

DEC 15 2017

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE OPERATING)	
CAPACITY OF MARTIN COUNTY WATER)	CASE NO. 2016-00142
DISTRICT PURSUANT TO KRS 278.280)	

MOTION FOR PROTECTIVE ORDER

Comes the Martin County Water District (hereinafter District), by counsel, and moves the Public Service Commission for an Order of protection, protecting the District from being forced to respond to the requests for information submitted by the Intervenor, Martin County Concerned Citizens, Inc. (hereinafter MCCC).

As grounds therefore, 807 KAR 5:001 (12) is titled "Requests for Information."

It states, in pertinent part, in subsection (a),

"If permitted by administrative regulation or by order of the Commission, a party may, in accordance with this section, request information from another party to the case. The requesting party shall serve its request upon the party from which it seeks the requested information and shall also file its request with the Commission."


The Intervenor, MCCC, has propounded requests for information upon the District, a copy of which is attached and appended as Exhibit A to this Motion.

However, the Order of the Commission permitting intervention did not provide that the Intervenor was permitted to request such information.

Additionally, to respond to the information requested increases the financial and administrative burden on the District, as the District argued in its opposition to the permissive intervention.

That, since the Commission Order did not grant leave for the Intervenor to submit requests for information, and because the requests are overly burdensome and onerous to the District, the District requests an Order of Protection, ordering that the District has no obligation to respond to the Intervenor's request for information.

Wherefore, counsel requests appropriate Orders of the Public Service Commission consistent with this Motion.


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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was mailed, postage pre-paid, on this the 12 day of December, 2017, to the following:

Public Service Commission
ATTN: Jeb Pinney
P.O. Box 615
Frankfort, KY 40602

Hon. Mary Varson Cromer
Appalachian Citizens' Law Center, Inc.
317 Main Street
Whitesburg, KY 41858


BRIAN CUMBO

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

In The Matter Of:

**INVESTIGATION OF THE
OPERATING CAPACITY OF
MARTIN COUNTY WATER
DISTRICT PURSUANT TO KRS
278.280**

Case No 2016-00142

**MARTIN COUNTY CONCERNED CITIZENS, INC.'S INITIAL REQUESTS FOR
INFORMATION FROM MARTIN COUNTY WATER DISTRICT**

Martin County Concerned Citizens, Inc. ("MCCC"), by and through counsel, submits these requests for information to the Martin County Water District ("MCWD") pursuant to 807 KAR 5:001 Sec. 4(12).

As the Commission has indicated that it will continue to hold hearings in this investigation approximately every 90 days, certain of these requests have been designated as "continuing requests." MCWD shall review these requests every 30 days and make such supplemental filings as are necessary to submit additional responsive information as it becomes available.

MCCC requests that the information sought be provided to the Commission and MCCC within 14 days of the date of this request or at such other time as may be ordered by the Commission. Further, as set forth in the Commission's April 11, 2016 Order initiating this investigation:

1. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to questions related to the information provided. Copies



shall be sent to MCCC and the original and one copy shall be provided to the Commission.

2. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, shall be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of the person's knowledge, information, and belief formed after reasonable inquiry.
3. MCWD shall make timely amendment to any prior response if it obtains information that indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.
4. For any request that MCWD refuses to furnish all or part of the requested information, MCWD shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.
5. If MCWD's response contains personal information, MCWD shall, in accordance with 807 KAR 5:001 Sec. 4(10), encrypt or redact the response so that personal information cannot be read.

In addition, where the response to the requests consists of information or a statement that is already in the Commission's record or is otherwise publicly available, provide a detailed citation to the document or other resource that contains the information. Such citation shall include the title of the document and the relevant page number. If the document is publicly available online, provide the URL and a notation of when the URL was last accessed by MCWD.

In the event any document sought by MCCC has been destroyed, specify the date and the manner of such destruction, the person directing or authorizing the destruction, and the custodian of the document at the time of its destruction.

1. Describe any updates regarding the negotiation of the lease with Prestonsburg City Utilities Commission provided as Exhibit 3 during the hearing of October 17, 2017. Provide copies of any new drafts or finalized lease agreements.
2. Describe the circumstances leading to the resignation of the Martin County Utility Board members. List each member who resigned and his or her time on the board. Provide the reason given for each resignation. Describe measures being undertaken to find replacement members for the Martin County Utility Board.
3. Provide water use reports for October and November 2017. This is a continuing request.
4. Describe how MCWD used or plans to use the \$250,182 provided as a grant from the county's coal severance fund in August 2017. (*See* MCWD's Nov. 9, 2017 response, Ex. 2.)
5. Provide all communications between MCWD and Greg Heitzman and between the Martin County Utility Board and Greg Heitzman since October 17, 2017. Provide a copy of Mr. Heitzman's recommendations, whether in draft or final form. State whether those recommendations have been presented to the Martin County Utility Board. If they have not been

presented, describe why the recommendations were not presented to the board.

6. Provide copies of all communications since October 17, 2017 regarding MCWD's attempts to secure Abandoned Mine Land funding. Provide copies of all plans or specifications regarding implementation of the projects outlined in the Exhibit 3 of MCWD's November 9, 2017 response. Discuss whether there has been a change in the projects for which funding is sought since the Exhibit 3 document was provided to the Commission. Describe MCWD's prioritization of the three project areas described in the Exhibit 3 application.
7. Describe all progress made to finalize and implement the draft water loss and leak detection program submitted as part of the February 16, 2017 supplemental filing. This is a continuing request.
8. Provide copies of all boil water advisories issued since the last hearing. For each advisory, provide a description of the events leading to the advisory, a statement of how long the advisory was in effect, an estimate of the number of customers affected, and descriptions of measures taken to correct the problem and measures taken during the advisory to ensure the safety of the water being delivered to MCWD customers. If the advisory was issued due to a leak, describe whether the leak occurred in a main or distribution line and describe how the leak was repaired. This is a continuing request.
9. Describe all measures taken to date to prepare to implement the terms of

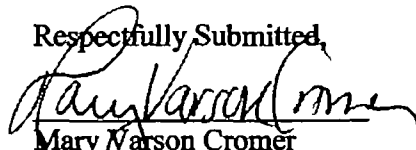
the ARC grant, including all measures taken to facilitate oversight of the disposition of grant monies by DLG, KIA, or any other entity, and measures taken to ensure management of project implementation.

10. Provide any plans or specifications provided by Kentucky Engineering Group, KRWA, or any other entity regarding implementation of the ARC grant money.
11. Describe whether recent events, including the events leading to the boil water advisory issued Thanksgiving week, have led MCWD to reprioritize or attempt to reprioritize how the ARC grant money will be used. Describe all communications with ARC, DLG, KIA, or any other agency regarding any such reprioritization.
12. Provide copies of all communications between MCWD and EEC regarding MCWD's development of the Corrective Action Plan. Describe each measure taken to come into compliance with the Safe Drinking Water Act since October 2016 and the cost of each, and describe the measure(s) that remain to be completed and the projected cost of each.
13. Describe all progress made to date in minimizing and investigating water theft, including any development of plans to provide an amnesty period for those committing water theft and methods used to incentivize meter readers to report theft. Describe each measure to date used to determine the amount of water loss attributable to theft and the results of such analysis.
14. Provide all correspondence between MCWD and Linda Sumpter from

January 1, 2016 to the present.

15. Provide a complete copy of the White & Associates PSC Report on the Audit of the Financial Statements for the year ended December 31, 2015, including all pages of the audit and all footnotes. Provide a complete copy of the auditor's adjusting entries for the White & Associates PSC Report on the Audit of the Financial Statements for the year ended December 31, 2015.
16. Provide a complete copy of any other audit of MCWD's financial statements from 2010 to the present and include with that all auditors' adjusting entries for each report.
17. Provide accounts receivable aging reports for 12/31/2016, 12/31/2015, and 12/31/2014, itemized by account number.
18. Describe any guidance, procedures, or other internal controls regarding employee purchasing. If any written guidance or procedures exists, provide copies of those.
19. Describe how MCWD is prioritizing payment of its accounts payable.
20. Provide a copy of KWRA's cost of service analysis.

Respectfully Submitted,




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Counsel for MCCC

DATED: Dec. 4, 2017

CERTIFICATE OF SERVICE

Pursuant to 807 KAR 5:001 Sec. 6, I, Mary Varson Cromer, hereby certify that on December 4, 2017, a true and accurate copy of the foregoing Initial Request for Information was served via electronic mail and postage-paid U.S. mail to the following:

Brian Cumbo
86 W. Main St., STE 100
P.O. Box 1844
Inez, KY 41224
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Counsel for Martin County Water District


Counsel for the MCCC