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PUBLIC SERVICE  
COMMISSION

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

**In the Matter of:**

**REQUEST TO FILL EXISTING VACANCIES ON )  
THE BOARD OF COMMISSIONERS OF LETCHER ) CASE NO. 2008-395  
COUNTY WATER AND SEWER COMMISSION**

**ENTRY OF APPEARANCE**  
**AND INTRODUCTION**

COMES NOW, Harold D. Bolling, Letcher County Attorney,  
and hereby enters his appearance in this matter as counsel for the Letcher  
County Fiscal Court. THAT his address is 40 Main Street, Whitesburg,  
Kentucky, 41858 and telephone number is (606) 633-0126. THAT he is the  
person that prepared the Fiscal Court's Response to the Commission's Order  
dated November 6, 2008. Counsel further states that he has from time-to-time  
advised and counseled the Letcher County Water and Sewer District on legal  
matters during its ten years of existence.

Counsel states that he gathered information in order to prepare this

Response from multiple sources , which included the minutes of the Letcher County Fiscal Court and the Letcher County Water and Sewer District; personal interviews with past commissioners and Fiscal Court members and other citizens who were instrumental in creating the District; and past issues of The Mountain Eagle which was and is the newspaper for our legal advertising.


It should be pointed out that although the initial Board of Commissioners was duly appointed by Judge/Executive Carroll Smith and approved by the Letcher County Fiscal Court on June 17, 1997, there is a near total lack of information in the Fiscal Court Minutes and records to substantiate the proper appointment and approval of subsequent commissioners serving thereafter. Although there was a full complement of commissioners serving on the District Board, there is little information to establish how they were appointed. It should be noted that many conclusions drawn herein were often based on bits and pieces of information and assumptions. Often a new commissioner would appear in the District's minutes of a monthly meeting for the first time, and a previous commissioner's name would not be mentioned. Therefore, it was assumed that the new commission was appointed by the serving Judge/Executive . However, it was not presented to the Fiscal Court for

approval.

Counsel further states that he included as much information as possible so that the Public Service Commission will be able to realign the original staggered terms with the new appointments. This Response actually traces the history of the five initial appointments to the present.

It should be further noted that in researching for the information sought herein, it was discovered that Mr. L.R. Buchanan had not been reappointed and approved by the Fiscal Court to a new term which commenced on July 1, 2008. Mr. Buchanan simply continued to serve as a commissioner. This discovery led to the Fiscal Court's amended request to appoint three new commissioners instead of two. The Fiscal Court, by amended resolution, nominated Mr. Richard Carter for consideration in filling the third vacant position on the District's Board of Commissioners. Mr. Carter's curriculum vitae and pertinent information was added as Response 7.1 behind Tab H.

Respectfully Submitted,

  
\_\_\_\_\_  
Harold D. Bolling  
Letcher County Attorney  
Counsel for the Letcher County Fiscal Court

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**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**REQUEST TO FILL EXISTING VACANCIES ON )  
THE BOARD OF COMMISSIONERS OF LETCHER ) CASE NO. 2008-395  
COUNTY WATER AND SEWER COMMISSION**

**RESPONSE TO ORDER**

Comes Now, the Letcher County Fiscal Court by and through  
the Letcher County Attorney and files herein its Response to the Commission's  
Order entered herein on November 6, 2008.

**Item No. 1:** List the names of each of the current Letcher District Commissioners  
and the date on which his or her term expires.

**Response:**

**Fred Webb** - Mr. Webb's term ends June 30, 2009.

**Jim Flynn** - Mr. Flynn's term ends June 30, 2011.

**L.R. Buchanan** - Mr. Buchanan's term ended June 30, 2008. However,  
Mr. Buchanan continues to participate as a commissioner, but he was  
not officially appointed or approved by the Fiscal Court.

**Item No. 2:** List the name of each Letcher District Commissioner who has served on Letcher District's Board of Commissioners since July 1, 2004 and the dates of his or her service as a commissioner.

**Response:**

**Seth Long** - Mr. Long commenced serving as a commissioner on January 15, 2004 and continued to serve until September, 2008.

**Donald Profitt** - Mr. Profitt commenced serving as a commissioner in June, 1997 and continued to serve until June 21, 2007.

**Phillip Back** - Mr. Back commenced serving as a commissioner on June 18, 2007 and continued to serve until November 9, 2007.

**Fred Webb** - Mr. Webb commenced serving as a commissioner on November 9, 2007. He is currently a serving commissioner.

**Jack Martin** - Mr. Martin commenced serving as a commissioner in June, 1997 and continued to serve until June 30, 2007.

**Sherrill Slone** - It was impossible to determine when Mr. Slone commenced serving as a commissioner, and it appears that he left the board in January, 2006.

**Jim Flynn** - It was impossible to determine the date Mr. Flynn commenced serving as a commissioner; however the District's minutes indicate that he was listed as a commissioner at the August 17, 2006 board meeting. Mr. Flynn is a current serving commission member.

**Pat Gish** - Mrs. Gish commenced serving as a commissioner in June, 1997, and continued to serve as late as June, 2007.

**L.R. Buchanan** - Mr. Buchanan commenced serving June 22, 2007, and is currently serving as a commissioner.

**Item No. 3 a, b, c, d, e:** This item requests certain information on Donald Profitt, Jack Martin, Pat Gish, Jim Flynn, L. R. Buchanan, Seth Long, Sherrill Slone, and Fred Webb.

**Response:**

Letcher County Judge/Executive, Carroll Smith, appointed the initial Board of Commissioners to the Letcher County Water and Sewer District (hereinafter referred to as the “District”) on June 17, 1997, and the Letcher County Fiscal Court, (hereinafter referred to as “Fiscal Court”) approved the appointments on the same date.

A District Commissioner was appointed from each of the Magisterial Districts in the County as the districts were drawn in 1997. It should be noted that the boundaries have since been redrawn.

The initial Board of Commissioners and their terms were as follows:

DISTRICT NUMBER ONE (1): **JIM MCAULEY** was appointed by Letcher County Judge/Executive , Carroll Smith, and approved by the Fiscal Court to an initial term of four (4) years commencing June 1997 and ending June 30, 2001.

A search of the minutes and the records of both the Court and the district did not reveal any information as to Mr. McAuley’s reappointment to a second term to commence on July 1, 2001; however he continued to serve as a

Commissioner and in fact was the chairman.

Mr. McAuley passed away on October 14, 2003 while serving as a commissioner.

**SETH LONG:** Judge Carroll Smith attended the District's January 15, 2004 meeting at which time and place he announced the appointment of Mr. Long to replace Jim McAuley as a Commissioner. The minutes stated that Judge Smith administered the "oath of service" to Seth Long. However, there is no evidence in the Fiscal Court minutes stating that the Fiscal Court approved this appointment.

Mr. Long's appointment would have been for the remainder of Mr. McAuley's unexpired term, which would have ended June 30, 2005. Mr. Long continued to serve as a Commissioner at the expiration of the term on June 30, 2005. The new term would run from July 1, 2005 until June 31, 2009. However, a search of the minutes and records of both the Fiscal Court and the District did not reveal any information as to Mr. Long's appointment or approval to serve for the new term. The conclusion is that either Judge/Executive, Carroll Smith reappointed Mr. Long to the Commissioner's seat, but never presented the appointment to the Fiscal Court for approval, or Mr. Long simply continued to serve and the issue was never addressed by Judge/Executive Smith or anyone else.



At some point in time during the summer of 2008, it was determined that Seth Long's appointment was never made official, and was it confirmed by the Fiscal Court, and therefore was not valid. Thereafter, Judge/Executive, Jim Ward, declared the seat vacant.

DISTRICT NUMBER TWO (2) COMMISSIONER: DONALD PROFITT was appointed by Judge/Executive Carroll Smith and approved by the Fiscal Court to an initial term of four (4) years commencing in June, 1997 and ending on June 30, 2001.

It is believed that Mr. Profitt was reappointed as a Commissioner to serve a second term, which would have commenced on July 1, 2001, and would have ended on June 30, 2005. Mr. Profitt did in fact serve as a Commissioner during this term; however, a search of the records and minutes of the Fiscal Court and the District did not reveal any information as to Mr. Profitt's appointment or confirmation.

It is further believed that Mr. Profitt was appointed to a third term as a District Commissioner. This term would have commenced on July 1, 2005 and would have ended June 30, 2009. However, a search of the records and minutes of the Fiscal Court and the District did not reveal any information as to Mr. Profitt's appointment or confirmation.

Mr. Profitt served as a Commissioner until he resigned, by letter of resignation dated June 21, 2007.

**PHILLIP BACK** was appointed and approved by the Fiscal Court to serve the remainder of Donald Profitt's term, which would end June 30, 2009. Judge/Executive Jim Ward appointed Mr. Back, and the Court approved this at the June 18, 2007 meeting. Said appointment was to take effect June 22, 2007. Mr. Back served as a Commissioner until he resigned from this position by letter of resignation dated October 29, 2007, and said resignation was made effective November 9, 2007.

**FRED WEBB:** Letcher County Judge/Executive, Jim Ward announced at the November 19, 2007 Regular Fiscal Court Meeting that District Commissioner, Phillip Back, had resigned from the Water District. Judge/Executive, Jim Ward thereafter nominated Fred Webb and the Fiscal Court approved of him to serve out the remainder of Mr. Back's term, which would end June 30, 2009. Mr. Webb is currently a serving Commissioner.

DISTRICT NUMBER THREE (3) COMMISSIONER: **JACK MARTIN:**  
On June 17, 1997 Judge/ Executive, Carroll Smith appointed Mr. Martin, and the Fiscal Court approved of him to an initial term of three years commencing in June, 1997 and ending June 30, 2000.

It is believed that Mr. Martin was reappointed, but not presented to the Fiscal Court for approval for a second term, which would have been for four (4) years. This term commenced July 1, 2000 and ended June 30, 2004. Mr. Martin in fact did serve as a Commissioner during that period.

It is believed that Mr. Martin was reappointed, but not presented to the Fiscal Court for approval for a third term, which commenced on July 1, 2004 and ended on June 30, 2008. Mr. Martin in fact did serve as a Commissioner until he resigned from the position by letter dated July 19, 2007. Said letter stated the effective date of his resignation was June 30, 2007.

**L. R. BUCHANAN:** At the Regular Fiscal Court Meeting on June 18, 2007, Judge /Executive, Jim Ward, nominated Mr. Buchanan and the Fiscal Court approved of him to serve the remainder of Mr. Martin's Term, which ended June 30, 2008. The appointment was to become effective June 22, 2007. Mr. Buchanan did in fact serve out the remainder of Mr. Martin's term. However, there was no information discovered to make a determination as to whether or not Mr. Buchanan was reappointed by Judge/Executive Jim Ward and approved by the Fiscal Court to assume the succeeding four year term that commenced July 1, 2008 and would end on June 30, 2012. It has been stated in recent Fiscal Court meeting that Mr. Buchanan tendered his letter of resignation

to the district ; however he agreed to hold his resignation in abeyance until there was enough duly appointed commissioners to carry out the District's business.

DISTRICT FOUR (4) COMMISSIONER: **BILL CAUDILL**: On June 17, 1997, Judge/Executive, Carroll Smith appointed and the Fiscal Court approved Mr. Caudill to serve an initial two (2) year term, which would have expired on June 30, 1999.

**SHERRILL SLONE**: It is believed that Judge/Executive, Carroll Smith, appointed Mr. Slone to replace Mr. Caudill as the District Four (4) Commissioner. However, there is no information as to when this appointment was made and that the appointment was approved by the Fiscal Court. The appointment would have been for the District Four (4) term commencing July 1, 1999 and ending June 30, 2003. It is indicated in the District's records and minutes that Mr. Slone was attending meetings in the place of Mr. Caudill. Further, the District's minutes indicate that Mr. Slone was serving as a Commissioner as late as January, 2006, and it appears that Mr. Slone was either reappointed and not confirmed by the Fiscal Court, or he simply stayed on after his term ended on June 30, 2003. It is reasonable to assume that the subsequent District Four term ran from July 1, 2003 to June 30, 2007, and that Mr. Slone left

the District prior to the expiration of said term.

**JIM FLYNN:** It is believed that at a time after Sherrill Slone quit attending the District's meetings (January, 2006), Judge/Executive, Carroll Smith appointed Jim Flynn to serve the unexpired term of Mr. Slone. The District's minutes indicated that Mr. Flynn attended the August 17, 2006 meeting and was listed as a Commissioner. However, it should be noted that the approval of Mr. Flynn's appointment could not be found in the Fiscal Court minutes. Mr. Flynn failed appointment would have expired on June 30, 2007, which would have been the end of Mr. Slone's holdover term.

Letcher County Judge/Executive, Jim Ward, appointed Jim Flynn and the Fiscal Court approved this at the Fiscal Court's June 17, 2007 monthly meeting Mr. Flynn is currently serving, and his term ends June 30, 2011.

DISTRICT NUMBER FIVE (5) - **PAT GISH** was appointed by Letcher County Judge/Executive, Carroll Smith, and was approved by the Fiscal Court to an initial term of Four (4) years commencing in June, 1997 and ending June 30, 2001.

It is believed that Mrs. Gish was reappointed by Judge/Executive, Carroll Smith, to a second four- year term; however, there is no information in the

— records and the minutes of the Fiscal Court to indicate that her appointment was approved by the Court. This term would have commenced July 1, 2001 and ended June 30, 2005.

It is further believed that Mrs. Gish was appointed to a third four-year term, commencing July 1, 2005, and ending June 30, 2009. However, there is no evidence in the records or minutes of the Fiscal Court to indicate that this appointment was approved by the Court. Mrs. Gish did in fact attend the District's meeting until some point in 2007. During the summer of 2008, it was determined that Mrs. Gish's appointment was never presented to the Fiscal Court for approval and was therefore invalid and her seat was declared vacant by Judge/Executive, Jim Ward.

**Item No. 4:** Provide each order of the Letcher County Judge/Executive in which one or more persons listed in Item 3 was appointed to Letcher District's Board of Commissioners.

**Response:** Attached hereto and made a part hereof are the following Letcher County Fiscal Court Orders, Resolutions and Motions appointing persons to the Letcher County Water and Sewer District Board of Commissioners:

Exhibit for Item No. 4, A, Response - which is a copy of the Fiscal Court minutes of the June 17, 1997 meeting at which a motion was made, duly seconded and passed without opposition, appointing the original Board of Commissioners consisting of Bill Caudill, Pat Gish, Jack Martin, Jim McAuley and Don Proffitt.



LETCHER COUNTY FISCAL COURT  
MEETING  
June 17, 1997

Exhibit for Item 4,A Response

PRESENT: Carroll Smith County Judge Executive  
Delbert Anderson Magistrate  
Randy Blair Magistrate  
Homer Caudill Magistrate  
Ozz Jackson Magistrate  
Larry Tolliver Magistrate  
Harold D. Bolling Letcher County Attorney

CALL TO ORDER: This meeting of the Letcher County Fiscal Court was called to order at 6:10 p.m. by Letcher County Judge Executive, Carroll Smith, and was followed by the pledge of allegiance, and the calling of the roll.

APPROVAL OF MINUTES. Larry Tolliver made the motion to approve the minutes from May 13, May 20, and June 2, 1997. Homer Caudill seconded the motion, which carried without opposition.

CITIZENS' DELEGATIONS. Burley Caudill of Jeremiah spoke of a need for work to be done on the Spring Branch Road where he lives. He presented a petition from residents living in that area asking for work to be done on the road and creek banks. Mike Webb, representing the Humane Society, asked that the County transfer animals to their facility when it opens. Judge Smith and the magistrates agreed to work with them when the contract with Hazard Humane Society expired. Judge Smith asked Mr. Webb to make a draft of a contract for the Court to consider. Melvin Wilder of Deane asked for work to be done on Shelby Fork road at Deane. Judge Smith said he would talk to the road foreman about both these roads. Charles Hawkins asked that the grader do some work at Pine Mountain Junction and clean out ditches.

HEALTH INSURANCE. Judge Smith made the motion to choose Plan Source from Accordia of Eastern Kentucky Insurance and Change Personnel policy to read that the Court will pay up \$150.00 per month per employee toward each employer's health policy of their choice—the employees can choose the plan. Homer Caudill seconded the motion, which carried without opposition.

WATER & SEWER DISTRICT COMMISSIONERS. Randy Blair made the motion to appoint Bill Caudill, Pat Gish, Jack Martin, Jim McAuley, and Don Profitt as Water & Sewer District Commissioners with no salary at this time. Homer Caudill seconded the motion, which carried without opposition.

Co. Attorney Exhibit "A"

WATER & SEWER DISTRICT COMMISSIONERS

JUNE 17, 1997

NAME	AREA	TERM	END DATE
BILL CAUDILL ④	ROKANA	2 YEARS	JUNE 30, 1999 ✓
PAT GISH ⑤	THORNTON	4 YEARS	JUNE 30, 2001 ✓
<i>Treasurer</i> JACK MARTIN ③	PARTRIDGE	3 YEARS	JUNE 30, 2000 ✓
<i>Chair</i> JIM MCAULEY ①	KONA	4 YEARS	JUNE 30, 2001
<i>Sec</i> DON PROFITT ②	CAMP BRANCH	4 YEARS	JUNE 30, 2001

Bill Caudill  
 HC 71 Box 1021  
 Blackey, Kentucky 41804  
 633-0640 Home

Don Profitt  
 c/o Homes, Inc.  
 P. O. Box 8  
 Neon, Ky 41840  
 632-  
 633-9644 Home  
 855-4561 Ek 11 work

Pat Gish  
 c/o Mountain Eagle  
 P. O. Box 808  
 Whitesburg, Ky 41858  
 633-2252-OFF  
 -7309-Home

James McAuley  
 HC 87 Box 2142  
 Kona, Ky. 41858  
 855-9261 work  
 7787 Home

Jack Martin  
 HC 67 Box 1141  
 Partridge, KY 40862  
 589-5847 Home

WATER & SEWER DISTRICT COMMISSIONERS

JUNE 17, 1997

- BILL CAUDILL - ROXANA
- PAT GISH - THORNTON
- JACK MARTIN - PARTRIDGE
- JIM MCAULEY - KONA
- DON PROFITT - CAMP BRANCH

Exhibit for Item No. 4 B, Response - which is a copy of the Fiscal Court minutes of the June 18, 2007 meeting at which a motion was made to appoint Chalmer Craft for Mrs. Gish's term; L. R. Buchanan for Jack Martin's term; Phillip Back for a one-year term to finish Don Profitt's term; Jim Flynn to finish out his term. The motion passed unanimously.

**LETCHER COUNTY FISCAL COURT  
JUNE 18, 2007  
6:00 PM**

**THOSE PRESENT**

BOB LEWIS  
ARCHIE BANKS  
CODELL GIBSON

KEITH ADAMS  
WAYNE FLEMING  
JUDGE WARD

Judge Ward welcomed everyone to the meeting and led the court in Pledge.

**ACCEPT PREVIOUS MEETINGS MINUTES**

Motion to approve minutes as presented made by Magistrate Banks with the second to the motion being made by Magistrate Lewis. Motion carried with all yes.

**CITIZENS DELEGATION**

DON AMBURGEY

Spoke of the events that they have been having at the site, the good response from the public and the fiscal court in helping them get established.

He also spoke of needing to apply for the upcoming coal servence tax money, Judge Ward advised him that this needed to be done by July 1 of '08.

BUDDY GRUBBS

Spoke of the work for the Veterans Center that Lloyd Brown has done and his dedication to the county for the veterans, Mr. Grubbs requested Circle Drive be dedicated to Lloyd Brown.

Motion by Magistrate Lewis to dedicate Circle Drive to Lloyd Brown, with the second being made by Magistrate Banks, motion carried with all yes.

## COURTHOUSE ANNUAL REPORT

Already voted on earlier.

Judge stated that we needed to change the names on the BOD

Motion by Magistrate Fleming to put Magistrate Gibson as secretary and Magistrate Adams and Judge Ward onto the board, Phillip Hampton as treasurer. The directors will be rest of the court, with the second being made by Magistrate Banks. Motion carried with all yes.

### TRAINING CENTER

Motion to approve training center for Neon Fire and Rescue made by Magistrate Gibson with the second being made by Magistrate Fleming. Motion carried with all yes.

### GREG PRIDEMORE-RESOLUTION REGARDING EASEMENT FOR COUNTY ROAD RIGHT OF WAY

Motion to pass right of way contingent upon Harold Bolling looking at the right of way for the water and sewer department and making sure it meets the county specs. Made by Magistrate Banks with the second being made by Magistrate Fleming. Motion carried with all yes.

### RANDOM DRUG TESTING

Judge Ward spoke of not drug testing, would like to amend the personnel policy to have random drug testing for the county employees, Judge made motion with Magistrate Gibson making the second to the motion. Motion carried with all yes.

### APPOINT WATER AND SEWER BOARD

These appointments are to go into place on the 22<sup>nd</sup> of June.

Judge suggested four members

Chamer Craft for Ms. Gish term  
L R Buchannan for Jack Martins term

Phillip Back one year term to finish Don <sup>Proffitt</sup> Amburgeys term  
Jim Flynn to finish out his term <sub>mn</sub>

Magistrate Gibson why did we chose these people, he stated that we needed go getters for this board.

Judge Ward stated that these people came to him wanting to serve on this board and felt that they would do a good job on this board. He also spoke of Magistrate Fleming having a good name to present, but this person is on the city council and ask County Attorney Bolling if this would present a problem? He stated that he felt that it may since the two boards would have to work on the same projects.

Motion to approve names presented made by Magistrate Banks with the second being made by Magistrate Gibson. Motion carried with all yes.

#### DISCUSS OXY COTIN LAWSUIT-PIKE COUNTY JUDGE-

Judge Ward informed the court that Pike County is looking to file a lawsuit to recoup some of its lost expense from the jail and hospital bills from the company. He is looking for other counties to join in this if it forms to a lawsuit.

Motion by Magistrate Fleming to enter into as a plaintiff with Pike County against the makers of oxy cotin and direct County Attorney Bolling to look into the suit with Pike County with the second being made by Magistrate Banks. Motion carried with all yes.

#### SECOND READING OF BUDGET AMENDMENTS 13 AND 14

Motion to accept as read by Phillip Hampton made by Magistrate Banks with the second being made by Magistrate Fleming . Motion carried with all yes.

#### SECOND READING OF COWAN PARK ROAD SPEED LIMIT

Motion to approve as read made by Magistrate Lewis with the second being made by Magistrate Banks. Motion carried with all yes.

Exhibit for Item No. 4, C, Response - which is a copy of the Fiscal Court minutes of November 19, 2007, at which time Judge/Executive Jim Ward announced that District Commissioner Phillip Back had resigned, and that he nominated Fred Webb to serve out the term. A motion was made to appoint Fred Webb and it carried unanimously.



**LETCHER COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
NOVEMBER 19, 2007  
6:30 PM**

THOSE PRESENT

BOB LEWIS  
ARCHIE BANKS  
CODELL GIBSON

KEITH ADAMS  
WAYNE FLEMING  
JUDGE WARD

Judge Ward welcomed everyone to the meeting and led the court in the Pledge of Allegiance.

APPROVE MINUTES OF PREVIOUS MEETING

Motion to accept minutes as presented made by Magistrate Banks with the second being made Magistrate Gibson. Motion carried with all yes.

PUBLIC COMMENT

Elbert Lee

Ask the Judge if anything has been done on the smoking ban.

DON AMBURGEY- LITTLE SHEPHERD DRAMA

Had over 2,000 visitors for the site this summer, he also ask about the water and sewer.

DAVID CHALTAS

Magistrate Fleming made motion to purchase the cannon that was described by Mr. Chaltas for the amount of \$ 9,500.00, with the second being made by Magistrate Adams. Motion carried with all yes.

VERNAL HATTON

Garbage at Woodrock bridge with a dead deer in the water.

He went on to discuss the ball field at Isom thanked them for the help that the county had done on it.

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#### JIM POLLY

He thanks the court and citizens for their help in the dinner and auction they had to benefit the Old Jenkins High School.

#### M C H C

NOT HERE TO DO, WILL PUT OFF UNTIL NEXT MONTH

#### PAY FOR ELECTION WORKERS

Motion made by Magistrate Lewis to pay election workers with the second being made by Magistrate Banks. Motion carried with all yes.

#### CHALLENGER LEARNING CENTER

They have ask for multi county money for this project in the amount of \$ 90,000.00, they explained that this benefits our county as well.

Motion by Magistrate Banks to approve the resolution, proclamation and to authorize the Judge to sign as needed, with the second being made by Magistrate Lewis. Motion carried with all yes.

#### GREG PRIDEMORE

He went over with the court each water project, Crafts Colley; Little Cowan will need a 30 day extension.

#### FUNDING RECOMMENDATIONS FROM COAL SERVANCE TAX

Thornton Pine Creek and Cram Creek \$ 900,000.00  
Red Star \$ 400,000.00  
Smoot Creek \$ 250,000.00  
Payne Gap \$ 500,000.00

Motion to accept projects and prepare the resolutions as read made by Magistrate Banks, with the second being made Gibson. Motion carried with all yes.

He advised the court that Phillip Back had resigned from the water board, the Judge would like to appoint Fred Webb.

Motion to accept resignation and place Fred Webb made by Magistrate Webb made by Magistrate Fleming with the second being made by Magistrate Banks. Motion carried with all yes.

#### TOURISM BOARD APPOINTMENTS

Motion to appoint David Narramore and Jack Looney to the board made by Judge Ward with the second being by Magistrate Banks. Motion carried with all yes.

#### REVISED FEMA ORDINANCE

Harold gave first reading of revised FEMA ordinance, motion to accept as read made by Magistrate Gibson, second made by Magistrate Banks. Motion carried with all yes.

Magistrate spoke of Insurance companies robbing the people, insurance has increased greatly.

#### BIDS FOR CHRISTMAS BASKETS

Judge ask for to advertise for bids with the Christmas baskets and also ask for a sample basket from each place, so that we can actually see them.

Motion by Magistrate Gibson to ask for bids and to see the actual basket, with the second being made by Magistrate Adams. Motion carried with all yes.

#### GRAYS BRANCH SPEED LIMIT

Ask for speed limit on this road

## SECOND READING FOR GOOSE CREEK AND RACE TRACK HOLLOW

Motion to accept second reading with Goose Creek being set at 15mph and Race Track hollow being set at 15 mph, made by Magistrate Adams, with the second being made by Magistrate Adams. Motion carried with all yes.

### Discuss Sanitation

Judge Ward gave the court a cost per ton for sanitation, and told them to consider if we were going to bid it out or fix it.

Motion by Magistrate Gibson to fix this system with the second being by Magistrate Lewis. The motion failed due to a tie, the no's from Judge Ward, Magistrate Banks and Fleming.

Judge Ward stated that he would still like to bid out the system and hear what they have to say and see which way is best for the county. Just because you bid out does not mean we have to accept any of them.

Motion to accept bids on the garbage haul and bid in different aspects made by Magistrate Fleming with the second being made by Magistrate Banks. Motion died due to a tie.

Motion by Judge Ward to bid out to see where we stand with no obligations to the bids, motion second by Magistrate Banks. Motion carried with all yes except one no from Magistrate Gibson.

### MAURICE ROYSTER

He showed the court a map of where his company would like to use the county property above the landfill.

Motion to give Judge Ward permission to negotiate a price and to come back to the court with the amount. Motion second by Magistrate Fleming with motion carrying with all yes.

Magistrate Banks made motion to put concrete bill on standing order,

Harold Bolling stated that this did not qualify as one of the reasons to be put on standing orders.

Phillip Hampton Treasurer

Phillip read the treasurers report and transfers.

Motion to accept as read made by Magistrate Adams, with the second being made by Magistrate Gibson. Motion carried with all yes.

### PAY ALL BILLS

D J gave out an add on bill for Appalachian Monument for \$ 125.00 for reimbursement.

Judge spoke of Greg Pridemore needing to be added on to be project administration.

Motion by Magistrate Banks to place Greg Pridemore as project administrator, second by Magistrate Gibson. Motion carried with all yes.

Motion by Magistrate Gibson made motion to pay all bills with the add on of Appalachian Monument, with the second being made Magistrate Adams. Motion carried with all yes.

Motion to adjourn at 9:38 pm made by Magistrate Adams, with the second being made by Magistrate Banks. Motion carried with all yes.

BOB            LEWIS

KEITH            ADAMS

ARCHIE        BANKS

WAYNE            FLEMING

CODELL        GIBSON

JUDGE            WARD

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**Exhibit for Item No. 4, D, Response** - which is a copy of the Fiscal Court Minutes of September 15, 2008, at which time Judge/Executive Jim Ward appointed Phillip Back for Seth Long's position and Richard Yonts for Mrs. Gish's position.

LETCHER COUNTY FISCAL COURT  
SEPTEMBER 15, 2008  
6:30 PM

ALL PRESENT

Judge Ward welcomed everyone to the meeting and led the court in the Pledge.

APPROVE MINUTES OF PREVIOUS MEETINGS

Judge Ward spoke of Debbie Collins, should state from hourly to salary at \$ 26,000.00.

Motion to approve minutes as presented, with the correction included made by Magistrate Banks, with the second being made by Magistrate Gibson. Motion carried with all yes.

PUBLIC COMMENTS

GARY ROGERS

Ask about the property at Campbells Branch Community Center, they are going to put in a fire sub station.

Jim Polly

Spoke of the fund raising they are having for the old high school.

DON AMBURGEY- LITTLE SHEPHERD PROJECT

Spoke of the happening going on at their center, and spoke of future plans.

BENNIE HAMILTON-KRADD

Resolution for the Letcher County Fiscal Court authorizing the signing of a contract for consulting service.

Motion to accept upon contingent of county attorney approving made by Magistrate Banks, with the second being made by Magistrate Gibson. Motion carried with all yes.

#### BILL MEADE

Needs a fire hydrate at the Kingscreek Fire Department.

#### UNITE THIRD AMENDED AND REDATED INTERLOCAL AGREEMENT

Motion by Magistrate Gibson to enter into agreement with the second being made by Magistrate Adams. Motion carried with all yes.

#### COMMONWEALTH CREDIT UNION PRESENTATION

Motion by Magistrate Fleming to allow the county employees to participate in the credit union if they so choose to do so. Motion second by Magistrate Banks. Motion carried with all yes.

#### FIRST READING OF ORDINANCE MATERIAL COST RECOVERY

Motion by Magistrate Banks to accept ordinance has read by County Attorney Harold Bolling, motion second by Magistrate Lewis. Motion carried with all yes.

#### DISCUSS PICTOMETRY FOR THE COUNTY

This is picture detail for the county; it would help in the PVA's office, the sheriff's office and the 911 office. It shows the whole county from an Ariel shot.

Motion by Magistrate Banks to purchase pictometry and give Judge authority to sign all contracts necessary. Motion second by Magistrate Fleming. Motion carried with all yes.

At this time a deputy for the Sheriffs office spoke to the court about appreciating the fact that they have their coal severance tax money, they have bought level 3 vest and have tasers for the road deputies.



## WATER BOARD UPDATE-SETH LONG CHAIRMAN

He went over the projects that are being worked on and answered questions from the court.

Magistrate Fleming ask why raise the hook up fees to \$ 650.00? Magistrate Fleming spoke of people could not afford this rate, people on fixed income would have a very hard time.

Magistrate Fleming spoke of the board hiring the same firm to do all projects instead of splitting it up so that the projects would not get behind. He also stated that the board could of gotten better prices if they had of had some competition from others. At this time Magistrate Banks also injected his dislike of one firm doing all projects, he stated that the board has put the projects 10 years behind.

Seth responded by saying that they advertised got 8 response and they scored the same companies.

Magistrate Fleming ask if during the selection was anything changed in the process?

Seth responded that they went to the county attorney and ask for his advice on how to handle the problem. Harold Bolling stated that they could do it a couple of different ways and that was to appoint all to one or to split the projects.

## APPOINTMENTS ON WATER BOARD

Judge spoke of water board, that there has been on one appointed and he would like to make the appointments now.

Phillip Back for Seth Long position, and Richard Yonts for Ms. Gish's position.

Harold Bolling spoke about starting this board, they went back to initial board and staggered the times.

Motion by Judge Ward to accept appointments as announced with Magistrate Banks making the second to the motion. Motion carried with all yes, except one abstain from Magistrate Gibson.

Motion by Magistrate Banks for the court to go into executive session at 8:32 pm to discuss personnel with the second being Made by Magistrate Gibson. Motion carried with all yes.

Back at 9:00 pm

Motion on termination on Charles Cole made by Magistrate Banks with the second being made by Magistrate Adams. Motion carried with all yes.

Motion to terminate Matt Combs, made by Magistrate Adams with the second to the motion being made by Magistrate Banks. Motion carried with all yes from all except one no from Magistrate Fleming.

#### SECOND READING OF BUDGET AMENDMENTS 2,3,4,5, 6 AND 7

Motion to accept second reading as read made by Magistrate Gibson with the second being made by Magistrate Lewis. Motion carried with all yes.

#### FIRST READING OF BUDGET AMENDMENT # 8

Motion to approve as presented by Harold Bolling made by Magistrate made by Magistrate Banks, with the second being made by Magistrate Adams. Motion carried with all yes.

#### TREASURERS REPORT AND TRANSFERS

Motion to accept treasurer's report and transfers as presented by DJ Frazier made by Magistrate Banks with the second being made by Magistrate Lewis. Motion carried with all yes.

Magistrate Banks spoke of Morgan Lane, someone put up a fence and blocked the road. County Attorney Harold Bolling said for the county to do what it needs to do and clear the right of way, may need to take a police officer.

Motion by Magistrate Gibson to transfer \$ 40,000.00 from LGEA to Letcher County Horse Trail fund to an escrow account, motion second by Magistrate Adams. Motion carried with all yes.

Judge Ward spoke of receiving a \$ 99,705.00 grant for planning to do the airport he would like to thank Johnny Ray Turner and Leslie Combs for their help in this.

Judge Ward explained that he went and looked at a mini excavator cat for around \$ 42,000.00 at state contract price.

Motion by Magistrate Gibson to purchase the mini cat and give the Judge permission to sign any legal documents necessary with the second being made by Magistrate Adams. Motion carried.

#### SECOND READING FOR DEADWOOD DRIVE, LEFT FORK MARSHALLS BRANCH

Motion to accept as read made by Magistrate Gibson with the second made by Magistrate Adams. Motion carried with all yes.

#### SUBMIT BILLS FOR PAYMENT

Magistrate Fleming as about the bill for \$ 867.00 for lights in the courthouse, Judge explained that it was the lights in the Circuit Court Room.

Motion to pay all bills as presented made by Magistrate Adams, with the second being made by magistrate Banks. Motion carried with all yes.

Moiton by Magistrate Adams to increase the pay of the deputy coroner, Judge advised to wait on this.

Moiton to adjourn at 9 :40 pm made by Magistrate Adams, with the second being made by Magistrate Banks. Motion carried with all yes.

\_\_\_\_\_  
BOB                      LEWIS

\_\_\_\_\_  
KEITH                      ADAMS

\_\_\_\_\_  
ARCHIE                      BANKS

\_\_\_\_\_  
WAYNE                      FLEMING

\_\_\_\_\_  
CODELL                      GIBSON

\_\_\_\_\_  
JUDGE                      WARD

**Exhibit for Item No. 4, E, Response** - which is a copy of the Fiscal Court Minutes of September 23, 2008, at which time Judge/Executive Jim Ward rescinded his previous motion to appoint Richard Yonts to replace Mrs. Gish. Thereafter, Judge Ward made a motion to appoint Billy Stamper in Richard Yonts' position and Phillip Back for Seth Long's term.

LETCHER COUNTY FISCAL COURT  
SPECIAL CALLED MEETING  
SEPTEMBER 23,2008

ALL PRESENT

RESOLUTION OF APPOINTMENT TO LETCHER COUNTY WATER  
AND SEWER BOARD

Judge Ward rescinded motion to appoint Richard Yonts for Ms. Gish. Richard Yonts is on the Neon water board. Motion second by Magistrate Banks. Motion carried with all yes.

Judge Ward made motion to appoint Billy Stamper in the Richard Yonts position from 06-01-10 and appoint Phillip Back for Seth Long term to end 06-01-12, motion second by Magistrate Banks. Motion carried with all yes except for Magistrate Gibson who abstained.

Seth Long wants report as to why he was fired.

RESOLUTION TO LETCHER COUNTY WATER AND SEWER  
COMMISSION 74.0204 TO ADD PHILLIP BACK AND BILLY  
STAMPER

Motion made by Magistrate Banks to accept resolution as read with the second being made by the Judge.

Motion carried


SUBMIT BILLS


Motion to pay bills as presented made by Magistrate Gibson, with the second to the motion made by Magistrate Banks. Motion carried with all yes.


Motion to adjourn made by Magistrate Banks with the second being made by Magistrate Lewis. Motion carried with all yes.


This Resolution was introduced, read and adopted by the Letcher County Fiscal Court on this 23<sup>rd</sup> day of September, 2008.

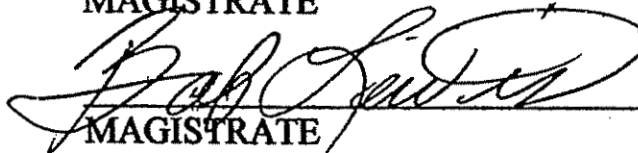
  
\_\_\_\_\_  
COUNTY JUDGE/EXECUTIVE

  
\_\_\_\_\_  
MAGISTRATE

  
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MAGISTRATE

  
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MAGISTRATE

  
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MAGISTRATE

  
\_\_\_\_\_  
MAGISTRATE

ATTEST:

LETCHER COUNTY COURT CLERK

BY: Carle Smith D.C.

**Item No. 5:** Provide the minutes of each meeting of the Letcher County Fiscal Court in which the appointment of one or more of the persons listed in Item 3 for members of the Letcher County Water District was considered.

**Response:** This information is already filed herein, in response to Item No. 4.

**Item No. 6:** For Phillip Back:

**Response:**

- a. Phillip Back's curriculum vitae is attached hereto and made a part hereof and is marked as Exhibit for Item No. 6, a.
- b. Mr. Back was born November 26, 1938.
- c. Mr. Back's current address is 8106 Highway 931 North, Whitesburg, Ky. 41858 .
- d. Mr. Back has never been convicted of violating any law.
- e. Mr. Back resides in the Water District's territory.
- f. Mr. Back graduated from Whitesburg High School and completed three (3) years of college at Morehead State University.
- g. Mr. Back has never operated a water utility.
- h. Mr. Back worked for Golden Oak Mining Company for ten years as Purchasing Agent, while supervising a staff of ten (10) employees in the Purchasing Department and an annual budget of between 8 and 11 million dollars.  
Mr. Back worked for ten (10) years as Production Coordinator for Baker Mine Service. Among his several duties for Baker, he was Production Plant Manager, Customer Program Manager and Customer Logistics Manager.
- i. Mr. Back does not currently hold any positions with any local, state or federal government entity.
- j. Mr. Back has never had any contracts with the District.
- k. Mr. Back has never had any business transactions of any kind with the District.



- 
- l. Mr. Back is retired, and he has never provided goods or services to the District or bid on any contracts to provide goods or services to the District.
  - m. Mr. Back does not have any relatives employed by the District.
  - n. Mr. Back has never attended any Water District Training.

## Phillip A Back

8106 Hwy 931 N Whitesburg, KY 41858 (606) 633-5858

<b>Objective</b>	To volunteer within a community based operation to help further the goals of the organization, as well as helping to enhance the lives of the community members.
<b>Experience</b>	<p><b>Purchasing Agent</b>  <b>1983 – 1993 Golden Oak Mining Company, Isom KY</b></p> <ul style="list-style-type: none"> <li>▪ Overseen staff of Purchasing and warehouse employees -- up to a staff of 10 employees.</li> <li>▪ Reviewed and managed bids from vendors to procure materials as needed for production.</li> <li>▪ Managed spending budget of \$8 to \$11 million annually.</li> <li>▪ Participated on safety committee to ensure company met Federal and State safety guidelines.</li> <li>▪ Worked with accounting department to approve vendor payments, and made sure vendor invoices correctly matched with bids and products delivered.</li> <li>▪ Worked with vendors to create cost effective inventory programs to help keep overhead low and under budget.</li> </ul> <p><b>Production Coordinator</b>  <b>1973 – 1983 Baker Mine Service</b></p> <ul style="list-style-type: none"> <li>▪ Planned plant production for a two-shift operation.</li> <li>▪ Managed daily employee issues to ensure seamless production of customer orders.</li> <li>▪ Managed production staff to ensure government safety guidelines were met while maintaining production goals.</li> <li>▪ Acted as primary point of contact for Customer Program Management, handled all aspects from taking in customer orders to ensuring timely deliveries were met.</li> <li>▪ Set standard pricing for products sold.</li> <li>▪ Worked with Customers to resolve any issues within a timely manner as to not disrupt customer productions.</li> </ul>
<b>Volunteer Community Activities</b>	<p>Letcher County Water Board Member 2007 (Resigned due to family health issues)</p> <p>Little League Basketball Coach</p> <p>Little League Baseball Coach</p> <p>West Whitesburg Pee Wee Football Coach</p> <p>Beckham Bates Middle School Football Coach</p> <p>Registered High School Football and Basketball Referee</p>
<b>References</b>	References are available on request.

**Item No. 7:** For Billy Stamper:

**Response:**

- a. Billy Stamper's curriculum vitae is attached hereto and made a part hereof and is marked as Exhibit for Item 7, a.
- b. Mr. Stamper was born September 6, 1977.
- c. Mr. Stamper's current address is 7112 Highway 119 North, Jenkins, Ky. 41537.
- d. Mr. Stamper has never been convicted of violating any law.
- e. Mr. Stamper resides in the Water District territory.
- f. Mr. Stamper graduated from Whitesburg High School. He attended Olivet Nazarene University at Kankakee, Illinois, while studying the pre-engineering curriculum at the University of Kentucky where he graduated with a Bachelor of Science Degree in Civil Engineering.
- g. Mr. Stamper has never worked in the field of operating or managing a water utility.
- h. Mr. Stamper has worked in his field of Civil Engineering since his college years. He is currently employed by Cumberland River Coal Company as an engineer with the responsibility of managing all aspects of surface coal mining production, including managing personnel, logistics and resources. At various times during his employment with Cumberland River Coal Company, he has performed employment tasks such as management and design of construction projects such as road, mining ponds, deep mine face-ups. He supervised all projects from the design phase to completion, and managed contractors on site work for quality assurance. He was also involved in the company's one-year, three-year, and five-year budgeting process. (Refer to curriculum vitae for other related work experience.)
- i. Mr. Stamper does not hold any positions with any local, state or federal

government entity.

- j. Mr. Stamper has never had any contracts to provide goods or services to the District.
- k. Mr. Stamper has never had any business contracts with the District, either personal or in a non-official capacity.
- l. Neither Mr. Stamper nor his current employer provide any goods or services to the District, and neither have done so during the past twelve (12) months. Neither Mr. Stamper nor his employer has bid on any proposed contracts to provide goods or services to the District.
- m. Mr. Stamper does not have any relatives employed by the District.
- n. Mr. Stamper has not attended any courses or training for Water District Management.

## **Billy Stamper, P.E.**

7112 Highway 119 North  
Jenkins, KY 41837  
Home Phone: (606) 855-7429  
Email: bstamper@archcoal.com  
2<sup>nd</sup> Email: bstamper35@hotmail.com

### **EXPERIENCE:**

#### ***July 2008-Present, Production Manager, Cumberland River Coal Company***

Responsible for managing all aspects of surface coal mining production, this includes managing personnel, logistics and resources while operating at or below company budget. Daily interaction with Federal and State Inspectors and insuring that the company is in compliance with all required mining laws. Involved in maintenance scheduling to insure equipment maintains high availability and that the preventive maintenance program is successful.

#### ***2007-2008, Project Engineer, Cumberland River Coal Company***

Engineering tasks performed includes management/design of construction projects such as road design/construction, pond design/construction and deep mine face-up design/construction. Overseen all projects from design phase to completion. In addition, managed contractors work while on mine property to insure quality assurance. Involved in company 1-year 3-year and 5-year budgeting processes. Other responsibilities include process improvement projects, gas line relocations, timber management, reclamation activities such as seeding and reforestation.

#### ***2005-2007, Environmental Engineer, Cumberland River Coal Company***

Responsible for overseeing all aspects of environmental compliance for surface and deep mine coal operations. All relative engineering designs such as pond designs, hollow fill design and backfill calculations. Performed reserve studies and planning to maximize coal reserves. Design and implemented company Spill Prevention and Counter Measures (SPCC) plan. Managed consultants used to obtain required permits and environmental studies. Worked with management to insure company complied with all required environmental responsibilities. Performed company environmental training to employees.

#### ***2001-2005, Entry Level Engineer, M.M.C., Inc.***

Responsible for performing engineering design relevant to the completion of plans and applications submitted to the Division of Water (DOW), Department for Surface Mining and Reclamation Enforcement (DSMRE), Mine Safety and Health Administration (MSHA), and U.S. Army Corps of Engineers (USACE).

Provided design and technical assistance for raw water supply projects, DSMRE permit applications, Department of the Army permit applications, floodplain construction permits, coal refuse disposal facilities, fuel containment areas, mineral reserve evaluations, and site development. Projects include Fleming-Neon Emergency Water Project, Lakeview Mine - Stream Mitigation Plan, ARH Office Building Addition, and Old Virginia Services Raw Water Supply Project.

Engineering tasks performed includes hydraulic design of flood and sediment storage structures, hydrologic modeling, slope stability analysis, site surveys, preparation of contract documents and specifications, design of concrete structures, creation of detailed construction drawings, and creation of topographical maps from survey data.

***2000-2001, Student Engineer, Kentucky Transportation Center***

Provided construction inspection of paving operations to ensure compliance with specifications. Included field density testing and laboratory testing of construction materials.

Aided in research for the development of a new permeability test for road joints.

***Summer 1999, Student Engineer, M.M.C, Inc.***

Created design drawings of sedimentation ponds, valley fills, and site plans. Also assisted Royalty Construction, Inc. in the preparation of construction bids including obtaining subcontractor pricing and creating construction takeoffs from Architectural Plans.

**EDUCATION:**

B. S., Civil Engineering, University of Kentucky, July, 2001  
Pre-Engineering Curriculum, Olivet Nazarene University, Kankakee, IL

**CERTIFICATES:**

Professional Engineer (State of Kentucky), Kentucky Surface Mine Foreman Certification, Engineer-In-Training, Troxler Certified Nuclear Density Gage Operator, ACI Certified Grade I Concrete Field Testing Technician.

**Item No. 7.1: Response on Behalf of RICHARD CARTER**

The information set out below is included as a Response to Items No. 6 And 7 in order to provide the appropriate information concerning nominee, Richard Carter.

- a. Richard Carter's curriculum vitae is attached hereto, and made a part hereof and is marked Exhibit for Item 7.1, A.
- b. Mr. Carter was born January 17, 1940.
- c. Mr. Carter's current address is 37 Highway 806, P.O. Box 119, Eolia, Ky. 40826.
- d. Mr. Carter has never been convicted of violating any law.
- e. Mr. Carter resides in the Water District territory.
- f. Mr. Carter graduated from Whitesburg High School in 1959. He is self-taught and learned from on-the-job-training in the field of engineering and surveying. (See curriculum vitae).
- g. Mr. Carter has never worked in the field of operating or managing a water utility.
- h. Mr. Carter, although retired, works as a consultant for Nally & Hamilton Enterprises, Inc. He provides assistance to the company in all facets of their mining operation, including unit-train facility management, coal delivery system, and preparation plant layout and construction. Mr. Carter's employment at Blue Diamond/Scotia Coal Company had many facets, which included underground mining drainage projects, line shift pump installation, centrifugal pump installation, slurry pipeline installations, installation of fresh water lines, installation of large metal storage head tanks, bore holes for mine dewatering, underground discharge water lines, underground fresh water lines for spray and fire protection. Mr. Carter was also involved in design and construction of mine portals, installation of large mine face preparation plant construction, high hazard slurry dam

construction, slope and shaft construction, concrete stacking tubes, concrete reclaim tunnels and high-voltage power line distribution.

- i. Mr. Carter does not hold any position with any local, state or federal government entity.
- j. Mr. Carter has never had any contracts with the District.
- k. Mr. Carter has never had any business contracts with the District, either Personal or in a non-official capacity.
- l. Neither Mr. Carter nor his employer currently provide any goods or services to the District, and neither has done so in the past twelve (12) months. Neither Mr. Carter nor his employer has bid on any proposed contracts to provide goods or services to the District.
- m. Mr. Carter does not have any relatives employed by the District.
- n. Mr. Carter has not attended any courses or training for water district management.



# **RICHARD CARTER**

*P.O. Box 119 ·Eolia, KY 40826 606-633-4538*

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## **OBJECTIVE**

I'm semi-retired and looking to use my talents and former work experience to better serve my community and fellow citizens.

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## **EMPLOYMENT**

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### Nally & Hamilton Enterprises, Inc. - 2005 to Present

Performing consulting work on coal handling facilities: unit train batch weighing, RR track installation, concrete stacking tubes, concrete reclaim tunnels, concrete truck dumps, belt conveyor installations, overland belt conveyors, preparation plant layout and construction, evaluation of other facilities.

### Scotia Coal Company/Blue Diamond Coal Company 1964 to 1998

Ran Engineering Departments under the direction of the Chief Engineer: Responsible for field surveys including property line surveys, underground mine surveys, mine mapping, tonnage calculations, construction surveys. Mine projection layout, underground mine drainage projects, line shaft pump installations, centrifugal pump installations, slurry pipe lines installation, installation of fresh water lines, installation large metal storage head tanks, bore holes for mine de-watering, underground discharge water lines, underground fresh water lines for spray and fire protection, underground belt conveyors, mine track layout. All phases of construction work including construction of mine portals, installation of large mine fans, preparation plant construction, high hazard slurry dam construction, preparation plant construction, slope and shaft construction, concrete stacking tubes, concrete reclaim tunnels. High voltage power line distribution.

### R R Crawford Engineering 1961 - 1964

Transit man performing field surveys, underground mine surveys, office work, mine mapping and tonnage calculations.

## **EDUCATION**

Whitesburg High School - graduated in 1959

**REFERENCES**

Mr. Ted Helton; Nally & Hamilton; Phone (606) 837-2197

Mr. Jay Miller, PE; Nally & Hamilton; Phone (606) 878-1500

Mr. Jack T. Mason, PE, LS ; J. R. Hoe & Sons; (606) 248-1778

**Item No. 9:** Provide all ordinances of Letcher County Fiscal Court and Orders of Letcher County Judge/Executive that established the Letcher District's territorial boundaries.

**Response:** No such Orders or Ordinances could be located.

**Item No. 10:** Provide the minutes of each meeting of the Letcher County Fiscal Court since May 19, 1997, in which the Letcher County Fiscal Court ordered any appointment to Letcher District's Board of Commissioners.

**Response:** This request is already filed as a Response in Item No. 4. Those are the same minutes requested herein.

**Response to "Appendix B"**

The material sought in "Appendix B" has already been provided in the Response to "Appendix A" with the exception for the information requested of Seth Long and Donald Profitt. Mr. Long and Mr. Profitt personally informed me that they did not want to be considered for appointment to the Commission.

**The Commission seats that are now vacant and their terms are as follows:**

**Vacant seat last occupied by Seth Long.**

The initial term of this seat was four years commencing June, 1997 and ended June 30, 2001. The second term began July 1, 2001 and ended June 30, 2005. The third term began July 1, 2005 and would end June 30, 2009. This seat was declared vacant by Judge/Executive Jim Ward in August, 2008, when it was discovered that Mr. Long was never officially reappointed to the seat and approved by the Fiscal Court. A Commissioner needs to be appointed to serve until June 30, 2009 at which time the term ends.

**Vacant seat last occupied by Pat Gish.**

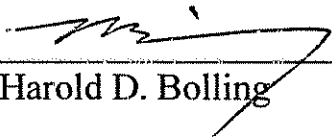
The initial term of this seat was for four years commencing June, 1997 and ended June 30, 2001. The second term began July 1, 2001 and ended June 30, 2005. The third term began July 1, 2005 and would end June 30, 2009. This seat was declared vacant by Judge/Executive Jim Ward in August, 2008, when it was discovered that Mrs. Gish was never officially reappointed to the seat and approved by the Fiscal Court. A Commissioner needs to be appointed to serve until June 30, 2009 at which time the term ends.

**Vacant seat last occupied by L.R. Buchanan.**

The initial term of this seat was for three years commencing June, 1997 and ended June 30, 2000. The second term began July 1, 2000 and ended June 30, 2004. The third term commenced July 1, 2004 and ran until June 30, 2008. Mr. Jack Martin, the Commissioner serving this term, resigned in June, 2007. Mr. Buchanan was appointed and approved by the Fiscal Court to serve out the remainder of Mr. Martin's term, which would end June 30, 2008. Mr. Buchanan was not nominated or approved by the Fiscal Court for the new term beginning July 1, 2008, because of confusion as to when this term actually ended. However, Mr. Buchanan continued to serve as a Commissioner. A Commissioner needs to be appointed to serve the remainder of this term, which expires June 30, 2012.


**Certification of Preparer**

I, Harold D. Bolling, Letcher County Attorney, and Attorney for Respondent did personally prepare the Response filed herein and that this Response is true and accurate to the best of my knowledge, information and belief after a reasonable inquiry.

  
Harold D. Bolling

**Certificate of Service**

I, hereby certify that the foregoing Response to the Public Service Commission Order was served by hand-delivering a true copy thereof to Jim Ward, Letcher County Judge/Executive, Jim Murtaugh, Acting Operation Director of the Letcher County Water and Sewer District, and by placing a true copy thereof in the courthouse distribution boxes for Letcher County Magistrates Keith Adams, Archie Banks, Wayne Fleming, Codell Gibson and Bob Lewis on the 15<sup>th</sup> day of December, 2008.

  
Harold D. Bolling  
Letcher County Attorney  
40 Main Street  
Whitesburg, Kentucky 41858  
(606) 633-0126