

RECEIVED

MAY 07 2018

PUBLIC SERVICE
COMMISSION



BRIAN CUMBO

ATTORNEY AT LAW

86 W. Main St., Suite 100
P.O. Box 1844
Inez, KY 41224
(606) 298-0428
FAX: (606) 298-0316
cumbolaw@cumbolaw.com

ADMITTED IN KY AND WV

May 2, 2018

Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Martin County Water District
PSC Case No. 2016-00142

To Whom It May Concern:

Enclosed please find original and six (6) copies of Martin Water District's Motion for Protective Order and Objection and Response to Motion to Compel regarding the above matter.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Brian Cumbo'.

BRIAN CUMBO

BC/ld
Enclosure

RECEIVED

MAY 07 2018

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)

**MARTIN COUNTY WATER
DISTRICT'S MOTION FOR
PROTECTIVE ORDER AND
OBJECTION AND RESPONSE
TO MARTIN COUNTY
CONCERNED CITIZENS
INC.'S MOTION TO COMPEL**

Comes the Martin County Water District (District), by counsel, and moves the Commission for a Protective Order, and for its' Objection and Response to the Intervenor's Motion to Compel, state as follows:

That the Martin County Concerned Citizens, Inc. (MCCC) has submitted a second Request for Information in this proceeding, in violation of this Commission's Order of December 21, 2017.

That Order specifically provides, "In order to limit the burden on Martin District and not unduly complicate the proceeding, Martin District is required to respond only to continuing requests from the Commission."

The Order then goes on to state it would "provide an opportunity prior to each hearing for discovery, at which point MCCC may renew any request for information that it desires and any amendments or supplements to previous requests may be made."

The MCCC has taken this as a license to attempt to overly burden the District, financially and administratively, with new and additional requests for information. They have not renewed any requests for information, or any amendment or supplement to those previously made.

Further, the MCCC is apparently engaged in an effort to overwhelm the Martin County Water District administratively and financially, by its' continuing issuance of requests for information, and continued submission of open records requests. The most recent (of many) open records request the District is currently dealing with is attached hereto as Exhibit A to this Objection and Motion.

Despite that burden, the District is making remarkable progress, and will continue to make progress. The District is as transparent as possible while managing the many issues that it faces.

Therefore, based on the foregoing, the District requests the Commission maintain consistency with its' prior Orders entered herein, and sustain the District's Motion for Protective Order, and deny the Motion to Compel.

Respectfully submitted.



BRIAN CUMBO
COUNSEL FOR MARTIN COUNTY
WATER DISTRICT
P.O. BOX 1844
INEZ, KY 41224
TELEPHONE: (606) 298-0428
TELECOPIER: (606) 298-0316
EMAIL: cumbolaw@cumbolaw.com

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was emailed and mailed, postage paid, on this the 2 day of May, 2018, to the following:

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

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

Hon. M. Todd Osterloh
Hon. James Wilson Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Ste. 1400
Lexington, KY 40507
tosterloh@sturgillturner.com
jameswilsongardner@gmail.com


BRIAN CUMBO

APPALACHIAN CITIZENS' LAW CENTER, INC.

317 MAIN STREET
WHITESBURG, KENTUCKY 41858
606-633-3929 1-877-637-3929
FAX 606-633-3925
www.appalachianlawcenter.org

STEPHEN A. SANDERS
Director
steve@appalachianlawcenter.org

MARY CROMER
Staff Attorney
mary@appalachianlawcenter.org
*Also admitted in VA

WES ADDINGTON
Deputy Director
wes@appalachianlawcenter.org

EVAN B. SMITH
Staff Attorney
evan@appalachianlawcenter.org

April 12, 2018

John Horn, Chair
Martin County Utilities Board
387 Main Street, Suite 140
Roy F. Collier Community Center Bldg.
Inez, KY 41224

Brian Cumbo, Esq.
86 W. Main St.
Inez, KY 4122

Dear Messrs. Horn and Cumbo,

On behalf of my client, Martin County Concerned Citizens ("MCCC"), I submit this Open Records Request pursuant to KRS 61.870, et seq. for the following records:

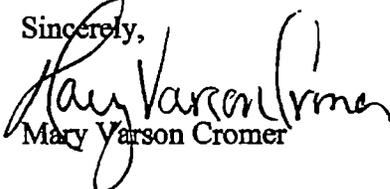
1. Written procedures for the new purchase order system recently adopted under the management of General Manager Greg Scott.
2. Copies of all receipts for purchases from ZipZone and Evans Hardware from January 1, 2016 to the present.
3. All records kept regarding the procurement of goods or services since January 1, 2016 purchased for the Martin County Water District under Section B or C of the Martin County Utilities Board's Procurement Policy & Procedures & Related Code of Ethics Provisions.
4. All approved budgets, whether annual or monthly, from January 1, 2016 to the present.
5. The District's Code of Ethics procedures and policies.
6. The District's Personnel policies and procedures.
7. Documentation describing the District's employee benefits in effect in 2016, 2017, and 2018 and the contribution rate or amount paid by the District.
8. Records evidencing annual compensation paid to each individual employee of the District in 2016 and 2017. These records may come in the form of W-2s, yearly payroll registers, or monthly summary of wages earned.
9. Time sheets, or summaries thereof, showing total amount of regular and overtime hours worked by individual District employees in 2016 and in 2017.
10. Meeting minutes and all documents provided to the board for the April 2018 meeting.

Please respond in writing via electronic or US Mail within three days of receipt of this request as is required by KRS 61.880(1). If possible, please provide copies of the materials

requested electronically to me at the email address above.

If any of the materials requested are non-existent, please state so affirmatively. If the board wishes to claim an exemption for any of the materials requested, please state the basis of the exemption and describe the material(s) withheld in sufficient detail such that MCCC can determine the propriety of the claimed exemption.

Sincerely,



Mary Varson Cromer