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January 3, 2013

Mark R. Overstreet  
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moverstreet@stites.com

**HAND DELIVERED**

Jeff R. Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

RECEIVED  
JAN 03 2013  
PUBLIC SERVICE  
COMMISSION

RE: Case No. 2012-00224

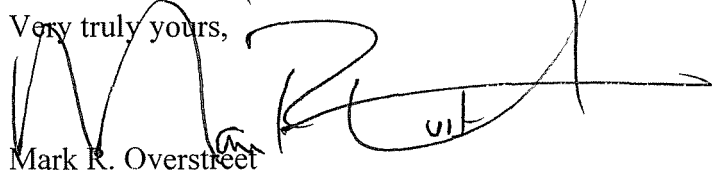
Dear Mr. Derouen:

Please find enclosed and accept for filing the original and ten copies of Kentucky Power Company's responses to the data requests propounded by Staff and Grayson Rural Electric Cooperative Corporation.

Ms. Munsey, who is a witness for several of the data request responses, is out of the office this week. Her verification will be filed when she returns next week.

Copies of the responses are being served on counsel for Grayson along with a copy of this letter.

Very truly yours,



Mark R. Overstreet

MRO

cc: W. Jeffrey Scott

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

**RECEIVED**

**JAN 03 2013**

**PUBLIC SERVICE  
COMMISSION**

**IN THE MATTER OF**

**PETITION AND COMPLAINT OF KENTUCKY POWER )  
COMPANY FOR A DECLARATION OF ITS )  
RIGHT PURSUANT TO KRS 278.018(1) TO SERVE )  
THOSE PORTIONS OF THE SAND GAP ESTATES ) CASE NO. 2012-00224  
GREENUP COUNTY, KENTUCKY LYING WITHIN )  
ITS CERTIFIED TERRITORY IN LIEU OF )  
GRAYSON RURAL ELECTRIC COOPERATIVE )  
CORPORATION )**

**KENTUCKY POWER COMPANY RESPONSES TO GRAYSON RURAL  
ELECTRIC COOPERATIVE CORPORATION  
FIRST SET OF DATA REQUESTS**

**January 3, 2013**

**VERIFICATION**

The undersigned Delinda K. Borden, being duly sworn, deposes and says she is the Manager, Customer and Distribution Services for the Ashland District for Kentucky Power Company, that she has personal knowledge of the matters set forth in the forgoing data requests and the information contained therein is true and correct to the best of her information, knowledge, and belief.

Delinda K. Borden  
Delinda K. Borden

COMMONWEALTH OF KENTUCKY    )  
  ) CASE NO. 2012-00224  
COUNTY OF BOYD                    )

Subscribed and sworn to before me, a Notary Public in and before said County and State, by, Delinda K. Borden, this the 13 day of December 2012.

Charles W. Barker  
Notary Public

My Commission Expires: June 11, 2013

**VERIFICATION**

The undersigned, Richard Howerton, being duly sworn, deposes and says he is the (Insert Title) that he has personal knowledge of the matters set forth in the forgoing testimony and the information contained therein is true and correct to the best of his information, knowledge, and belief.

Richard Howerton

Richard Howerton

COMMONWEALTH OF KENTUCKY )  
  ) Case No. 2012-00224  
COUNTY OF BOYD )

Subscribed and sworn to before me, a Notary Public in and before said County and State, by Richard Howerton, this the 19 day of December, 2012.

Gloria Howerton  
Notary Public

My Commission Expires: April 6, 2013

**Kentucky Power Company**

**REQUEST**

Please state whether Kentucky Power agrees that representatives of Kentucky Power and GRECC agreed for Kentucky Power to serve persons on the east side of the Industrial Parkway in Greenup County immediately east of Sand Gap Estates and for GRECC to serve persons or other entities located on the west side of the Industrial Parkway within the Sand Gap Estates area.

**RESPONSE**

No such agreement exists. Kentucky Power's service territory includes areas on both the east and west side of the Industrial Parkway in Greenup County and the majority of the eastern portion of Sand Gap Estates.

**WITNESS:** Delinda K Borden

**Kentucky Power Company**

**REQUEST**

If the answer to the preceding request is in the affirmative, then please state all of the individuals involved in reaching that decision.

**RESPONSE**

N/A

**WITNESS:** Delinda K Borden

**Kentucky Power Company**

**REQUEST**

Please state whether Kentucky Power denied electric service to any individual seeking same within the Sand Gap Estates area upon application being made, and if so, please state the individual or entity making the request and when the denial was made.

**RESPONSE**

Kentucky Power has not received an application or denied electrical service to any individual seeking service in the Sand Gap Estates area located within the Company's certified service territory.

**WITNESS:** Delinda K Borden

**Kentucky Power Company**

**REQUEST**

Please provide the name, title and brief summary of the anticipated testimony of each witness which Kentucky Power intends to call at any hearing held in the within action.

**RESPONSE**

Kentucky Power will pre-file testimony in accordance with a procedural schedule issued by the Commission. Unless there is a subsequent Order changing the procedural schedule from the December 5, 2012 Order in this case, Kentucky Power will be pre-filing testimony no later than January 23, 2013.

**WITNESS:** Lila P Munsey



**Kentucky Power Company**

**REQUEST**

Please state whether Kentucky Power acknowledges that at least one electric consuming facility in Sand Gap Estates is located within a service territory of GRECC as set forth in the Territorial Map of record at the Kentucky Public Service Commission.

**RESPONSE**

Page 2 of this response provides a map of the area, showing that two of the four existing electric consuming facilities in Sand Gap Estates are located within the GRECC service territory.










**WITNESS:** Richard Howerton

I DO HEREBY CERTIFY THIS DOCUMENT WAS PERFORMED UNDER MY DIRECTION. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

*Richard L. Howerton* for 12/20/2012  
 RICHARD L. HOWERTON, PE PS CFM CLI DATE

# GRAYSON RECC SERVICE AREA

## LEGEND

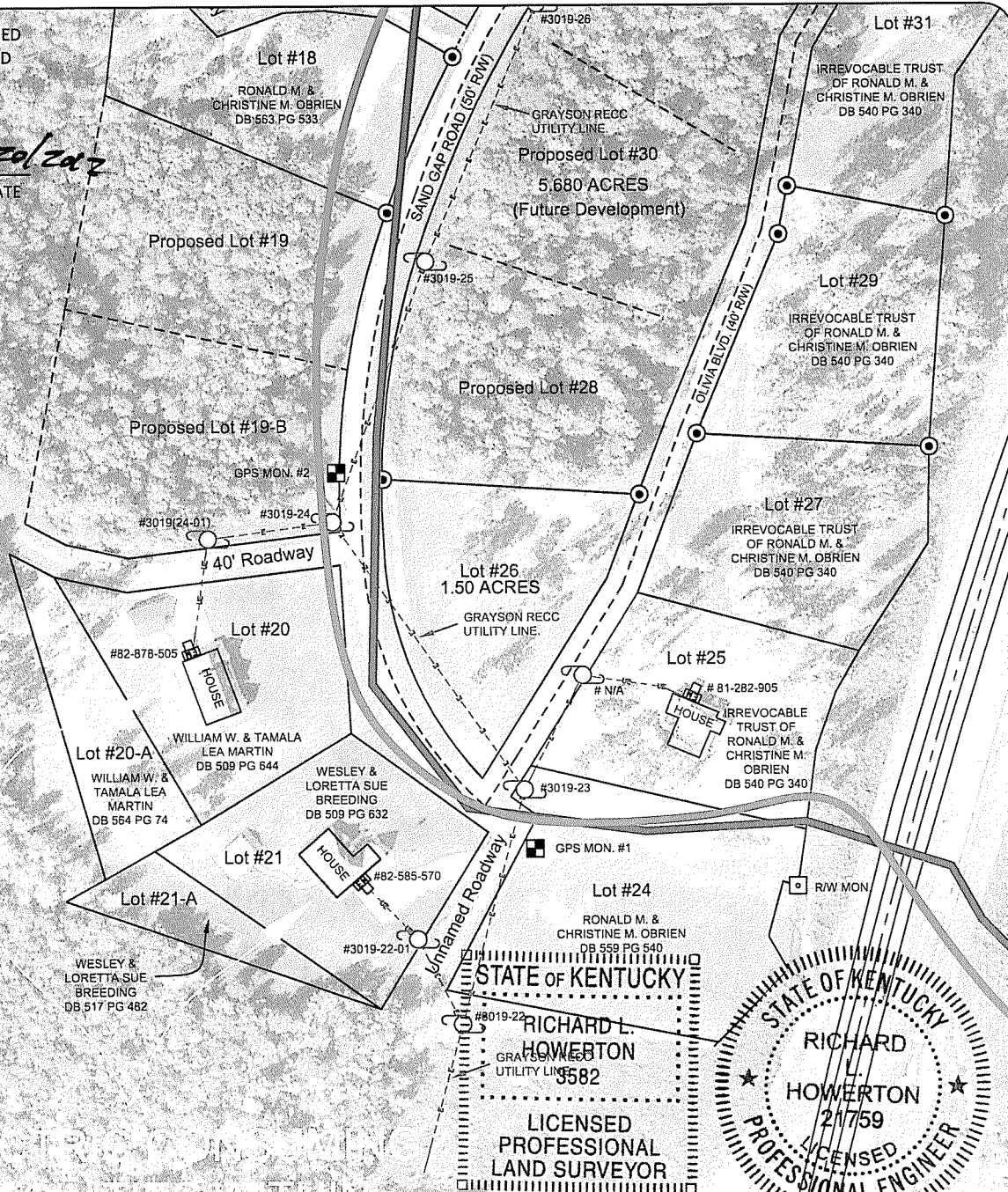
-  AGREED BOUNDARY FROM SIGNED USGS MAP FILED WITH THE KENTUCKY PUBLIC SERVICE COMMISSION, DATED 1982.
-  BOUNDARY FROM SHAPE FILE PROVIDED BY THE KENTUCKY PUBLIC SERVICE COMMISSION.
-  EXISTING GRAYSON RECC UTILITY LINE.
-  EXISTING GRAYSON RECC UNDERGROUND UTILITY LINE.
-  GPS MONUMENT: 1/2" REBAR W/CAP
-  RIGHT OF WAY MONUMENT
-  ELECTRIC METER
-  UTILITY POLE
-  IRON PIN FOUND (TURNING POINT/ BACK)



## GRAPHIC SCALE



( IN FEET )  
 1 inch = 200 ft.



GRAYSON RECC SERVICE AREA TERRITORY

STATE OF KENTUCKY  
 RICHARD L. HOWERTON  
 5582  
 LICENSED PROFESSIONAL LAND SURVEYOR

STATE OF KENTUCKY  
 RICHARD L. HOWERTON  
 21759  
 LICENSED PROFESSIONAL ENGINEER

KPSC Case No. 2012-00224  
 Grayson RECC 1st Set of Data Requests  
 Dated December 12, 2012  
 Page 2 of 2

EXHIBIT MAP SHOWING ELECTRIC CONSUMING FACILITIES WITHIN THE GRAYSON RECC TERRITORY AT SAND GAP ESTATES ON THE INDUSTRIAL PARKWAY IN GREENUP COUNTY KENTUCKY.

AMERICAN ELECTRIC POWER  
 825 TECH CENTER DRIVE  
 GAHANNA, OH. 43230-6250

HOWERTON ENGINEERING & SURVEYING PLLC  
 SITE EXHIBIT

104-A MAIN STREET  
 (606) 473-5884  
 533 SECOND STREET  
 PORTSMOUTH, OH 45662  
 (740) 354-3684

REVISONS	

JOB # 301013	DATE DEC. 17, 2012
SCALE 1" = 200'	
SHEET 1	OF 1

**Kentucky Power Company**

**REQUEST**

If the answer to the preceding request is in the affirmative, then please state which service and the name of the electric consuming facility owner.

**RESPONSE**

As these are not customers of Kentucky Power, the Company does not have customer records for the consuming facilities.

**WITNESS:** Delinda Borden

## **Kentucky Power Company**

### **REQUEST**

Please state what effort, if any, Kentucky Power made to reach an agreement with GRECC regarding the issues raised in the within proceeding.

### **RESPONSE**

Kentucky Power objects to this data request to the extent it is irrelevant and requires the disclosure of information protected by KRE 408. Kentucky Power further objects to the data request on the ground that the information is equally available to GRECC. Notwithstanding these objections, Kentucky Power discussed the issues raised in this proceeding on the following, occasions:

- Ms. Munsey wrote a letter to GRECC's President & CEO Carol Fraley dated October 21, 2011.
- Ms. Munsey, Everett Phillips, Delinda Borden, and Steve Martin attended a meeting with Ms. Fraley, Ronnie Evans, Scott Speaks and 2 other representatives of GRECC on November 8, 2011.
- Ms. Munsey wrote a second letter to Carol Fraley dated December 5, 2011.
- Communications between counsel for Kentucky Power and GRECC in the fall of 2012.

**WITNESS:** Lila P Munsey

**Kentucky Power Company**

**REQUEST**

Please provide copies of all maps, surveys or other documents which Kentucky Power contends support its allegations in the within complaint.

**RESPONSE**

In addition to the map provided in Item No. 5 of this set of data requests, please see the responses to Item No. 8 and Item No. 15 of the Commission Staff's First Set of Data Requests in this case.

**WITNESS:** Richard Howerton

**Kentucky Power Company**

**REQUEST**

Please state whether Kentucky Power acknowledges that there are electric consuming facilities in the Valley View Subdivision near Grayson, Kentucky served by Kentucky Power when same is located within the certified territory of GRECC.

**RESPONSE**

There are no claims at issue in this proceeding pertaining to electrical service in the Valley View Subdivision. Accordingly, Kentucky Power objects to this data request as irrelevant under KRE 401 and 402 because a response will not make the existence of any fact that is of consequence to the determination of this action more probable or less probable than it would be without the evidence.

Notwithstanding that objection, Kentucky Power states that it serves homes located in the Valley View Subdivision. Kentucky Power installed the services to these homes in the 1970s and has been providing electrical service continuously from that time through the present. No formal determination has been made as to whether any of the homes are located within the certified territory of GRECC.

**WITNESS:** Delinda K Borden

**Kentucky Power Company**

**REQUEST**

If the answer to the preceding request is in the affirmative, please set forth the name and address of those persons and the usage of power by each in the last fifteen years.

**RESPONSE**

Kentucky Power objects to this data request as irrelevant under KRE 401 and 402 because Kentucky Power's service to electric consuming facilities in the Valley View Subdivision will not make the existence of any fact that is of consequence to the determination of this action more probable or less probable than it would be without the evidence. Additionally, the request to provide customer identification and usage information for a period of fifteen years is overly broad and unduly burdensome.

**WITNESS:** Delinda K. Borden

**Kentucky Power Company**

**REQUEST**

Please set forth a factual basis for the assertion that service by GRECC to the area complained of in the Complaint and Petition of Kentucky Power will result in inconvenience, diminished deficiency and higher costs in serving the area.

**RESPONSE**

The facilities constructed by GRECC in Kentucky Power's service territory in contravention of Kentucky's certified territory statute occupy certain of the rights of way and thereby impair Kentucky Power's ability to construct and maintain its distribution facilities in its certified territory. In addition, GRECC's facilities used to supply residences in Kentucky Power's service territory duplicate the necessary Kentucky Power facilities.

**WITNESS:** Delinda K Borden