

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.)

**PETITIONER'S RESPONSE TO THE ATTORNEY GENERAL'S
MOTION AND AMENDED MOTION TO REQUEST SUBPOENAS ORDERING
CERTAIN PETITIONER'S EMPLOYEES TO SUBMIT TO DEPOSITIONS**

*** **

Comes now the Petitioner, Cumberland Valley Electric, Inc., by counsel and for its response to the Motion of the Attorney General states as follows:

Cumberland Valley Electric, Inc., ("CVE") has no objection to the rescheduled hearing as requested by the Attorney General.

CVE objects to that part of the motion of the Attorney General which request that the Petitioner's manager, Ted Hampton, be ordered to remove himself from the taken of the requested depositions. The grounds for the Attorney General's request is ". . . in order that the Petitioner's employees would not feel intimidated or unduly oppressed in giving their sworn testimony." The Petitioner states that the first witness listed, Joe Carroll, is not an employee of CVE. Mr. Carroll is, in fact, a former employee of CVE. Therefore, the Attorney General's argument would not apply to Mr. Carroll. With respect to the other employees listed by the Attorney General to be deposed, the Petitioner would state that the reason stated by the Attorney General for taking these depositions is directly or

indirectly critical of the manner in which Mr. Hampton conducts the business for CVE. Accordingly, he should be able to personally hear those criticisms.

WHEREFORE, counsel for Cumberland Valley respectfully requests the Commission to deny the motion of the Attorney General for the exclusion of Mr. Hampton from the scheduled depositions on December 19, 2005.



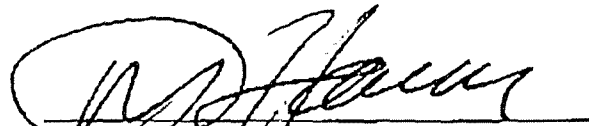
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ATTORNEY FOR PETITIONER,
CUMBERLAND VALLEY ELECTRIC, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petitioner's Response to the Attorney General's Motion and Amended Motion to Request Subpoenas Ordering Certain Petitioner's Employees to Submit to Depositions was on this 5th day of December, 2005, mailed, all postage prepaid to the following:

Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

Hon. Dennis G. Howard, II
Hon. Elizabeth E. Blackford
Hon. Lawrence W. Cook
Assistance Attorneys General
1024 Capital Center Drive, Suite 200
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TO: Anita Mitchell
Public Service Commission
(502) 564-3460

FROM: W. Patrick Hauser
Date: December 5, 2005
Time: 4:30 p.m.

Number of Pages (including this cover page): 4

Message/Comments:

Re: Adjustment of Rates of Cumberland Valley Electric, Inc.

Attached please find Petitioner's Response to the Attorney General's Motion and Amended Motion to Request Subpoenas Ordering Certain Petitioner's Employees to Submit to Depositions.

If all pages are not received, please call Sheila at 606-546-3811.

The information contained in this transmission is privileged, confidential, and intended only for use of the individual or entity named above. If you have received this communication in error, please notify W. Patrick Hauser immediately by telephone, collect, and return the original message to us at the address shown above via the U.S. Postal