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June 17, 2014

JUN 17 2014

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Response to Motion for Continuance. Please return a file-stamped copy to me.

Do not hesitate to contact me if you have any questions.

Very truly yours,


David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 140617

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COMMONWEALTH OF KENTUCKY

JUN 17 2014

BEFORE THE PUBLIC SERVICE COMMISSION PUBLIC SERVICE COMMISSION

In the Matter of:

HAROLD BARKER, ANN BARKER AND BROOKS BARKER COMPLAINANTS V. EAST KENTUCKY POWER COOPERATIVE INC. DEFENDANT CASE NO. 2013-00291

RESPONSE TO MOTION FOR A CONTINUANCE

Comes now East Kentucky Power Cooperative, Inc. ("EKPC"), by counsel, pursuant to 807 KAR 5:001, Section 5 and other applicable law, and does hereby provide its Response to the Complainants' Motion for a Continuance, respectfully stating as follows:

EKPC objects to a continuance of the July 1, 2014 hearing in this matter. The hearing date was set in an Order entered by the Court on April 7, 2014, which stated in Ordering Paragraph 9 that motions for extensions of time would be granted only upon a showing of good cause. In reliance upon said Order and without any information from the Complainants that said the hearing date presented a conflict, EKPC witnesses, experts and counsel all adjusted schedules and commitments so as to be available for the July 1st hearing. One of EKPC's experts was forced to cut short his trip to Europe in order to appear on July 1st. Now, approximately two weeks before the hearing and after EKPC has made the necessary adjustments so as to have all of its experts and witnesses available for the hearing, the Complainants make an untimely request

for the Commission to postpone the hearing to accommodate the travel schedule of their expert witness. Such a showing does not amount to “good cause” and the motion should be overruled.

At this late date, obtaining a new hearing date that does not conflict with schedules made in reliance upon the Commission’s April 7, 2014 Order would be very difficult. In fact, at least one or more of EKPC’s witnesses or experts are unavailable, or would be materially inconvenienced, on each of the alternative dates the Plaintiffs have proposed. Accordingly, EKPC respectfully requests that the Commission retain the July 1, 2014 hearing date and overrule the Complainants’ motion.

Despite the foregoing, EKPC would not oppose the hearing being held on the original July 1, 2014 date so as to allow the Complainants, Mr. Pfeiffer and EKPC’s witnesses and experts to be heard and subject to cross-examination. EKPC would be willing to then recess the hearing until such other date as the Commission may choose for Dr. Carpenter to be presented for cross-examination. While this would mean that the hearing would be spread over two non-successive days, it would eliminate the need to reschedule a hearing that could involve as many as ten to twelve witnesses. When the hearing would be reconvened for Dr. Carpenter’s cross-examination, a much smaller number of individuals would need to be present.

In summary, EKPC has diligently worked around scheduling conflicts – including the same type of conflict (international travel) of which the Complainants now complain – in order to meet each of the deadlines that were set based on a July 1, 2014 hearing date. The Complainants have known since April that the hearing would take place on July 1, 2014 and that their expert would be required to attend the hearing in this matter. Any scheduling conflicts with Mr. Carpenter should have been resolved before now. The Complainants have clearly not shown good cause as to why the July 1, 2014 hearing date should be continued.

WHEREFORE, EKPC respectfully requests that the motion for a continuance be denied and that a second hearing date which shall be limited to the cross-examination of Dr. Carpenter shall be scheduled that is convenient to the Commission and parties.

Respectfully submitted,



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Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served on the following via depositing same in the custody and care of the U.S. Mails, postage prepaid, this 17th day of June, 2014:

Hon. Alex Rowady
212 South Maple Street
Winchester, KY 40391



Counsel for East Kentucky Power Cooperative, Inc.