

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF KENTUCKY)	
UTILITIES COMPANY FOR APPROVAL OF AN)	CASE NO.
ECONOMIC DEVELOPMENT RIDER SPECIAL)	2022-00371
CONTRACT WITH BITIKI-KY, LLC)	

ORDER

On May 2, 2023, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, and the Kentucky Resources Council, Inc. (collectively, Joint Intervenors) filed a motion seeking to allow virtual examination of their witnesses, Stacy Sherwood, and Chelsea Hotaling, in the hearing scheduled for May 31, 2023. No party responded to Joint Intervenors motion or otherwise objected to the witnesses' virtual participation. Joint Intervenors' motion is now before the Commission for a decision.

As a basis for their request, Joint Intervenors stated that Ms. Sherwood has a travel commitment that was planned since June 2022 that will prevent her from traveling to Kentucky for the hearing. Additionally, Joint Intervenors maintained that Ms. Sherwood had a scheduling conflict starting at 1 p.m. on May 31, 2023, and depending on the length of the hearing may need, if possible, to be called to testify out of order if she is to participate in the hearing. Joint Intervenors explained that Ms. Sherwood will not have access to a computer or internet service following 1 p.m. on the day of the hearing.

As a further basis for their motion, Joint Intervenors stated that Ms. Hotaling has a health issue that places her at an increased risk of COVID-19.

Joint Intervenors asserted that both witnesses are capable of providing testimony remotely without prejudicing any party and have provided testimony remotely in cases in other jurisdictions.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Joint Intervenors have established good cause for Stacy Sherwood and Chelsea Hotaling to participate virtually in the May 31, 2023 hearing. Ms. Hotaling has a health issue that would place her at an increased risk at this time if she participated in person. Ms. Sherwood made travel arrangements prior to the initiation of this case.

Further, Joint Intervenors sought to accommodate Kentucky Utility Companies' previous request for a continuance of the original March 31, 2023 hearing date and stated that they were available on the week of May 26, 2023, but the hearing was ultimately continued to May 31, 2023. Joint Intervenors also represented that the witnesses are capable of providing testimony remotely and have done so in other cases such that there should be limited disruption to the hearing. Finally, no party has objected to Joint Intervenors request or asserted that they will be prejudiced by the witness' virtual attendance. Thus, the Commission finds that Joint Intervenors motion should be granted.

The Commission notes that in the future, parties, especially those requesting a hearing, must make witnesses available to testify in person, unless they can establish good cause. For that reason, they should consider including information regarding witness availability in any request for hearing.

IT IS HEREBY ORDERED that:

1. Joint Intervenors' motion for Stacy Sherwood and Chelsea Hotaling to participate virtually in the May 31, 2023 hearing is granted.

2. Commission Staff shall contact participants with instructions for participating remotely.

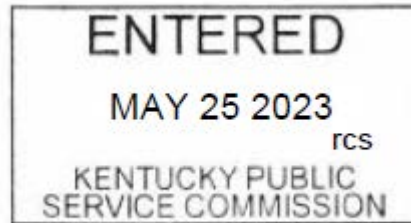
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PUBLIC SERVICE COMMISSION

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Chairman

AK
Vice Chairman

Mary Pat Regan / AK with permission
Commissioner



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