

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF GREEN	)	
RIVER VALLEY WATER DISTRICT AND ITS	)	
OFFICERS, JOHN BUNNELL, PAT TUCKER,	)	CASE NO.
ADRIAN GOSSETT, DEBBIE FOWLER, LELAND	)	2022-00215
GLASS AND ITS MANAGER, DAVID PAIGE, TO	)	
COMPLY WITH A COMMISSION ORDER, KRS	)	
278.990	)	

ORDER

This matter arises upon case filings by David Paige, a party to this investigation who was the manager for Green River Valley Water District (Green River Valley District) for over 25 years.<sup>1</sup> On August 3, 2022, Mr. Paige filed a response to the opening Order in this investigation and on November 30, 2022, Mr. Paige filed a witness list for the December 15, 2022 hearing in this matter. Based upon the filings, Mr. Paige is representing himself in this proceeding.

The Commission, on its own, finds that David Paige may appear, *pro se*, before the Commission at the hearing on December 15, 2022, but encourages Mr. Paige to consult with attorney licensed to practice law in Kentucky. If Mr. Paige retains counsel, his counsel shall file an entry of appearance in this matter prior to the December 15, 2022 hearing, and provide an address, phone, and electronic mail for service of orders and case filings, which are made via electronic mail.

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<sup>1</sup> Subpoena (filed on Dec. 1, 2022) and David Paige's Response (filed on Aug. 3, 2022).

The Commission notes that this is an investigation into compliance with a Commission Order. Commission Staff are not a party to this proceeding and have not acted in an adverse manner that is consistent with a party to a proceeding. Commission Staff's role in this proceeding is "generally to analyze the evidence and advise the Commission."<sup>2</sup> Consistent with case law, had Commission Staff acted in an adverse manner to the parties in this case, such as independently negotiating a settlement and shaping the outcome based upon information shared with some, but not all parties, then Commission Staff could be subject to discovery.<sup>3</sup> This is because all parties have the due process right to know the evidence being considered in the Commission's decision.<sup>4</sup> Here, Commission Staff has not acted in an adverse manner to the parties to this proceeding, and thus should not be subject to discovery or cross-examination at the December 15, 2022 hearing.

IT IS HEREBY ORDERED that:

1. David Paige may appear before the Commission at the hearing on December 15, 2022, *pro se* or with counsel.
2. If David Paige retains counsel, counsel shall file an entry of appearance as set forth in this Order on or before December 13, 2022.

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<sup>2</sup> *Kentucky American Water Co. vs. Com. ex rel. Cowan*, 847 S.W.2d 737, 740 (Ky. 1993) (citations omitted).

<sup>3</sup> See *Kentucky American Water Co.*, 847 S.W.2d at 741.

<sup>4</sup> See *Kentucky American Water Co.*, 847 S.W.2d at 741.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
\_\_\_\_\_  
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