <dwoodsmall [REDACTED]>, "Horne, John G (KYOAG)"

<John.Horne@ky.gov>, "john.selent@dinsmore.com" <john.selent@dinsmore.com>, "kerry.ingle@dinsmore.com"

<kerry.ingle@dinsmore.com>, "Cook, Larry (KYOAG)" <Larry.Cook@ky.gov>, "mduncan [REDACTED]"

<mduncan [REDACTED]>, "rmitten [REDACTED]" <rmitten [REDACTED]>, "Strobo, Randy"

<rstrobo@strobobarkley.com>, "sarah.reddick@dinsmore.com" <sarah.reddick@dinsmore.com>, "tip.depp@dinsmore.com"

<tip.depp@dinsmore.com>

Executive Director:

Please find the attached confidential information for the AG's filing referenced below. Thank you.

J. Michael West | Deputy Executive Director | Office of Rate Intervention


Office of the Kentucky Attorney General | 1024 Capital Center Drive, Suite 200 | Frankfort, KY 40601

P: 502-696-5433 | [REDACTED] | F: 502-564-2698 | Michael.West@ky.gov

Follow the Attorney General's Office @KYOAG  

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[Quoted text hidden]

2 attachments **230712 Second Supplemental Data Requests Conf Page.pdf**
37K **2300712 Conf Letter.pdf**
162K



David Spenard <dspenard@strobobarkley.com>

Witness Availability (Bluegrass Water Rate Case)

10 messages

Depp, Tip <tip.depp@dinsmore.com>

Wed, May 24, 2023 at 5:07 PM

To: "West, Michael (KYOAG)" <Michael.West@ky.gov>, "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>
Cc: "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Mike and David,

Looking ahead to our September hearing dates (Sept. 19-22), we have learned that Bluegrass Water witnesses Dylan D'Ascendis and Tim Lyons have conflicts with other hearings that would presently make them unavailable for in-person testimony on Sept. 21-22. Could we agree to get their appearance completed on Sept. 19-20? We would like to go to the Commission with an agreement on this, if possible. Please let us know your thoughts.

Thanks.

-Tip

Edward T. Depp

Partner

Dinsmore & Shohl LLP • Legal Counsel

101 South Fifth Street

Suite 2500

Louisville, KY 40202

T (502) 540-2347 • F (502) 585-2207

E tip.depp@dinsmore.com • dinsmore.com

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David Spenard <dspenard@strobobarkley.com>

Wed, May 24, 2023 at 10:51 PM

To: "Depp, Tip" <tip.depp@dinsmore.com>, Randal Strobo <rstrobo@strobobarkley.com>

Cc: "West, Michael (KYOAG)" <Michael.West@ky.gov>, "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>, cameron.culbertson@scottky.gov

Mr. Depp,

Good evening.

It is normal practice for the applicant to place the president or chief executive officer first in the order of presenting witnesses. Scott County states that placing Misters D'Ascendis and Lyons on the stand in the two and three spots of the applicant's case-in-chief (in whatever order you select) provides the highest likelihood that they will be finished on the first two days of the hearing. This specific approach to the order of presentation of witnesses needs to be part of any recommendation/request presented to the Commission.

Another point required for any recommendation/request presented to the Commission is the issue of referred questions. Because it is possible that subsequent Bluegrass Water witnesses may refer questions to Misters Dylan D'Ascendis and/or Tim Lyons, Scott County cannot agree to waive the right to pursue cross-examination upon a referred question.

To be clear: Scott County will work to reasonably accommodate all of Bluegrass Water's witnesses. In passing, while Scott County does not waive the right to ask Mr. D'Ascendis cross-examination questions, Scott County may not have many questions for him. We reasonably anticipate having several questions for Mr. Lyons.

I hope that you find the information of assistance. If you have any questions or concerns, please contact me at your convenience.

Best regards,

David Spenard
Strobo Barkley PLLC
[Quoted text hidden]

David Spenard

STROBO BARKLEY PLLC

730 West Main Street, Suite 202

Louisville, KY 40202

(502) 290-9751 - telephone

(502) 378-5395 - facsimile

dspenard@strobobarkley.com

www.strobobarkley.com

West, Michael (KYOAG) <Michael.West@ky.gov>

Thu, May 25, 2023 at 9:00 AM

To: "Depp,Tip" <tip.depp@dinsmore.com>, "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>

Cc: "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Tip:

We have no objection to taking the Mr. D'Ascendis and Mr. Lyons 2nd and 3rd, but as David said, we really cannot control whether questions are referred to them. We are also concerned with how much of the beginning of the hearing will be taken up by public comments. It is difficult to know when we will actually get started getting into the testimony. Further, as you are aware, the Commission has been fairly strict lately regarding witness availability. The best course may be to ask for the hearing date to be changed if certain witnesses are unavailable. I hope you find this feedback helpful.

Mike

[Quoted text hidden]

Depp, Tip <tip.depp@dinsmore.com>

Thu, May 25, 2023 at 9:38 AM

To: "West, Michael (KYOAG)" <Michael.West@ky.gov>, "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>
Cc: "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Thanks, All. Just trying to get a sense of where everyone would be about the scheduling conflicts. I don't know that Kentucky can tell another state that Kentucky hearing dates take precedence over a previously scheduled hearing date before a Commission elsewhere, but we just want to coordinate as much as possible. Unless there's any objection, I'd like to reach out to Staff and see if they have a preference as to how we address this procedural matter. We wouldn't, of course, commit anyone to anything, and I fully expect we'll end up needing to file a motion, but I would like to relate that we've had some discussion and we'd like to try and schedule these witnesses toward the front (subject to each of your cautions), if possible. Happy to include anyone on a call if you'd like to join, of course, but I'm also happy to save you some time, if you're comfortable with that approach.

Thanks.

-Tip

Sent from Workspace ONE Boxer

[Quoted text hidden]



image001.jpg
16K

West, Michael (KYOAG) <Michael.West@ky.gov>

Thu, May 25, 2023 at 9:41 AM

To: "Depp, Tip" <tip.depp@dinsmore.com>, "dspenard@strobobarkley.com" <dspenard@strobobarkley.com>
Cc: "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

I have no objection to you reaching out to commission staff and having the discussion as described. Just let me know what you learn.

[Quoted text hidden]

David Spenard <dspenard@strobobarkley.com>

Thu, May 25, 2023 at 11:28 AM

To: "West, Michael (KYOAG)" <Michael.West@ky.gov>
Cc: "Depp, Tip" <tip.depp@dinsmore.com>, "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Mr. Drop,

Good morning.

I am unavailable today; however, if you want to reach out to Commission Staff for guidance based upon our discussions, that is acceptable to Scott County.

As with Mr. West, please let us know what you learn.

Best regards,

David Spenard
Strobo Barkley PLLC

Sent from my iPhone

On May 25, 2023, at 8:42 AM, West, Michael (KYOAG) <Michael.West@ky.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Depp,Tip <tip.depp@dinsmore.com>

Thu, May 25, 2023 at 11:29 AM

To: David Spenard <dspenard@strobobarkley.com>, "West, Michael (KYOAG)" <Michael.West@ky.gov>
Cc: "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Will do. Thanks.

-Tip

[Quoted text hidden]

David Spenard <dspenard@strobobarkley.com>

Tue, Jun 6, 2023 at 10:02 AM

To: "Depp,Tip" <tip.depp@dinsmore.com>, Randal Strobo <rstrobo@strobobarkley.com>
Cc: "West, Michael (KYOAG)" <Michael.West@ky.gov>, "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Mr. Depp (and sorry about my misspelling your name as "Drop"),

Good morning.

Do you have any update regarding your situation with witnesses?

Please advise.

Best regards,

David Spenard
Strobo Barkley PLLC

[Quoted text hidden]

[Quoted text hidden]

Depp,Tip <tip.depp@dinsmore.com>

Tue, Jun 6, 2023 at 10:18 AM

To: David Spenard <dspenard@strobobarkley.com>, Randal Strobo <rstrobo@strobobarkley.com>
Cc: "West, Michael (KYOAG)" <Michael.West@ky.gov>, "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

The scheduling conflict situation remains the same, and we will be filing a motion. Thanks. (And you can please just call me Tip. No worries about spellcheck. It gets me all the time.)

-tip

7/27/23, 12:25 PM

Strobo Barkley PLLC Mail - Witness Availability (Bluegrass Water Rate Case)

Sent from Workspace ONE Boxer

[Quoted text hidden]


The logo for Dinsmore, featuring the word "Dinsmore" in a serif font with a small crown-like symbol above the letter 'i'.

image001.jpg
16K

David Spenard <dspenard@strobobarkley.com>

Tue, Jun 6, 2023 at 10:19 AM

To: "Depp, Tip" <tip.depp@dinsmore.com>

Cc: Randal Strobo <rstrobo@strobobarkley.com>, "West, Michael (KYOAG)" <Michael.West@ky.gov>, "Herrick, Brooks" <Brooks.Herrick@dinsmore.com>, "Reddick, Sarah" <Sarah.Reddick@dinsmore.com>

Tip,

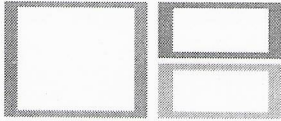
Good morning.

Thank you for the update. It is very helpful.

Best regards,

David Spenard
Strobo Barkley PLLC

[Quoted text hidden]



David Spenard <dspenard@strobobarkley.com>

KY PSC Case No. 2022-00432

2 messages

David Spenard <dspenard@strobobarkley.com>
To: Michael West <michael.west@ky.gov>

Wed, May 24, 2023 at 12:42 PM

Mr. West,

Good afternoon.

As a heads up, later today Scott County will be filing a Motion to Compel. It will also contain a response through which we support the Attorney General's Motion to Compel. As for the procedural schedule, hopefully the Commission's recent Order will moot out any issues.

Best regards,

--

David Spenard

STROBO BARKLEY PLLC

730 West Main Street, Suite 202

Louisville, KY 40202

(502) 290-9751 - telephone

(502) 378-5395 - facsimile

dspenard@strobobarkley.com

www.strobobarkley.com

West, Michael (KYOAG) <Michael.West@ky.gov>
To: David Spenard <dspenard@strobobarkley.com>

Wed, May 24, 2023 at 1:26 PM

David:

Thank you for your support.

Mike

[Quoted text hidden]



David Spenard <dspenard@strobobarkley.com>

New Voice Message from WIRELESS CALLER (502) 892-1039 on 07/12/2023 9:15 AM

1 message

RingCentral <notify@ringcentral.com>
To: David Spenard <dspenard@strobobarkley.com>

Wed, Jul 12, 2023 at 9:16 AM



Dear David Spenard,

You have a new voice message:

From: WIRELESS CALLER (502) 892-1039
Received: Wednesday, July 12, 2023 at 9:15 AM
Length: 01:03
To: (502) 290-9751 * 4 David Spenard

Voicemail Preview: (Partial)

"Hey, David. This is Mike West. I am just following up regarding Bluegrass who had called me and we talked about our Blue Grass and reached out to you regarding the potential stipulation. I just want to follow up and let you know that they had contacted me as well this morning. And our inclination is we are willing to listen to anything. So we would be willing to take a meeting with them they had proposed next week, but I got back to them that that is not really going to work for us with our schedules. We are hoping we we can get something set up later and I have told them that, you know, they are free to invite you all to that meeting and we can all be, you know, together or that they want to meet separately. You know, I am leaving that up to them, but I just want to keep you in the loop. I told you that I would give you a heads up if they contacted me and they did so just letting you know all that. ..."

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