

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Angie Hatton
Chair

Mary Pat Regan
Commissioner

April 10, 2025

PARTIES OF RECORD

Re: Case No. 2024-00359

Notice is given to all parties that the attached Livingston response and receipt has been filed into the record of this proceeding. These documents were originally sent to a Commission email address that is no longer in use and only recently discovered.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Justin Young, Staff Attorney, at JustinW.Young@ky.gov.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell, PE
Executive Director

Attachment



City of Livingston
P.O. Box 654
Livingston, KY 40445
606-453-2061
cityoflivingston@windstream.net

December 19, 2024

PSC Response: 2024-00359

The City of Livingston did not receive the mailed notices for disconnect prior to the water being disconnected. Once the water had been disconnected by Woods Creek and already turned back on, a certified letter was received shortly after that Mayor Sandi Singleton signed for.

When the City of Livingston was informed of the KYWWaters Program, a meeting occurred with the Division of Water, CVADD, and a few others were consulted. Ultimately, it was decided that the City of Livingston would apply for this program to seek relief for the debt owed to Woods Creek Water District, the USDA Rural Development loan for water lines installed in the early 1990s, and to pay for the forensic audits requested by the Department of Local Government. This decision was ultimately made after speaking with the Division of Water on the amount of money it would take to bring the system into compliance. It was decided the WWaters Program would be better suited for bringing the City's financial situation into compliance, so they would be eligible for grants, and their debts would either be alleviated or consolidated into a lower payment. Prior to submitting the application, a phone call was made to those in the KIA office to ask if this plan was feasible for the KYWWaters Program, and the individual who spoke with said this was a situation the program was designed for.

Once the application was submitted, in mid-September, the City of Livingston called an individual from Woods Creek to inform them of the application and the plan. This individual said



that sounded good and to please keep them informed. In late October, City Clerk Samantha Smoker saw information that a meeting was taking place on December 1 in an online article and emailed Rick Harris to ask for more information. After speaking with and emailing Rick Harris, an email was sent with the update because an individual from Woods Creek had asked if we had any more information on the program. Charles Dick from Kentucky American Water called Samantha Smoker on the evening of November 5th to inform the City of Livingston that Woods Creek was going to shut the water off or allegedly had shut the water off. Mrs. Smoker then began making calls to inform appropriate individuals. The next day, Mrs. Smoker called the individual who she had been speaking with and sent the email to state she did not understand and thought Woods Creek was on the same page regarding the grant. This gentleman then told her he was not who she should have been speaking to, and that she needed to speak to Dwayne Lewis. When discussing this with other individuals from the Division of Water, Mrs. Smoker was informed the individual was an operator and not involved in the office.

Throughout the process of the water being shut off, Livingston Municipal Water Works had one customer who lost water, which was Kentucky American Water. The City's water tower also filled up from Tuesday to Thursday. We cannot state how this occurred, but Livingston Municipal Water Works did not lose access to water from Woods Creek Water District. While Kentucky American Water was out of water, the City of Livingston did reroute the tank to share their supply with Kentucky American. The City of Livingston called Woods Creek Water District multiple times a day to try to find a solution, but their calls were not being accepted. The City of



Livingston worked with Judge Hal Holbrook, Senator Brandon Storm, and State Representative Josh Bray to find a solution.

The City of Livingston was aware of the debt owed to Woods Creek Water District and that this debt had been accumulating for over twenty years. Due to the financial situations the City of Livingston has faced along with the late fees added to the bill, it has been difficult to chip away at the past-due balance. The City of Livingston is currently under investigation for the years of 2018-2022 by the Rockcastle County Sheriff's Office relating to the alleged missing funds, missing documents, and missing audits. The City of Livingston does and is willing to continue to make a monthly payment, but it is very infrequent that the amount is more than what is owed for that month. As it stands, the water revenue breaks even every month for the City of Livingston and is not profitable. The City of Livingston has signed a resolution and is willing to sell the system.



Commonwealth of Kentucky
Court of Justice www.kycourts.gov

RCr 7.02

**CRIMINAL
SUBPOENA**

SUBPOENA DUCES TECUM

Case No. _____
Court DISTRICT
County Rockcastle
Date 1/17/2024

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

UNKNOWN DEFENDANT

DEFENDANT

The Commonwealth of Kentucky to:

Name CITY OF LIVINGSTON, KENTUCKY

Address CC: LARRY DAVIDSON, MAYOR

CC: SAMANTHA SMOKER, CLERK

You are commanded to appear before: (select one of three choices)

- ☐ _____ Court ☐ The Grand Jury of _____ County
- ☐ Other ROCKCASTLE COUNTY ATTORNEY'S OFFICE

You are to appear at: 205 RICHMOND STREET, PO BOX 1250, MOUNT VERNON, KY 40456

on the 24 day of JANUARY, 2024 at 4:00 ☐ a.m. OR ☐ p.m. ☐ Eastern ☐ Central Time

☐ To testify in behalf of _____

☒ To produce ANY AND ALL RECORDS, INCLUDING BILLS, RECEIPTS, ETC, FROM ANY BANK ACCOUNTS OF THE CITY OF LIVINGSTON FOR THE TIME PERIOD OF JANUARY 1, 2021 TO DECEMBER 31, 2022, INCLUDING BUT NOT LIMITED TO GENERAL FUND BANK ACCOUNT, POLICE BANK ACCOUNT, AND TOURISM BANK ACCOUNT.

☐ To give depositions

Eli James Galt-Hensel Clerk
Issuing Officer
By: Samuel S. Hensel D.C.

JEREMY B. ROWE
Name of Requesting Attorney
Phone # 606-256-2730

PROOF OF SERVICE


This subpoena was served by delivery of a true copy to: Samantha Smoker

This 18th day of January, 2024

By: Donald S. Hensel
D.S. Title

Print Form

Reset Form

AOC – 340 11-87 Commonwealth of Kentucky Court of Justice Ky. Const. §10; RCr 13.10	 SEARCH WARRANT	Case No. _____ Court: DISTRICT County: ROCKCASTLE
---------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

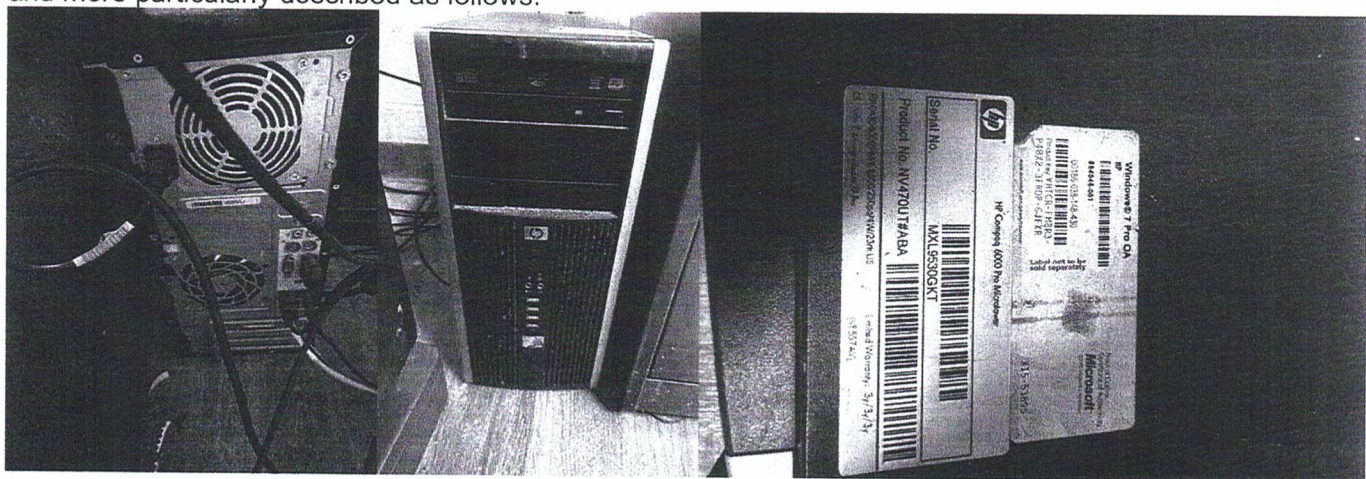
COPY

TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY:

Proof by affidavit having this day been made before me by Deputy Sam Brock, a peace officer of the Rockcastle County Sheriff's Department, that there is probable and reasonable cause for the issuance of this Search Warrant as set out in the affidavit attached hereto and made a part hereof as if fully set forth herein, you are commanded to make immediate search of:

HP Compaq 6000 Pro Microtower, Serial No. MXL9530GKT, Product No. NV470UT#ABA (Pictured below) and owned by City of Livingston, Kentucky.

and more particularly described as follows:



the following described personal property, to wit:

Any and all data, documents, files, or records contained on the above desktop computer related to the misuse of public funds for the time period of January 1, 2018 to February 6, 2024.

Affiant states that there is probable and reasonable cause to believe that said property constitutes (check appropriate box or boxes)

stolen or embezzled property;

☒ property or things used as the means of committing a crime;

property or things in the possession of a person who intends to use it as a means of committing a crime;

☒ property or things in the possession of a person to whom it was delivered for the purpose of concealing it or preventing its discovery and which is intended to be used as a means of committing a crime;

☒ Property of things consisting of evidence which tends to show that a crime has been committed or

that a particular person has committed a crime.

If you find the above-described property or any part thereof you will seize the property and deliver it forthwith to me or any other court in which the offense in respect to which the property or things taken is triable or retain it in your custody subject to order of said court.

2/6/24

, 2024

Ben Hardy
Rockcastle District

Judge
Court

Executed on this the 12th day of Feb, 2024, by *Sam A. PV*,
of the Rockcastle County Sheriff's Office, badge number 1102 searching said premises described
herein and by seizing the following:

AOC-025
Rev. 1-22
Page 1 of 1

Doc. Code: RS



CRIMINAL
☐ SUBPOENA

☒ SUBPOENA DUCES TECUM

Commonwealth of Kentucky
Court of Justice www.kycourts.gov
RCr 7.02

Case No. _____
Court DISTRICT
County Rockcastle
Date MAY 1, 2024

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

UNKNOWN DEFENDANT(S)

DEFENDANT

The Commonwealth of Kentucky to:

Name CITY OF LIVINGSTON, KENTUCKY

Address 9246 SOUTH WILDERNESS ROAD, LIVINGSTON, KY 40445

You are commanded to appear before: *(select one of three choices)*

- ☐ _____ Court ☐ The Grand Jury of _____ County
☐ Other ROCKCASTLE COUNTY ATTORNEY'S OFFICE

You are to appear at: 205 RICHMOND STREET, MT. VERNON, KY 40456

on the 15 day of MAY, 2024 at _____ ☐ a.m. OR ☒ p.m. ☒ Eastern ☐ Central Time

☐ To testify in behalf of _____

☒ To produce ANY AND ALL MINUTES OF CITY COMMISSION MEETINGS FOR THE DATES OF JANUARY 1, 2018 TO JANUARY 1, 2023.

☐ To give depositions

Eliza Jane York-Hansen Clerk
Issuing Officer
By: Stephene A. Allen D.C.

JEREMY B. ROWE
Name of Requesting Attorney
Phone # 606-256-2730

PROOF OF SERVICE

This subpoena was served by delivery of a true copy to: _____

This 2nd day of May, 2024 By: Alto DeSo
Deputy Title

Print Form

Reset Form

From: [PSC Electronic Filings Mailbox](#)
To: [PSC Executive Director](#)
Subject: FW: City of Livingston - 2024-00359
Date: Thursday, April 3, 2025 1:31:42 PM
Attachments: [Search Warrants and Subpoeas.pdf](#)
[PSC Response.docx](#)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: Samantha Smoker
Sent: Monday, December 23, 2024 11:55 AM
To: PSC Electronic Filings Mailbox
Subject: City of Livingston - 2024-00359

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

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This Message Is From an External Sender.

We have attempted to call several times but have not received an answer. This is our response and search warrants and subpoenas to support the financial situation Livingston has been facing from previous years.

*City of Livingston Water Works
City of Livingston Water Works
P. O. Box 654
Livingston, KY 40445

*Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

*David Pippen
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*Honorable Larry G Bryson
318 West Dixie Street
London, KY 40741

*Wood Creek Water District
1670 Hal Rogers Parkway
P. O. Box 726
London, KY 40743

*Molly Van Over
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*Wood Creek Water District
Wood Creek Water District
1670 Hal Rogers Parkway
P. O. Box 726
London, KY 40743

*Sarah Gaddis
Director
Kentucky Division of Water
300 Sower Boulevard, 3rd Floor
Frankfort, KY 40601

*Dewayne Lewis
Wood Creek Water District
P. O. Box 726
London, KY 40743

*Kentucky-American Water Company
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204