

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF

JAMES S. WAYNE, INDIVIDUALLY AND AS)
TRUSTEE OF THE JAMES S. WAYNE)
LIVING TRUST)

COMPLAINANT)

VS)

HENRY COUNTY WATER DISTRICT #2)

DEFENDANT)

CASE NO. 2009-00264

2009-00264
PUBLIC SERVICE COMMISSION

COMPLAINANT'S RESPONSE TO DEFENDANT'S
INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS

Comes the Complainant, James S. Wayne Individually and as Trustee of the James S. Wayne Living Trust, and after first being duly sworn, RESPONDS to Defendant's Interrogatories and Request for Production of Documents:

INTERROGATORY No. 1. Please state the full name(s) of the person(s) answering these interrogatories for Complainant.

ANSWER: James S. Wayne, 1280 Royal Ave., Louisville, Kentucky, 40204, (502) 456-4856.

INTERROGATORY No. 2. Please state the name, address and the phone numbers of any person who has relevant knowledge of the transactions that are the subject matter of this hearing.

ANSWER: James S. Wayne and Deborah Wayne, (see answer to No. 1); James Simpson, 8955 Main Street, P.O. Box 219, Campbellsburg, Kentucky 40011, James Casey Sterr, 202 Lady Slipper Lane, Mt Vernon, Kentucky, 40456, (502) 724-7627; Hon. John Berry, P.O. Box 245, New Castle, Kentucky, 40050, (502) 845-2880; Hon. D. Berry Baxter, 117 West Main Street, LaGrange, KY 40031; ; Members of the Henry County Water District #2 Board; Mr. Larry Congleton, 5502 Campbellsburg Road, Campbellsburg, KY 40011; Ray Powell, P.O. Box 146, New Castle, KY 40050; Clarence Davis, Hwy. 127, Box 127, Glencoe, KY; Solitha Dharam, Ky. Division of Water, 4th Floor, 200 fair Oaks Lane, Frankfort, KY 40601; (502) 564-3410; Tom Green, Tetra Tech, 800 Corporate Drive, Suite 100, Lexington, KY 40503, (859) 223-8000.

INTERROGATORY No. 3. Please state the name, address and the phone numbers of any person you intend to call as a witness in the hearing of this matter. Provide a detailed summary of the witnesses' expected testimony.

ANSWER: Complainant is not able to answer this question until discovery is complete. Subject to that qualification, Complainant anticipates calling James Wayne,

Deborah Wayne, James Simpson, John Berry, Larry Congleton, and Clarence Davis as witnesses.

INTERROGATORY No. 4. Please list and identify all exhibits or items of tangible evidence that you intend to offer as evidence or you will use at the hearing of this matter.

ANSWER: Complainant is not able to answer this question until discovery is complete. Subject to that qualification, Complainant anticipates introducing the exhibits attached to the request for production filed in response to the PSC data request and incorporated in this Response by reference.

INTERROGATORY No. 5. Please provide any written, oral or other types of statements made by Defendant to Complainant or any agent of Complainant about the subject matter of this hearing.

ANSWER: See Complainant's Response to the PSC data request and documents attached thereto, incorporated herein by reference.

INTERROGATORY No. 6. Please state in detail the basis for Complainant's allegation that the purchase price of the "Farm" included the purchase of a water line on McCarty Lane in Henry County.

ANSWER: Clarence Davis sold the farm with the assurance that the farm had a private water line which he claimed he paid to have built. The Deed from Davis to Wayne conveys all "appurtenances and privileges thereunto." The private water line providing water to the Wayne farm is included within the meaning of that phrase in a general warranty deed. See further response in the Complainant's Response to the PSC with exhibits attached thereto, incorporated herein by reference.

INTERROGATORY No. 7. Please identify the Public Service Commission staff person referred to in Paragraph 5 of the Complaint, and provide a detailed outline of the statements made by said staff person to counsel for the Complainant.

ANSWER: Gerald Wuetcher, who stated to counsel the common practice and custom as stated in paragraph 5

INTERROGATORY No. 8. Please state in detail the basis for Complainant's allegation in paragraph 6 that the James S. Wayne Living Trust is the sole owner of the water line Complainant refers to as the "Wayne water line."

ANSWER: The farm was purchased with the private water line. This was acknowledged to by James Simpson in 2000. The line's meter was at US Hwy 421, at a main water line. All of the line from the meter to my farm was built with private funds. This improvement to the farm property was reflected in the purchase price of the farm, and was included within the term used in the general warranty deed to convey all "appurtenances and privileges thereunto." See further the response in Complainants Response to PSC data request, incorporated herein by reference.

INTERROGATORY No. 9. Please state in detail the basis for Complainant's allegations in paragraph 9 of the Complaint that the value to construct the "Wayne water line" is \$33,987.00 and that the depreciated value of the line is an estimated one-half of this amount.

ANSWER: See estimate dated December 22, 2008 by Schroeder Construction, Inc.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Production of Documents No. 1

Please attach any written or other types of statements made by Defendant to Complainant, or to anyone in Complainant's presence, about the subject matter of this litigation.

Complainant has attached all documents that are responsive to this Request and the requests below to the Complainant's Response to the PSC data request and incorporates those documents herein by reference.

Production of Documents No. 2

Please attach all records in Complainant's possession, or in another person's possession and being held for Complainants, related to the subject matter of this hearing, including but not limited: (1) closing documents for the transactions referred to in paragraph 3 of the Complaint; (2) deeds recorded as a result of the transactions referred to in paragraph 3 of the Complaint; (3) easements recorded for the water line Complainant claims to own; (4) title opinions obtained for the property which is the subject of the transactions referred to in paragraph 3 of the Complaint; and (4) any written estimates or invoices for the construction of the water line Complainant claims to own.

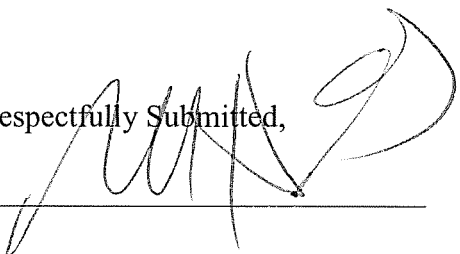
See above Response

Production of Documents No. 3

Please provide copies of exhibits or items of tangible evidence Complainant intends to offer into evidence at the hearing on this matter.

See above Response

Respectfully Submitted,




W. Henry Graddy, IV
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one original and seven copies of this Discovery Response was served upon the Public Service Commission and a true and accurate copy of the foregoing has been served upon the following parties by mailing the same, U.S. first class postage pre-paid to the following:

Hon. Glenna Jo (Jody) Curry
900 East Mt. Zion Road
Crestwood, KY 40014

This the 19 day of November, 2009.



W. Henry Graddy, IV