

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF)	
CUMBERLAND COUNTY WATER DISTRICT AND)	
ITS OFFICERS, ERIC CARVER, GARLAND)	CASE NO.
HIENEMAN, JAY CARY, MARK VIBBERT, TROY)	2022-00244
NORRIS, AND ITS MANAGER, MATTHEW DYER,)	
TO COMPLY WITH A COMMISSION ORDER, KRS)	
278.990)	

ORDER

On February 15, 2023, Cumberland County Water District (Cumberland District) filed a motion requesting that each member of the Board of Commissioners, the attorney for the district, and the manager, be permitted to appear virtually at the February 23, 2023 hearing scheduled in this case. In support of its motion, Cumberland District argued that each of the commissioners is either older or have full-time employment. Cumberland District's motion also noted that the drive one way is approximately 2.5 hours and none of the commissioners would have much to add in terms of testimony.

Based upon the motion and being otherwise sufficiently advised, the Commission finds that Cumberland District's motion should be denied. When a utility submits witness testimony or when a utility witness sponsors responses to data requests in a case, the witness is expected to be available to testify at any Commission hearing in that case. Such witnesses are integral to the investigation of the case. Additionally, the Commission expects counsel and witnesses to participate in person at any hearing but will consider motions for virtual participation for counsel and witnesses who can establish good cause

to participate virtually.¹ Driving distance alone has not been treated as good cause to excuse in person attendance by a witness. The manager, Matthew Dyer sponsored numerous responses. The commissioners are named parties in an investigation and individually, each filed a response. KRS 278.250 provides that “[i]n conducting such investigation, the commission may proceed with or without a hearing as it deems best but shall make no order without giving a hearing to the parties affected thereby.”

Thus, the Commission finds that Cumberland District failed to establish good cause to permit any party to participate virtually at the hearing, and accordingly, finds that Cumberland District’s motion should be denied.

IT IS THEREFORE ORDERED that:

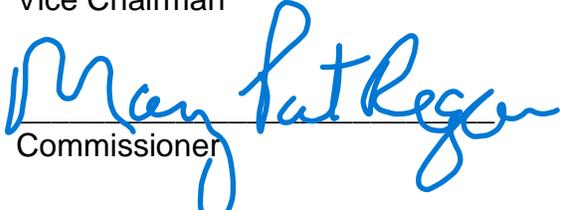
1. Cumberland District’s motion to participate virtually at the February 23, 2023 hearing is denied in its entirety.

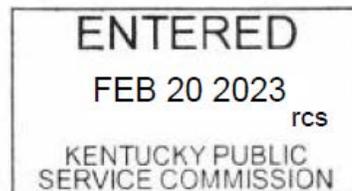
¹ See Case No. 2021-00365, *Electronic Application of Kenergy Corp. for a Certificate of Public Convenience and Necessity for the Construction of a High-Speed Fiber Network and for Approval of the Leasing of the Network’s Excess Capacity to an Affiliate to be Engaged in the Provision of Broadband Service to Unserved and Underserved Households and Businesses of the Commonwealth* (Ky. PSC Mar. 17, 2022), Order; see also Case No. 2021-00481, *Electronic Joint Application of American Electric Power Company, Inc., Kentucky Power Company and Liberty Utilities Co. for Approval of the Transfer of Ownership and Control of Kentucky Power Company* (Ky. PSC Mar. 10, 2022), Order.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

*Cumberland County Water District
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*Matthew Dyer
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