

Response to Request No. 1  
(Meeting minutes from  
November 2022 and January  
2023)

**CUMBERLAND FALLS HIGHWAY WATER DISTRICT  
6926 Cumberland Falls Highway  
Corbin, KY 40701  
Phone: 606-528-0222**

**November 21, 2022  
Commissioner's Meeting**

**Meeting was called to order by Chairman, Johnny Collette.**

**Those in attendance were:**

<b>Malea Moses</b>	<b>-</b>	<b>CFHWD</b>
<b>Ken Taylor</b>	<b>-</b>	<b>Kenvirons</b>
<b>Brandon Creekmore</b>	<b>-</b>	<b>Commissioner</b>
<b>Ron Canada</b>	<b>-</b>	<b>Commissioner</b>
<b>Dean Prewitt</b>	<b>-</b>	<b>Commissioner</b>
<b>Everett Angel</b>	<b>-</b>	<b>Commissioner</b>
<b>Johnny Collette</b>	<b>-</b>	<b>Commissioner</b>
<b>James Whitten</b>	<b>-</b>	<b>Accountant</b>
<b>Amanda Hill</b>	<b>-</b>	<b>Attorney</b>
<b>Kelli Hampton</b>	<b>-</b>	<b>CFHWD</b>
<b>Mike Baird</b>	<b>-</b>	<b>CFHWD</b>
<b>Mike Sparks</b>	<b>-</b>	<b>The Meadow</b>
<b>Jeff Sparks</b>	<b>-</b>	<b>Diamond Acres</b>

**A motion was made by Dean Prewitt and seconded by Brandon Creekmore to approve the October 17, 2022, minutes. All in favor and motion carried.**

**Acknowledgement of Visitors**

**Mike Sparks of The Meadow and Jeff Sparks of Diamond Acres attended this meeting.**

**In regard to Mike Sparks and The Meadow, attorney, Amanda Hill, stated on October 28, 2022, she submitted the Request for Deviation and PSC has opened an administrative case and responded with a Request for Information. She stated she has drafted a response to most questions and received assistance from Malea**

**Moses with pulling information from the minutes of the board meetings. She continued to say she needed further information on the engineer over the project such as when he was hired and the amount of compensation he has received. Engineer, Ken Taylor, stated the company he works for (Kenvirons, Inc) has been the engineering company for the district for over 20 years but that he was hired directly by Mike Sparks to do the engineering work for The Meadow. Amanda Hill requested Ken Taylor send her the date he was hired by Mike Sparks and the amount of compensation he has received. Ken Taylor suggested to Amanda Hill she attach the Diamond Acres project to this PSC case since it is the same situation. Amanda informed him and the board it is too late for that, a separate deviation will have to be requested on behalf of the Diamond Acres project. Amanda Hill continued to say the PSC has requested legible copies to be provided for some invoices provided by Mike Sparks. Ken Taylor spoke up and stated he had a copy and will send that to her. At this point, Amanda Hill said there is more information she will need to complete the Request for Information but that she will meet with Mike Baird and Malea Moses after the meeting to obtain that information. Commissioner, Ron Canada, asked if this process is because the project was done while being out of compliance. Amanda Hill said she is not sure because she has never worked with the PSC before and was surprised at the request.**

**Commissioner, Ron Canada, asked if Jeff Sparks' project, Diamond Acres, was only behind one month in submitting his paperwork. Chairman, Johnny Collette, said he thought Jeff Sparks was within the 10-day time frame and then asked if Amanda Hill could handle the rest of the Request of Information by phone calls. Amanda said she would meet with Mike Baird and Malea Moses after the meeting to obtain the needed information. Johnny Collette then asked Mike Sparks if he had anything further to discuss and Mike Sparks replied, "no".**

**Jeff Sparks addressed the board with a new invoice and proof of payment from Kenvirons to be included into the reimbursement calculation. (He could not include it in the original paperwork because Kenvirons had not sent the bill at the time).**

**Commissioner, Brandon Creekmore, said he was comparing the updated invoice/payment list for Diamond Acres against the originals submitted on December 20, 2021. He stated the invoices/payments to York's Excavating on**

pages 19-24 and pages 34-42 were not included in the original set of invoices and asked if this was something new that was done. Jeff Sparks said all of that could be thrown away because it has nothing to with "it". Jeff said those invoices was for the line going to a 2-inch meter that was intended to serve the campground. But then he and Johnny Collette met with Ken Taylor and Mike Baird and eventually they met with Mike Doolin (Plumbing Inspector), it came to be that a 2-inch meter could not be used to service the campground, but each lot must have their own meter. Jeff continued to say the York Excavating invoices could be removed and that originally the only line that was going to be turned over to the district was the line going to the 2-inch meter but now that the plans changed, the district will own all lines up to each individual meter in the campground.

Commissioner, Brandon Creekmore, asked if there was a mistake made on the invoices on pages 74-76 because they are dated for July 22, 2020. Jeff Sparks said it was a mistake. Commissioner, Ron Canada said that needs to be corrected. Chairmain, Johnny Collette, asked Jeff Sparks if he had any other questions to which he replied, "no, but I would be happy to answer any other questions". Chairman, Johnny Collette, said a motion needed to be made on this matter but that he would abstain from voting on this matter and let, Vice Chairman, Dean Prewitt take control of the meeting for this matter.

A motion was made by Ron Canada and seconded by Everett Angel to approve the Jeff Sparks/Diamond Acres Line Extension reimbursement. There were three (3) ayes and one (1) nay. Motion carried.

Attorney, Amanda Hill, asked if the line extension contract with Diamond Acres was executed before the project began. Malea Moses stated the contract was signed December 31, 2021. Amanda replied, "that would be no". Malea Moses stated the contract was sent to them in January of 2021. Amanda Hill asked if the invoices were submitted within 10 days of completion of the project. Commissioner, Ron Canada, stated they were. Amanda then asked if the board is asking her to file a Request for Deviation from the PSC and Ron Canada said it would be only for the contract not being signed. Ron then asked Malea Moses if there were any other issues besides the contract not being signed. Malea Moses stated the contract was not signed and the invoices Jeff Sparks brought to the meeting before (September 19, 2022) were taken back. Malea stated she was making copies of the invoices and Jeff Sparks took them back and stated a lot of

them didn't pertain to this project. Jeff Sparks said, "He gave the board everything he had so it was "given" to the board within the 10 days but wasn't organized so he took it back, organized it and brought it to the next meeting". Commissioner, Ron Canada, said, "Then we are 30 days behind because you took the paperwork back and it was tabled", making it 30 days behind. Attorney, Amanda Hill, again asked, "So the only issue with the tariff is the signing of the contract?" Commissioner, Brandon Creekmore, said the issue with DOW where the plans changed from one 2-inch meter to each lot having its own meter along with the bills are questionable. Amanda Hill asked if the board wanted her to file a Request for Deviation with the PSC? Commissioner, Ron Canada, said a deviation needed to be filed because the 10 days was up last month so it had to carry over another month; saying basically we are 40 days behind. Mike Sparks said his understanding was they were all in agreement when Jeff Sparks originally submitted the paperwork, that he [Jeff Sparks] could take them back and still be in compliance. Jeff Sparks said, "By the letter of the law, everything has to be turned in and it was but there's nothing in there that says I have to form an excel sheet and go through and code everything". He said he was just trying to make it easier and wasn't trying to slide things past the board. Jeff Sparks said in his opinion he meets the criteria for having it submitted but thought he would have the opportunity for it to be discussed later.

Commissioner, Ron Canada, said because the motion would be made today, and even though they agree that Jeff brought the paperwork in, the date for the submission would be today for the tariff (compliance). Amanda Hill said because of the contract not being signed prior to the work beginning, the district will have to go through the same process with PSC and wants to make sure what the reason(s) for the deviation would be, stating: the board contends invoices were submitted within 10 days, but the contract was signed after work commenced and this being the basis for the deviation. Amanda also asked the board if it was their decision to have her submit a Request for Deviation on behalf of the district.

A motion was made by Ron Canada and seconded by Everett Angel giving Amanda Hill permission to file the Request for Deviation on the line extension project for Jeff Sparks at Diamond Acres. All were in favor. Motion carried.

Attorney, Amanda Hill, stated she asked Mike Sparks with The Meadow and will now ask Jeff Sparks with Diamond Acres, "Is there a reason why the contract was

signed after work commenced as opposed to before work commenced”? Commissioner, Ron Canada, spoke up and said it would probably be the same reason as in Mike Sparks’ project because they are together. Jeff Sparks spoke up and said, “No, it is two separate instances, it’s just very coincidental we’re here at the same time on two separate projects”. Jeff stated it is the same thing, “I didn’t receive it and didn’t understand the process and didn’t receive it until I was told in November (2021) that it needed to be signed and got back. I didn’t understand the urgency. It is water under the bridge, and I feel like I didn’t receive it and I didn’t understand the procedure to follow”. Amanda Hill asked Jeff Sparks, “So you didn’t understand the urgency, didn’t understand the procedure and didn’t understand the contract needed to be signed before work commenced”? Jeff Sparks replied, “Yes” and then said, “I didn’t receive it”. Jeff continued by saying, “I am not disputing the fact it was sent, I am disputing the fact I received it. Is that fair”? Engineer, Ken Taylor, interjected saying, “Whether it went to junk mail or whatever, I can’t speak to that, all I can say is I have the emails where I sent it”. Commissioner, Ron Canada, suggested they (Jeff Sparks) didn’t understand the urgency. Attorney, Amanda Hill, said she would do the same thing and file a Request for Deviation with PSC and we would probably get the same response back with regards to documents they (PSC) will request. She also asked the amount of reimbursement being approved. Ron Canada stated the amount reimbursed per tap would be \$481.50. Malea Moses asked the cost per foot and Ron Canada stated the amount of \$9.63 per foot. Chairman, Johnny Collette, asked if there were any further questions pertaining to this subject. (No questions were asked)

### Manager’s Report

Mike Baird gave the manager’s report. In his report, he updated the board on the following:

New Employee: November 16, 2022, he hired Brent Williford as a new serviceman.

Easements: He has gotten all easements signed on Jim Walker Road and Lanham Trace Road.

Attorney, Amanda Hill, stated those easements will need to be filed at the Whitley County Court House.

**Chairman, Johnny Collette, asked if there was eight (8) repairs and six (6) new services and Mike Baird confirmed that was correct.**

**A motion was made by Ron Canada and seconded by Dean Prewitt to approve the manager's report. All were in favor and motion carried.**

### **Financial Report**

**James Whitten gave the financial report. After reviewing the financial reports with the board, James asked for the board to review and approve the 2023 budget.**

**A motion was made by Brandon Creekmore and seconded by Dean Prewitt to approve the 2023 budget. All were in favor and motion carried.**

**A motion was made by Dean Prewitt and seconded by Brandon Creekmore to approve the financial report. All were in favor and motion carried.**

**At this point, visitors, Mike Sparks and Jeff Sparks left the meeting.**

### **Engineer's Report**

**Ken Taylor gave the engineer's report and updated the board on the following:**

**Jim Walker, Lanham Trace, Pump Relocation: This project is out for bid and bid opening is December 2, 2022. At the next board meeting it will need approved then submitted to PSC for their approval. Ken stated since this project is a little different the district usually uses an attorney familiar with PSC and he recommends John Hughes. Amanda Hill agreed that it would be best to use him on this project.**

**A motion was made by Ron Canada and seconded by Brandon Creekmore to approve the hiring of John Hughes for the abovementioned project. All were in favor and motion carried.**

**Cleaner Water Funds: There is nothing new to advise the board on this subject.**

**Relocation at Hwy 204, Ballard Ford, Goldbug: This project should begin at the end of next week. This is contracted with the Highway Department and Akins Excavating will be doing the work.**

**5th Street Project: Bids were opened last week and came back a little over what was estimated but will probably be accepted this time. Akins Excavating will be doing the work for the district and should start sometime after the first of the year.**

**A motion was made by Ron Canada and seconded by Dean Prewitt to approve the engineer's report. All were in favor and motion carried.**

### **Other Items for Discussion**

**Chairman, Johnny Collette stated other items for discussion are pay raises. Johnny stated, "He agrees the percentage calculation Mike Baird came up with was very well laid out and he has no issues with it but would like to make it simpler and give everyone a little better raise. He feels \$1.00 across the board is a good idea and I need a motion". Commissioner, Brandon Creekmore, inquired about the starting pay of the new serviceman. Mike Baird stated he would be starting at \$16.00 per hour. At this time, Kelli Hampton asked to address the board. Kelli stated with the \$1.00 per hour raise and almost 11 years experience she would be making \$14.00 per hour. Kelli Hampton said, "I have 10 years experience on the new employee, and I understand our job duties are different but she could potentially read meters, and can dig a ditch, but could the new employee know how to sign up new customers, create work orders, enter payments, or generate bills"? She continued to say it is nothing against the new employee, but he makes more than Malea Moses who has been here going on 22 years. (She received no acknowledgment) Chairman, Johnny Collette, asked if there were any questions and then stated, "If not, I need a motion if you want to approve the raise, if not, I plan on tabling it and I can table it indefinitely; I have found that out also. So a \$1.00 across the table raise is what I am offering, I need a motion". A motion was made by Dean Prewitt and seconded by Everett Angel to approve employee raises. All were in favor and motion carried.**

**A motion was made by Dean Prewitt and seconded Everett Angel for the meeting to adjourn. All were in favor and meeting adjourned.**



**CUMBERLAND FALLS HIGHWAY WATER DISTRICT  
6926 Cumberland Falls Highway  
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Phone: 606-528-0222**

**January 13, 2023  
Commissioner Meeting**

**Meeting was called to order by Chairman, Johnny Collette.**

**Those in attendance were:**

<b>Malea Moses</b>	<b>-</b>	<b>CFHWD</b>
<b>Johnny Collette</b>	<b>-</b>	<b>Commissioner</b>
<b>James Whitten</b>	<b>-</b>	<b>Commissioner</b>
<b>Dean Prewitt</b>	<b>-</b>	<b>Commissioner</b>
<b>Everett Angel</b>	<b>-</b>	<b>Commissioner</b>
<b>Ken Taylor</b>	<b>-</b>	<b>Kenvirons</b>
<b>Mike Baird</b>	<b>-</b>	<b>CFHWD</b>
<b>Ron Canada</b>	<b>-</b>	<b>Commissioner</b>
<b>Amanda Hill</b>	<b>-</b>	<b>Attorney</b>
<b>Mike Sparks</b>	<b>-</b>	<b>Visitor/The Meadow</b>
<b>Jeff Sparks</b>	<b>-</b>	<b>Visitor/Diamond Acres</b>

**A motion was made by Dean Prewitt and seconded by Everett Angel to approve the November 21, 2022. Minutes. All were in favor and motion carried.**

**\*No meeting was held in December 2022**

**Acknowledgement of Visitors**

**Mike Sparks addressed the board regarding the status for his request for reimbursement on the line extension at The Meadow located on Cumberland Falls Highway. Attorney, Amanda Hill, stated the Request for Deviation had been submitted to PSC and they in turn requested a large of amount of information, such as, minutes from prior meetings and other documentation. Amanda stated all additional documentation had also been submitted and it is now just a matter of waiting for PSC's response and she is not sure how long it will take. She also stated PSC could potentially request a hearing. Malea Moses stated PSC is covered up with 811 submittals and that could possibly cause a delay in receiving a response.**

**Jeff Sparks addressed the board regarding the status of his request for reimbursement on the line extension at Diamond Acres located on Rosetown Church Road. Attorney, Amanda Hill, said the Request for Deviation was submitted to PSC around the end of December 2022. PSC acknowledged they received it and now we will have to wait and see what PSC decides to do.**

### **Manager's Report**

**Mike Baird gave the manager's report and updated the board on the following.**

**Line Replacement & Reinforcement Project-Contract 3: The bids came in and Flo-Line Contracting came in with the lowest bid at \$792,429.00. He stated Ken Taylor will address this issue more in his report.**

**Highway 204: There is a section of water line approximately 250 feet long the state had torn out about 7-8 years ago and Mike suggested while Akins Excavating is working in the area, the district should have them re-lay that section of line so the district would be able to backfeed if necessary. Mike stated the cost for this would be approximately \$4,000.00 to \$5,000.00.**

**A motion was made by Everett Angel and seconded by Johnny Collette to hire Akins Excavating to install the 250 feet of water line on Highway 204. All were in favor and motion carried.**

**A motion was made by Everett Angel and seconded by Brandon Creekmore to approve the manager's report. All were in favor and motion carried.**

**Chairman, Johnny Collette, asked Mike Baird if the district had issues with leaks during the cold spell in December. Mike stated there had been several leaks during that time.**

### **Financial Report**

**James Whitten gave the financial report.**

**A motion was made by Brandon Creekmore and seconded by Dean Prewitt to approve the financial report. All were in favor and motion carried.**

### **Engineer's Report**

**Ken Taylor gave the engineer's report and updated the board on the following:**

**2<sup>nd</sup> round of Cleaner Water Money: The district has not heard anything from the state on the \$477,000 the district is to receive. Chairman, Johnny Collette, asked Ken Taylor what the problem was or if he knew what the problem was. Ken Taylor stated CVADD had not submitted the paperwork by the deadline for the whole area of Harlan, Laurel, Whitley, and Knox so it was not processed. He continued to say most of the state had heard from the state but not this area. Ken said there is no issue with the district receiving the funding, but it has just been delayed due to it not being submitted on time and the holiday time where no one was working. Ken said he had checked specifically on ours and was told we would receive it sometime after the first of the year (2023).**

**Highway 204 & relocation at Interstate: Akins Excavating is almost done with this area. The disinfection is completed, and the test came back good. Akins will switch everything over to the new line next week.**

**Mauney Chapel: The district found out there is about 600 feet of line that will have to be relocated. Akins Excavating will probably start the relocation the first of the week. Ken stated the cost of the relocation will be paid by the state. He said the payment will be made through the district but reimbursed by the state.**

**Line Replacement & Reinforcement Project-Contract 3: We opened bids for the project, and they didn't come in as good as we had hoped. There were 2 bidders, Flo-Line Contracting of and Akins Excavating. Flo-Line came in with the lowest bid. This company has been around for many years but has never done work for the district. Ken stated he had checked their references, and everything is good. Chairman, Johnny Collette asked where the company was from, and Ken stated they are located in Monticello KY. Ken stated Flo-Line's bid for the base project which includes moving and reinstalling the pump station, Lanham Road, Jim Walker Road and White Oak Road was \$618,115.50. He said this is a little more than the money the district has available with the 1<sup>st</sup> round of Cleaner Water money. He said they needed \$26,333.00 to maintain the 2 ½ percent contingency in the project and the state should let everything go through.**

**A motion to accept the low bid submitted by Flo-Line Contracting on the project's base bid and for the district to guarantee the \$26,333.00 needed to maintain the 2 ½ percent contingency in the project was made by Ron Canada and seconded by Brandon Creekmore. All were in favor and the motion carried.**

**Ken Taylor clarified the motion was only for the base bid and did not include the two alternates of Buc Road and KY 90.**

**Ken Taylor also informed the board the attorney, John Hughes, he had originally recommended and had the board agree on for filing of the PSC paperwork on this project has retired. Mr. Hughes recommended the district use Jerry Wuetcher with Stoll, Keenan & Odgen.**

**A motion was made by Everett Angel and seconded by Ron Canada approve the engineer's report. All were in favor and motion carried.**

#### **Other items for discussion**

**Attorney, Amanda Hill, stated at the meeting in November when they discussed Jeff Sparks' Request for Deviation, she had asked if the board agreed that he (Jeff Sparks) had provided everything within the ten day time frame and it was her understanding the majority agreed but when Malea Moses listened to the recording there was maybe some ambiguity. She continued to say that she was going to wait until December to file the request so she could "nail down" the board on this issue but the meeting was cancelled so she went ahead and filed**

**the Request for Deviation. She also stated she could modify the request if need be. Amanda Hill asked the board, "Is it the board's opinion that the documents provided by Mr. Sparks (Jeff) were timely provided within the ten days?" She also said she would like a vote on this. Chairman, Johnny Collette, said, "He had read over both of them" and continued to say, " the prior month he (Jeff Sparks) had everything within the 10 days and the receipts, if I'm wrong, somebody tell me." Johnny stated, " the receipts were all over the place and so he (Jeff Sparks) re-did them." Malea Moses spoke up and stated what she thought was to happen was she was to make copies of all his paperwork and get copies to them (commissioners) the next day. But then he (Jeff Sparks) took them back so she was not able to get copies to them the next day. Attorney, Amanda Hill, said she just needs to make sure what we disclosed to PSC is correct. She continued with, the Request for Deviation for Jeff Sparks was essentially the same as the request for Mike (Sparks), the same situation except Mike (Sparks) had not provided the paperwork within the 10 days. Commissioner, Ronald Canada, stated, " he (Jeff Sparks) brought everything, but it would have taken a week to go through it." Again, Amanda Hill stated, when Malea Moses listened it was not clear and she wants to "nail it down" with the board, "Was Jeff Sparks' paperwork provided in that ten day period or was it not? And if it was not, then I need to include that in the Request for Deviation? The tariff says it has to be provided within ten days." Commissioner, Everett Angel, said, "it was provided, but we didn't go through it." Amanda Hill said, "you're not under obligation to go through it within that ten day period, he (Jeff Sparks) is just under an obligation to provide it within that ten day period." Commissioner, Brandon Creekmore, stated, "he had a nay on where it (paperwork) was taken back and where it (reimbursement) had originally been applied for in December of 2021 and then again in 2022." Malea Moses said. "So we have 4 ayes and 1 nay?" Johnny Collette agreed but Amanda Hill said, "Johnny doesn't." Malea Moses suggested they need to make a motion or agree to this and then asked Amanda Hill how to handle it. Amanda Hill said a motion would be her preference to make it clear.**

**A motion was made by Dean Prewitt and seconded by Everett Angel agreeing that Jeff Sparks of Diamond Acre submitted his paperwork within the ten day time frame. There were three ayes and one nay. (Johnny Collette did not vote)**

**Johnny Collette asked if there was any other discussions, if not he needed a motion to adjourn.**

**A motion was made by Dean Prewitt and seconded by Ron Canada for the meeting to adjourn. All were in favor and meeting adjourned.**

**CUMBERLAND FALLS HIGHWAY WATER DISTRICT  
6926 Cumberland Falls Highway  
Corbin, KY 40701  
Phone: 606-528-0222**

**January 30, 2023**

**Special Called  
Commissioner Meeting**

**At the request of the district's attorney, Amanda Hill, the Cumberland Falls Highway Water District Board of Commission held a special called meeting on January 30, 2023, at 3:30 p.m. at the district office. This meeting was to discuss and address the Order sent by the Kentucky Public Service Commission on January 23, 2023.**

**The meeting was called to order by Chairman, Johnny Collette.**

**Those in attendance were:**

<b>Malea Moses</b>	<b>-</b>	<b>CFHWD</b>
<b>Johnny Collette</b>	<b>-</b>	<b>Commissioner</b>
<b>Dean Prewitt</b>	<b>-</b>	<b>Commissioner</b>
<b>Everett Angel</b>	<b>-</b>	<b>Commissioner</b>
<b>Brandon Creekmore</b>	<b>-</b>	<b>Commissioner</b>
<b>Jeff Sparks</b>	<b>-</b>	<b>Diamond Acres</b>
<b>Amanda Hill</b>	<b>-</b>	<b>Attorney</b>
<b>Mike Sparks</b>	<b>-</b>	<b>Marmic Meadows</b>
<b>Ron Canada</b>	<b>-</b>	<b>Commissioner</b>
<b>Mike Baird</b>	<b>-</b>	<b>CFHWD</b>

**At this point, Chairman, Johnny Collette, turned the meeting over to attorney, Amanda Hill.**

**Amanda Hill addressed the board stating, we have this detailed Request for Information and thought it would be easier to go through them together as a group to answer the questions rather than meeting individually or calling each person.**

Amanda Hill asked the board if they had all had a chance to read over the Request for Information and all commissioners agreed they had. She then asked if anyone had any questions or comments. Malea Moses suggested addressing the visitors first and Amanda Hill agreed that would be fine.

Amanda Hill addressed Mike Sparks and Jeff Sparks stating this doesn't directly pertain to Mike Sparks' case (Marmic Meadows), but we had received a Request for Information pertaining to Jeff Sparks' case (Diamond Acres). She continued by saying that we need input from Jeff Sparks on the following.

One of the questions requests information regarding Jordan York, but she thinks it is to actually be Justin York that done work for Jeff Sparks. Amanda stated she had pulled what we provided on Mr. York, and she can see why they (PSC) are asking some of these questions because the receipts don't really have any information. They (PSC) are wanting extra information on the York's and Rains Hauling. She continued saying we have a due date of February 10<sup>th</sup>, so this has to be submitted to PSC by February 10<sup>th</sup>. Amanda stated it might be better if she emailed Jeff Sparks and let him get her the information by the end of the week. She continued by telling Jeff Sparks some of the information they (PSC) are requesting and said he might be able to give her some of the answers now. She stated they (PSC) want all current business information for Jordan York who she is going to treat as Justin York since there is no Jordan York. She asked Jeff Sparks if he had his (York's) business information, his address, and his phone number. Jeff Sparks stated he did not have it with him but could get it, but he did provide Justin York's phone number. Amanda Hill asked if Justin York's company is bonded and insured, and Jeff Sparks said he would verify that with Justin. Amanda Hill asked where his (York's) business is located and Jeff Sparks said it is York's Excavating in Corbin. Amanda Hill again said she would email Jeff Sparks the information needed and asked Jeff to verify his email and he stated his email address is [diamondacresllc@gmail.com](mailto:diamondacresllc@gmail.com).

Amanda Hill asked the board members, "Has the utility company or any of the board members had any kind of relationship with Jordan York aka Justin York or York's Excavating in the last two years?" All members responded no.

Amanda Hill said they (PSC) want a breakdown of the "waterline install" as contained on the receipt and said Jeff Sparks would need to get that

information to her or maybe Mr. York needs to get it. She continued and said they (PSC) are wanting for each receipt a detailed breakdown of "waterline install" as contained on each receipt from York's Excavating, including but not limited to the work performed as well as a lot description for each receipt. Jeff Sparks responded, "Okay." Amanda Hill also said they want the same thing from Randy Rains doing business as Rains Hauling. Amanda Hill asked if he (Jeff Sparks) had his (Randy Rains) address and if he is bonded and insured. Jeff Sparks said he would ask.

Amanda Hill asked the board, "Has the utility company or any of the board members had any kind of relationship with Randy Rains or Rains Hauling in the last two years?" All members responded no.

Amanda Hill said they (PSC) want a detailed breakdown of waterline where they (PSC) referenced pages 11 and 12 from Rains Hauling including but not limited to the work performed, as well as a lot description for each receipt. Amanda Hill stated she would send Jeff Sparks the information and the exact questions and asked Jeff Sparks to email the information he has. She stated if Jeff isn't able to get the information, she could just indicate that. She said as far as the "breakdowns" she doesn't know and assumes the board doesn't know and all board members indicated they didn't know. Amanda Hill said she thinks these are the only questions that directly pertain to Jeff Sparks and not the board and she would email Jeff Sparks the information probably tomorrow (01/31/23). She said the due date is February 10<sup>th</sup>, that being a week from Friday, so the sooner Jeff Sparks can get her the information, the better. She said, "I imagine I could put something in there like "will supplement" or "information unknown" but I think it would be better if we could provide the information they (PSC) are requesting timely". Jeff Sparks replied, "Okay."

Chairman, Johnny Collette said, "I guess that's all, if you have nothing for Mike Sparks." Amanda Hill said Mike Sparks' company is referenced with regards to the board members but not anything Mike Sparks would have information on. Mike Sparks then asked, "What is my status as far as being reimbursed?" Amanda Hill replied she had no idea, saying everything was submitted but she had no idea how long this will take. She stated PSC sent a Request for Information after the Request for Deviation was filed, but it wasn't as detailed as this (Diamond Acres). Again, Amanda Hill stated everything was provided but

she doesn't know. She continued to say they could send something next week or they may set up a hearing.

Amanda Hill told Jeff Sparks and Mike Sparks this concluded their part. Jeff Sparks asked, "So nothing else about us is going to be discussed after we leave, right?" Amanda Hill replied, "This is all public Jeff. The only other things that pertain to you directly is stuff the board members can answer. They (PSC) want to know if each board member has any kind of financial relationship with Diamond Acres or Marmic Meadows or its subcontractors, so I don't think there is anything else that directly pertains other than those questions and the other stuff is totally not relevant to your Request for Deviation."

Both Jeff Sparks and Mike Sparks left the meeting.

Amanda Hill asked the board, "Have you all had a chance to read through all of this?" The board all agreed they had read the Order. She then asked, "Does anyone have any questions or comments?"

Commissioner, Ronald Canada said, "He feels like they have done what they were advised to do."

Amanda Hill asked, "Does anyone else have any comments?" No one spoke.

Amanda Hill said, "It looks like they (PSC) are taking a very close look into not just this, but it looks like other things that have happened and I am still kind of new and I know some of you all are kind of new, but some of the things that happened at prior meetings, like from 2020." Amanda then went over when each commissioner was put on the board. (Dean Prewitt 09/2018, Johnny Collette 01/2020, Ron Canada 05/2021, Everett Angel 06/2020, Brandon Creekmore 12/2021) She then said she was going to read over the questions and asked the board members to provide some insight and answers and that she would incorporate what answers Malea Moses had provided into her answers.

Amanda Hill read Request 1. Provide the Cumberland Falls Highway District's Board of Commissioners' (Board) meeting minutes from November 2022, December 2022, and January 2023: Amanda Hill stated Malea Moses had provided November 2022 and January 2023 but that no meeting was held in December 2022. Amanda Hill requested Malea Moses email a draft of the



minutes of today's meeting and she would incorporate it and put an asterisk saying these have not been approved-subject to change.

Amanda Hill stated for each of the responses she had to name someone who can validate/confirm the answers and that Mike Baird is on most of them as manager. She continued by saying that she listed that he (Mike Baird) can attest to this information and if he can't he needed to tell her, otherwise she would have him down to attest for a lot of the answers.

Amanda Hill read and answered Request 2. Provide the Fiscal Court minutes for the appointment of each current member: Amanda stated she was given the minutes and Mike Baird could attest to that information

Amanda Hill read and answered Request 3. Provide the name of the current utility manager. Michael Baird Provide his/her hire date. June 15, 2020

At this point, Chairman, Johnny Collette stated he had a question. He asked, "As they request this year, how do we go about requesting the last ten to fifteen years of those minutes and hiring?" Malea Moses stated the minutes are kept at the office. Amanda Hill stated they are a matter of public record. Johnny Collette said, "So we just go to PSC and request that for the last ten to fifteen years?" Amanda Hill said, "You can request it here, I don't think PSC has them." Johnny Collette then said, "I was just wondering how this got requested so someone is able to request something?" Amanda Hill said, "Brandon... I got a call from PSC before getting these requests and Brandon had called PSC and left a message of some sort." Brandon Creekmore replied, "Yes." Amanda continued, "so I knew detailed requests were coming and that's why." Amanda also said that any board minutes are available for the public. Malea Moses again stated all board minutes are at the office. Johnny Collette said, "I just wanted to check the process of hiring also." Amanda Hill said, "I represent you all as the board, I don't represent anyone individually. If you needed a deed done I could do that, if you come to me otherwise, I represent the board, so when the attorney reached out to me and indicated these requests would be coming and I figured there would be requests because there was with Mike's (Sparks) but these are....and that's fine. We put it in the Request for Deviation that there was a business relationship between the chairperson and Diamond Acres or Jeff Sparks and that's fine, I think it's fine because we will accommodate and provide."

**Amanda Hill asked Mike Baird, "Were you on the board from August 18, 2015, to June 15, 2020?" Mike replied, "Yes." Amanda said, " I have you attesting to this information."**

**Amanda Hill read Request 4. List the following and for each response provide the party, the relationship and the total benefit exchanged for both monetary and in-kind value:**

**Amanda Hill told the board members what they (PSC) wants to know is if anyone has any kind of relationship with Diamond Acres or Mike's (Sparks) company, Marmic Meadows. Amanda said, "We know Johnny (Collette) has some sort of relationship with Diamond Acres because he has abstained from voting." Johnny Collette replied, "Yes." Amanda continued to inform the board that they (PSC) want to know what it is, what is the nature, and they want to know if anybody else here has any kind of relationship with Diamond Acres or Marmic Meadows which she understands to be Mike's (Sparks) company.**

**Amanda Hill asked Commissioner, Brandon Creekmore, "Do you have any financial relationship with Diamond Acres or any of its subcontractors, or Marmic Meadows or any of its subcontractors in the last 24 months?" Brandon Creekmore replied, "No Ma'am."**

**Amanda Hill said the board should have reviewed the receipts and know who the subcontractors are. She said, "In hindsight, I should have made a list to refresh everyone's memory, but I think it would have stood out if you had done business." She continued to say if they needed her to, she could type up a list of everybody that had submitted a receipt or invoice to Jeff (Sparks) or Mike (Sparks). Commissioner, Ronald Canada said, "We don't have a relationship with them."**

**Amanda Hill asked Chairman, Johnny Collette to tell the extent of his financial relationship with Diamond Acres. She said, "I would take that, given their question, monetary or in-kind value, I would be broad, any kind of business relationship or financial relationship there, with Diamond Acres, what is it exactly? I know you sold them the property." Johnny Collette replied, "I sold them the property." Amanda Hill asked, "Was that in the fall of 2019?" Johnny Collette said, "That's correct, October 2019." Amanda Hill stated she would pull the deed and put the consideration for whatever he (Jeff Sparks) paid but then**

said that is over the 24 months and continued by saying, "You sold him the property and assisted with the development of Diamond Acres, have you received any monetary consideration or like kind, have you gotten anything in exchange for assisting him with the development of Diamond Acres?" Johnny Collette responded, "I have not received no checks from him at all. Our agreement when we started this was that I would have my option of properties on the property. So I have four lots down there that the water and electric is in my name." Amanda Hill said, "Just so I am clear, so you chose the four lots you wanted, and you were given prime pick, you could pick whichever lots you wanted?" Johnny Collette agreed and said, "I could pick whatever." Amanda Hill said, "You got four lots in exchange for, okay, and are they in your name or do you have them in a name of a company?" Johnny Collette replied, "They are in my name." Amanda Hill asked, "How about Mike's (Sparks) Marmic Meadows, any business or financial relationship there?" Johnny replied, "There is no connection there, I know Mike (Sparks) and that is it."

Amanda Hill asked Commissioner, Ron Canada, "Any kind of business relationship with either Jeff's (Sparks) or Mike's (Sparks) company?" Ron Canada replied, "Absolutely not." Amanda Hill asked, "Any of the subcontractors?" Ron Canada replied, "No."

Amanda Hill asked Chairman, Johnny Collette if he had any relationship with any of the subcontractors to which he replied, "No, Jeff (Sparks) hired out everybody, I did not get involved in that at all."

Amanda Hill asked Commissioner, Dean Prewitt, "Any?" Dean Prewitt replied, "No." Amanda continued, "Subcontractors for Marmic/Diamond Acres?" Dean Prewitt replied, "I know Randy Rains but that is it."

Amanda Hill asked Manager, Mike Baird, "Any business relationship with Diamond Acres or Marmic Meadow?" Mike replied, "No, I didn't know them until they started doing their projects." She asked, "Any business or financial relationship with any of the subcontractors on either Mike (Sparks) project or Jeff's (Sparks)?" Mike replied, "I know Randy (Rains), I don't know the York boy, Charlie Delph that done the project (Marmic Meadow)." Amanda Hill asked, "Any financial relationship with them?" Mike Baird replied, "I had Charlie Delph put a roof on my house last summer." Amanda asked, "He shingled your personal residence, and do you recall how much you paid him?" Mike replied,

**“Yes, it was between \$18,000.00 and \$20,000.00.” Mike said he would have to go back and be sure on the amount but it was somewhere in that area. Amanda Hill asked when the work was done, and Mike said he was pretty sure it was in 2022 but would have to check. Amanda Hill said for Mike (Baird) to go back and check because she would like to be as specific as possible.**

**Amanda Hill asked if any of the subcontractors had done work for the water company. Mike Baird said, “As far as I know, no.”**

**Amanda Hill said, “Mr. Angel (Everett), any business or financial with Sparks 1 or Sparks 2 or any of the subcontractors?” Everett Angel replied, “No, I know Randy Rains, but no work has been done.”**

**Amanda Hill read Request 5: State whether any board member benefited financially from the construction project described in the application. She said, “That would be Jeff’s (Sparks) construction project. Financial benefit includes any gain from investment or employment.” All members replied no.**

**Amanda Hill read Request 6: Explain the vote approving the reimbursement for Diamond Acres, LLC as 3-1, if, as noted, the Chairman Mr. Collette abstained. She stated she thinks they (PSC) thinks we only have four board members. Malea Moses stated they do think that because she thinks that is what the auditors sent in. She also said that she had provided the correct information to put with the Request for Information. Amanda Hill said, “So I have the ayes as Everett (Angel), Dean (Prewitt) and Ron (Canada) and the nay is Brandon (Creekmore) and I put the board members can attest to this and the same thing on the other questions that I’ve gone through that involves you individually—that the board members can attest.”**

**Amanda Hill read Request 7: According to Commission records, there are four Board members. Confirm this is correct, if not...Amanda stated we have an accurate list.**

**Amanda Hill said Request 8 pertains to Jordan York (Justin) and York’s Excavating and she thinks that is up to Jeff (Sparks) and it’s the same thing with the next question (Request 9) on Rains Hauling aka Randy Rains and again she thinks it is up to Jeff (Sparks) to provide us with that.**

**Amanda Hill asked the board if they have any independent knowledge of any of the answers to the two questions she just went over and all board members**

said no. She then continued to say she would email Jeff Sparks and whatever answers he provides she would use and have him as the person who can verify that information.

Amanda Hill partially read Request 10 but it was not addressed. She asked the minutes from the June 15, 2020, be pulled to use as a reference. She continued to read Request 11 and Request 12: (11) The Chairman Mr. Collette, nominates Mike Baird to become utility manager. Provide the name of each person participating in that vote. (12) Confirm that the position of utility manager was not advertised or selected from a pool of candidates. Amanda Hill asked who was on the board in 2020. Johnny Collette stated he and Dean Prewitt were on the board, Dean Prewitt stated R.L. McCullah (now deceased) was on the board and Malea Moses stated Marshall Lovitt and Mike Baird were also on the board.

Malea Moses read the section of minutes from the June 15, 2020 meeting that pertains to Request 10 and Request 11 and said, "June 15, 2020, other items for discussion, appointment of Board Member Positions. A motion was made by Mike Baird to appoint Johnny Collette as Chairman of the Board of Commissioners, Dean Prewitt as Vice Chairman, Marshall Lovitt and R.L. McCullah as secretary/treasurer. All voted yes. At this point in the meeting Johnny Collette took over the meeting as Chairman of the Board of Commissioners of Cumberland Falls Highway Water District. Johnny Collette made a motion that Mike Baird be hired as the District Manager at a salary of \$65,000.00 per year. The motion was seconded by Dean Prewitt and R.L. McCullah. Motion carried. Amanda Hill asked for a copy of those minutes to use as an attachment.

Amanda Hill read Request 13: Refer to the Board minutes from September 2020. Confirm that a customer was granted a second leak adjustment at this meeting. Malea Moses read the section of minutes from the September 2020 meeting that pertained to this request. She said, "Donna Rapier attended the meeting to report she had a water leak, had received a water bill in the amount of \$1,920.67 and requested an adjustment be made to her bill. She also asked if the Board members would revise the district's leak adjustment policy. The district's policy is to allow only one leak adjustment per lifetime for residential customers and Mrs. Rapier had already received one adjustment. The board agreed to review the district's leak adjustment policy for possible changes such as allowing a leak adjustment once every four years provided the residential

**customer comes to a meeting with a request for an adjustment and proof the leak has been repaired. A motion was made by Johnny Collette and seconded by Dean Prewitt to write off all but \$550.00 of Mrs. Rapier's water bill. Motion carried.**

**Chairman, Johnny Collette asked the customer's name and Malea Moses replied, "Donna Rapier but her account is in the name, Mrs. Ralph Rapier because she refused to change the account name."**

**Amanda Hill read Request 14: Refer to the Cumberland Falls Highway Water District's tariff currently on file with the Commission, cite the leak adjustment policy allowing a second or subsequent leak adjustment for an individual customer. Malea Moses stated the leak adjustment policy is a once in a lifetime adjustment for residential customers. Amanda Hill was then given a copy of the district's leak adjustment policy.**

**Amanda Hill read Request 15: Since January 2020, provide the number of customers who have been granted a leak adjustment to their bill. She said 42 people have had their bill adjusted and 2 were second or subsequent adjustments. (Per information provided by district office) Amanda Hill asked if first leak adjustments are approved by the board and Malea Moses stated, "When a customer requests a leak adjustment, the office personnel will "run the numbers" and if they qualify for the once in a lifetime adjustment, then Mike Baird (district manager) approves it." Amanda Hill stated there are two repeat offenders, one being Mrs. Rapier. Malea Moses said she wasn't sure of the second one because another secretary had provided this information and she wasn't in the office today. Amanda Hill stated that no actual records of denials have been kept. (Per office personnel answer for Request 16)**

**Amanda Hill read Request 15b: Provide the corresponding approval for the Board for each adjustment that was a second or subsequent leak adjustment. She stated we only have approval by the board for just the one.**

**Amanda Hill read Request 16: Since January 2020, provide the number of leak adjustment requests that have been denied. Malea Moses said the office doesn't keep track of the denials because of so many people requesting adjustments. She stated people want an adjustment if their bill is \$10.00 higher than normal and that would be a lot to keep track of.**

**Amanda Hill stated she had covered everything and asked if anyone had anything they wanted to add or any questions. No one replied.**

**A motion to adjourn was made by Dean Prewitt and seconded by Everett Angel. All were in favor and meeting adjourned.**