

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On November 30, 2005, the Attorney General (“AG”) moved for the issuance of subpoenas to ten current employees and one former employee of Cumberland Valley Electric, Inc. (“Cumberland”) directing them to appear and give depositions on December 12, 2005. He subsequently moved for the issuance of six additional subpoenas, the scheduling of depositions, postponement of the scheduled hearing, and the preclusion of Ted Hampton, Cumberland’s President, from attending the depositions.

In support of his motions, the AG states that he intends to request information at the deposition regarding Cumberland’s management practices and that Mr. Hampton’s preclusion is necessary “in order that the Petitioner’s employees will not feel intimidated or unduly oppressed in giving their sworn testimony.”<sup>1</sup> He further states that he has received information that Mr. Hampton has had private meetings with some of the deponents to discuss their testimony.

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<sup>1</sup> AG’s Amended Emergency Motion to Request Subpoenas at 2.

Cumberland does not object to the AG's request to schedule the depositions and reschedule the hearing, but does object to his request to preclude Mr. Hampton from attending the depositions. Cumberland states that the AG's allegations of intimidation are without merit to any of its former employees. It further states that, since the depositions will involve Mr. Hampton's performance of his duties as Cumberland's President, he should be allowed to attend all depositions.

Having considered the motions and response thereto and being otherwise sufficiently advised, the Commission finds that the requested depositions should be scheduled and states that the requested subpoenas have been issued. It also finds that good cause has been shown to grant the AG's motion to reschedule the hearing in this matter to permit the taking of depositions. The Commission further finds that the AG has failed to show good cause to preclude Mr. Hampton from attending the depositions and his request for same should be denied.

IT IS THEREFORE ORDERED that:

1. The AG's motion to schedule depositions in this proceeding for December 19, 2005 and December 20, 2005 is granted.
2. The AG shall secure and compensate a court reporter to record and transcribe the depositions and shall file the original and one copy of the transcript of each deposition with the Commission within 20 days of the deposition.
3. The hearing scheduled in this matter for January 10, 2006 is cancelled and shall be rescheduled by a subsequent Order.
4. The AG's motion to preclude Mr. Hampton from attending the depositions is denied.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of December, 2005.

By the Commission

ATTEST:

  
Executive Director