

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

ADJUSTMENT OF RATES)
OF CUMBERLAND VALLEY) CASE NO. 2005-00187
ELECTRIC, INC.)

ATTORNEY GENERAL'S EMERGENCY MOTION TO REQUEST
SUBPOENAS ORDERING CERTAIN OF PETITIONER'S
EMPLOYEES TO SUBMIT TO DEPOSITIONS

Comes now the Attorney General, by counsel, and pursuant to KRS 278.320 and 278.340 hereby moves the Commission to issue subpoenas ordering certain of petitioner's current and past employees to submit themselves for depositions. Furthermore, he asks for an expedited ruling on this motion because the evidentiary hearing is scheduled for 10 January 2005.

In support of this motion, the Attorney General states that certain information has come to light in the above-styled matter requiring his office to investigate and obtain further information, which may be relevant to the petitioner's request for a rate increase. Specifically, with discovery opportunities now having been exhausted under the procedural schedule, questions still remain regarding the prudence of spending in specific accounts, including but not limited to right of way work.

KRS 278.320 provides as follows:

“The commission and each of the commissioners may issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings brought before or initiated by the commission, and such process shall extend to all parts of the state. Service of process in all proceedings brought before or initiated by the commission may be made by certified mail, return receipt requested or by registered mail, or in the same manner as other process in civil cases, as the commission directs.”

The Commission clearly has full authority in this matter to issue said subpoenas, and to perfect service. In addition, the Commission is authorized pursuant to KRS 278.340 to grant the right to take depositions of any party appearing in a proceeding before the Commission:

“The commission itself may take depositions, or grant deposition rights at its discretion to any party in a proceeding before the commission. Depositions in commission proceedings shall be taken in accordance with the Rules of Civil Procedure.”

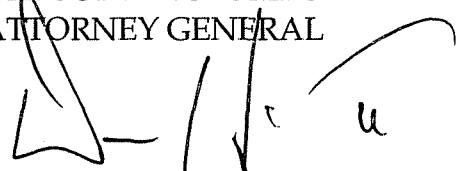
The Attorney General attaches hereto a schedule for taking depositions of certain of petitioner’s current and prior employees. The Attorney General emphasizes herein that he is taking all steps reasonably possible to minimize or avoid any interruption to the company’s operations, by taking said depositions in the county in which petitioner’s principal place of business is located, and on staggered schedules. Accordingly, the petitioner should experience no prejudice as a result of these depositions.

Moreover, the taking of these depositions would provide judicial economy. In the event the Commission denies the Attorney General’s

motion in this regard, the Attorney General will have to proceed with calling the individuals set forth in the attached schedule (and possibly others) to provide testimony at the hearing. Allowing said depositions to proceed will reduce the likelihood of the Attorney General having to call said witnesses at the hearing, assuming the Attorney General's concerns regarding imprudent spending practices are satisfied.

WHEREFORE, Counsel respectfully request that the Commission grant this motion.

Respectfully submitted,
GREGORY D. STUMBO
ATTORNEY GENERAL



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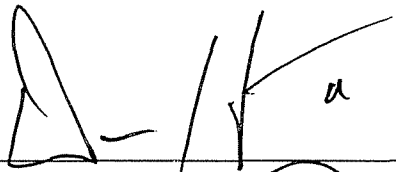
SCHEDULE FOR TAKING OF DEPOSITIONS

NAME & ADDRESS	DATE	TIME	PLACE
Joe Carroll 140 Woodland Trail Pineville, KY 40977	12/12/05	7:30 a.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Robert Tolliver Hwy. 25 E Gray, KY 40734	12/12/05	9:00 a.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Teresa Gregory Hwy. 25 E Gray, KY 40734	12/12/05	10:00 a.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Donald Lynch Hwy. 25 E Gray, KY 40734	12/12/05	11:00 a.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Randall Campbell Hwy. 25 E Gray, KY 40734	12/12/05	12:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Kermit Creech Hwy. 25 E Gray, KY 40734	12/12/05	1:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
John Ferguson Hwy. 25 E Gray, KY 40734	12/12/05	2:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
Dave Taylor Hwy. 25 E Gray, KY 40734	12/12/05	3:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741

Denise Hart Hwy. 25 E Gray, KY 40734	12/12/05	4:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741
William McQuen Hwy. 25 E Gray, KY 40734	12/12/05	5:00 p.m.	Commonwealth Attorney 202 W. 7 th St. London, KY 40741

Certificate of Service and Filing

Counsel certifies that an original and seven photocopies of the Attorney General's Motion to Request Subpoenas for Depositions were served and filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid, to Ted Hampton, Cumberland Valley Electric, Inc., P.O. Box 440, Gray, Kentucky 40734, all on this 30th day of November, 2005.


Assistant Attorney General