

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On June 12, 2014, Complainants Harold Barker, Ann Barker, and Brooks Barker (“Complainants”) moved to continue the hearing in this matter, which is currently scheduled for July 1, 2014. In support, Complainants assert that their expert medical witness, Dr. David Carpenter, will be in Beijing, China at a previously scheduled conference. Complainants propose to reschedule the hearing to July 8, 9, 10, 15, or 16, 2014.

East Kentucky Power Cooperative, Inc. (“EKPC”) opposes Complainants’ Motion, and argues that Complainants have been aware of the hearing date, since it was scheduled in the Commission’s April 7, 2014 procedural Order. EKPC states that it would be difficult at this late date to find a date acceptable to all witnesses, and one or more witnesses are unavailable on the alternative dates proposed by Complainants. It contends that Complainants have failed to demonstrate good cause for the continuance,

and notes that one of its expert witnesses cut short a trip to Europe in anticipation of the hearing.

However, EKPC states that it would not oppose recessing the July 1, 2014 hearing after the conclusion of all witnesses' testimony, excepting Dr. Carpenter. It proposes the Commission reconvene at a later date to present Dr. Carpenter for cross-examination.

The Commission, having considered the motion and being otherwise sufficiently advised, finds that Complainants have not presented good cause to continue the July 1, 2014 hearing. Complainants have been on notice of the hearing date since April 7, 2014, and did not move for a continuance until 15 days before the hearing. The Commission finds that continuing the hearing to accommodate one witness would have the potential to materially inconvenience multiple other witnesses.

However, the Commission further finds that the cross-examination of Dr. Carpenter may aid in the Commission's understanding and resolution of the issues raised in this matter. Accordingly, the Commission finds that the hearing should proceed on July 1, 2014, for the examination of all witnesses with the exception of Dr. Carpenter. At the conclusion of the examination of all other witnesses, the hearing will recess and reconvene on July 8, 2014, for the continuation of the hearing for the purpose of cross-examining Dr. Carpenter.

IT IS THEREFORE ORDERED that:

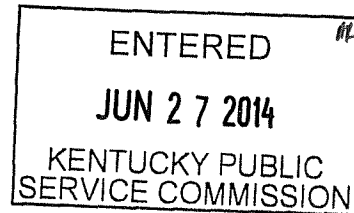
1. Complainants' Motion for a Continuance is denied.

2. The hearing in this matter shall be held at the Commission's offices as previously scheduled on Tuesday, July 1, 2014, at 10:00 a.m. Eastern Daylight Time, for the examination of all witnesses with the exception of Dr. David Carpenter.

3. At the conclusion of the examination of all other witnesses, the July 1, 2014 hearing in this matter shall recess and continue on Tuesday, July 8, 2014, at 10:00 a.m. Eastern Daylight Time, for the cross-examination of Dr. David Carpenter.

4. All other provisions of the Commission's April 7, 2014 Order, not in conflict with this Order, shall remain in full force and effect.

By the Commission



ATTEST:



Executive Director

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