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ADMITTED IN KY AND WV

August 19, 2019

Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Martin County Water District
PSC Case No. 2018-00017

To Whom It May Concern:

Enclosed please find Martin County Water District's Motion to Continue, and supporting Affidavit of Jimmy Kerr regarding the above matter.

Thank you for your attention to this matter.

Very truly yours,



BRIAN CUMBO

BC/ld

Enclosure

cc: Hon. Mary Varson Cromer (w/enc.)
Hon. M. Todd Osterloh (w/enc.)
Hon. James Wilson Gardner (w/enc.)
Martin Water District (w/enc.)

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF THE)
MARTIN COUNTY WATER DISTRICT)
FOR ALTERNATIVE RATE ADJUSTMENT)
)

CASE NO. 2018-00017

MOTION TO CONTINUE

Comes the Martin County Water District (hereinafter District), by counsel, and moves the Commission for an Order, continuing the emergency hearing scheduled for August 21, 2019, at 1:00 p.m.

As a threshold matter, the District is at a loss to understand why an emergency hearing is necessary at this time, given the ongoing nature of the investigation and the many hearings conducted in this matter.

The District speculates that this hearing was scheduled as a result of a phone conversation between Jimmy Kerr, Chairman of the Martin County Water District, and Brittany Koenig, staff counsel. Mr. Kerr relates that in that conversation, he hypothesized that the District had many unmetered customers. That statement is based solely on anecdotal evidence circulated in the community, concerning water hook ups in what was formerly the Warfield District.

The Commission should be aware that there is absolutely no evidence as to those rumors, they are simply repeated because that is what folks have always heard. Very similar to the

investigation initiated by the Attorney General into the so called missing money from a capital improvement project from 20 years ago, that was based on "that is what folks have always heard".

It is true that lines are rarely uncovered that cannot be explained, but that rarely occurs.


Therefore, the District has no evidence to put forward relative to the issue of unmetered customers. The District continues to work diligently in that regard. It is believed that when the water main replacement project occurs, the issue of unmetered customers, at least in the area of the water main replacement, may be uncovered as well. On this basis, the District moves the Commission for an Order of continuance.

In addition, and of no less importance, is the issue that the current Board of Commissioners, Jimmy Kerr, Jaryd Crum, Earnest Hale, and John Hensley, are all employed. Their work schedules simply do not provide for time, on short notice, to attend the hearing in Frankfort as scheduled. These business commitments of the Commissioners are important, and they are simply unable to sacrifice the well being of their jobs, and in turn, their families, and jeopardize their continued employment by attending the currently scheduled hearing.

The District would further state that this Board has worked tirelessly, have given of themselves in a volunteer manner unselfishly, to help turn the fortunes of this water system. The District has come a long way. It is essential that the District continue to improve. To continue to improve, the District must have committed and thoroughly engaged Commissioners.

Wherefore, based on the foregoing, the District moves the Commission for an Order, continuing the hearing now scheduled for August 21, 2019. If necessary, rescheduling same to a date in the future, that affords the Commissioners adequate time to plan and arrange their schedules.

Wherefore, counsel requests appropriate Orders of the Commission consistent with this Motion.


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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was mailed & emailed, postage paid, on this the 19 day of August, 2019, to the following:

Public Service Commission (*Via USPS & Email*)
ATTN: Brittany Koenig
P.O. Box 615
Frankfort, KY 40602
brittany.keonig@ky.gov

Hon. Mary Varson Cromer (*Via Email only*)
Appalachian Citizens' Law Center, Inc.
317 Main Street
Whitesburg, KY 41858
mary@appalachianlawcenter.org

Hon. M. Todd Osteloh (*Via Email only*)
Hon. James Wilson Gardner
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COMMONWEALTH OF KENTUCKY

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In the Matter of:

ELECTRONIC APPLICATION OF THE)
MARTIN COUNTY WATER DISTRICT)
FOR ALTERNATIVE RATE ADJUSTMENT)
)

CASE NO. 2018-00017

AFFIDAVIT OF JIMMY KERR

Comes the Affiant, Jimmy Kerr, after being duly sworn, and states as follows:

1. That I, Jimmy Kerr, am the Chairman of the Board of Commissioners for the Martin County Water District.
2. That on Thursday, August 15, 2019, I had a telephone conversation with staff of the Public Service Commission.
3. That conversation took place because the Chairman of the Public Service Commission, Michael Schmitt, told me at a previous hearing that if I had questions, to call Commission staff, and that's what I did.
4. In the course of our conversation, I mentioned, among other things, that the District may have many unmetered customers, I said maybe a thousand, maybe two thousand.
5. That number is a gross exaggeration, and it was meant to be understood as such.
6. That statement about unmetered customers is based solely on anecdotal stories that I have heard all my life, that people were hooked up to the system without being metered.

7. That I, nor any other Board member, to my knowledge, have any evidence or firsthand account, to support that statement.
8. Further, that I have business commitments on Wednesday, August 21, 2019 that prevent me from being able to attend the hearing scheduled for that date and time.
9. That if the Commission insists on having a hearing on these issues, I would request that the hearing be rescheduled, so that I, and the other Board members, can have ample notice to arrange our schedules.

Further the Affiant saith naught.


JIMMY KERR

STATE OF KENTUCKY)

COUNTY OF MARTIN)

SUBSCRIBED, ACKNOWLEDGED and SWORN TO before me by Jimmy Kerr this the
19th day of August, 2019.

My Commission Expires: 9-18-22.


NOTARY PUBLIC, STATE AT LARGE