

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 BE EXCUSED FROM SUBPOENA AND ORDER**

\*\*\*\*\*

Comes the Martin County Water District (hereinafter District), by counsel, and moves the Public Service Commission (hereinafter Commission) for an Order, excusing Earnest Hale from the Subpoena served upon him requiring his appearance at the hearing scheduled for October 22, 2019, beginning at 9:00 a.m., in Frankfort, Kentucky, and the Order of September 17, 2019 which directs him to appear.

As grounds therefore, Mr. Hale is employed by the Martin County Board of Education, as their facilities director as well as their finance officer. Because of his work schedule, an appearance in Frankfort, Kentucky on October 22, 2019, which, as a practical matter, consumes the entire workday, is unreasonably burdensome to Mr. Hale.

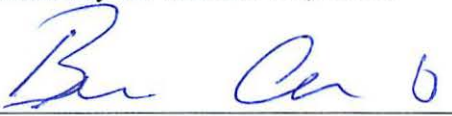
The demands of his employment situation are overly burdensome, due to several factors, none the least of which is wearing two hats and assuming responsibilities that were not foreseen due to personnel turnover.

A summary of Mr. Hale’s upcoming calendar for the next several weeks is attached hereto and in support hereof.

The District further argues that Mr. Hale is a valued Board member, who brings valuable expertise to the table to assist the District during these challenging times. That the Board members have volunteered their time, expertise, and talents to improving the situation with the Martin County Water District, and have made a material difference. It would be a material blow to the District for Mr. Hale to be forced to choose between his employment, and his volunteer time serving as a member of the Martin County Water District Board.

The District further argues that it is anticipated that all of the other Commissioners will be able to attend the hearing as scheduled.

Wherefore, the District moves the Commission for an Order excusing Earnest Hale from the Subpoena requiring his appearance in Frankfort, Kentucky on October 22, 2019.

  
BRIAN CUMBO  
COUNSEL FOR MARTIN COUNTY  
WATER DISTRICT  
P.O. BOX 1844  
INEZ, KY 41224  
TELEPHONE: (606) 298-0428  
FACSIMILE: (606) 298-0316  
EMAIL: [cumbolaw@cumbolaw.com](mailto:cumbolaw@cumbolaw.com)

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the foregoing was emailed & mailed, postage pre-paid, on this the 11 day of October, 2019, to the following:

Public Service Commission  
ATTN: Brittany Koenig  
P.O. Box 615  
Frankfort, KY 40602

Hon. Mary Varson Cromer  
Appalachian Citizens' Law Center, Inc.  
317 Main Street  
Whitesburg, KY 41858  
[mary@appalachianlawcenter.org](mailto:mary@appalachianlawcenter.org)

Hon. M. Todd Osterloh  
Hon. James Wilson Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street, Ste. 1400  
Lexington, KY 40507  
*tosterloh@sturgillturner.com*  
*jameswilsongardner@gmail.com*

  
BRIAN CUMBO

10/14/2019 – Board Working Session 5pm – 6pm, Board Meeting 6pm - ? – Preparing Discussion Notes for - Setting Tax rates for Property and Motor Vehicle, Discussing Facilities Plan and next step for SCHS/ Inez Middle School Building, District Plans for Bus Purchases for FY20.

10/15/2019 – Review Orders of the Treasurer and Out of Board Bills for approval for printing, day to day work.

10/16/2019 – Morning; Prep for Conference Call with Codell Construction on Reconciliation of expenditures for Martin County High School in finalizing costs and analyzing impact on Contingency Funds as it pertains to the General Fund possible absorption of cost overrun.

10/16/2019 – Afternoon: Actual Conference Call with Codell Construction Lead Accountant.

10/16/2019 – Evening: Leave for Louisville

10/17/2019 – Conference /Training on updates and best practices with MUNIS Accounting System 8am-4pm

10/18/2019 – Morning - Conference /Training on updates and best practices with MUNIS Accounting System 8am-12pm

10/18/2019 – Afternoon - Return to work, review Out of Board Payment Schedule and approve for printing, and work for a few hours.

10/19/2019 – Utilities Board Meeting

10/21/2019 – Continue working on FY19 District Audit to be presented at the 11/11/2019 Board Meeting , normal day to day, and if I find time – start work on Facilities Ranked Report for Eden Elementary, Warfield Elementary, Martin Co Middle, Martin Co ATC, starting with Eden Elementary day 1 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

10/22/2019 – Frankfort – Facilities Planning Training for Legislative Facilities Ranked Report Audit of School District Facilities.

10/23/2019 – Compile Payroll Tax for EFT submission on 10/24/2019, catch up from being out of the office, continue working on FY19 District Audit to be presented at the 11/11/2019 Board Meeting.

10/24/2019 – Submit Payroll Tax information and Payment, and day to day, continue work on Facilities Ranked Report for Eden Elementary day 3 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

10/25/2019 - Day to day, continue work on Facilities Ranked Report for Eden Elementary day 4 of 5 (at least 5 days per elementary school) which was due on 12/31/19, review Out of Board Payment Schedule and approve for printing.

10/28/2019 - Day to day, continue work on Facilities Ranked Report for Eden Elementary day 5 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

10/29/2019 - Day to day, continue work on Facilities Ranked Report for Warfield Elementary day 1 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

10/30/2019 – Day to day, continue work on Facilities Ranked Report for Warfield Elementary day 2 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

11/1/2019 – Roll Accounting Default Month, Confirm/Adjust KDE Estimates of District Data for Next Year’s Forecast SEEK Calculation in SEEK Data Submission portal, start month end processes, run Project Reports for Project Coordinators to verify for reimbursements, review Out of Board Payment Schedule and approve for printing.

11/04/2019 - Day to day, continue work on Facilities Ranked Report for Warfield Elementary day 3 of 5 (at least 5 days per elementary school) which was due on 12/31/19, finalize bills to be entered into Board Meeting payments for 11/11/2019.

11/05/2019 - Day to day, continue work on Facilities Ranked Report for Warfield Elementary day 4 of 5 (at least 5 days per elementary school) which was due on 12/31/19.

11/06/2019 - Compile Payroll Tax for EFT submission on 10/24/2019, begin preparing documents for Board Meeting, Finalize work on FY19 District Audit to be presented at the 11/11/2019 Board Meeting, Compile Payroll Tax for EFT submission on 11/11/2019.

11/07/2019 – Submit Payroll Tax information and Payment , Complete documents for Board Meeting and submit to Superintendent and Board Secretary for agenda to be given to Board Chair for approval, day to day.

11/08/2019 - Day to day, continue work on Facilities Ranked Report for Warfield Elementary day 5 of 5 (at least 5 days per elementary school) which was due on 12/31/19, review Out of Board Payment Schedule and approve for printing, finish reconciliation of previous month.

11/11/2019 – During the day - Day to day, prepare copies and signature items for Board Meeting tonight.

11/11/2019 – Evening – Working Session at 5pm – 6pm, Board Meeting 6pm - ?

11/12/2019 – Day - Day to day, continue work on Facilities Ranked Report for Martin County Middle School day 1 of 7 (at least 7 days for Middle school) which was due on 12/31/19.

11/12/2019 – Evening – Head to Lexington

11/13/2019 – 11/15/2019 – Finance Training Conference (KASBO)

11/15/2019 – Afternoon – Finish at KASBO, Return to work, review Out of Board Payment Schedule and approve for printing, and work for a few hours.

11/18/2019 – 11/22/2019 - Day to day, continue work on Facilities Ranked Report for Martin County Middle School day's (2, 3, 4, 5, 6) of 7 (at least 7 days for Middle school) which was due on 12/31/19.

11/25/2019 - - Day to day, continue work on Facilities Ranked Report for Martin County Middle School day 7 of 7 (at least 7 days for Middle school) which was due on 12/31/19.

11/26/2019 – 11/29/2019 – Thanksgiving Break

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

**AFFIDAVIT OF EARNEST HALE**

\*\*\*\*\*

Comes the Affiant, Earnest Hale, after being duly sworn, and states as follows:

1. That I, Earnest Hale, am a member of the Martin County Water District Board of Commissioners.
2. That I am employed with the Martin County Board of Education as its' Finance Officer, and I have recently assumed the additional role of Facilities Director.
3. That my work schedule is overly busy, particularly at this time of year, and I have attached my schedule for the next several weeks.
4. That my job performance will materially suffer if I am required to attend the hearing on October 22, 2019.
5. That I am asking the Commission to excuse me from my appearance on that date, due to my work duties.

Further the Affiant saith naught.




---

EARNEST HALE

STATE OF KENTUCKY)

COUNTY OF MARTIN)

SUBSCRIBED, ACKNOWLEDGED and SWORN TO before me by Earnest Hale this the 14<sup>th</sup> day of October, 2019.

My Commission Expires: 9-18-22

Lesley A. Dempsey  
NOTARY PUBLIC, STATE AT LARGE

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

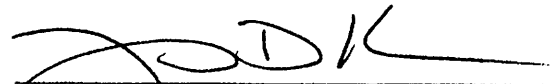
AFFIDAVIT OF JIMMY KERR

\*\*\*\*\*

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 of the Martin County Water District.
2. That I understand Mr. Hale's employment demands impact his ability to appear at the hearing on October 22, 2019.
3. I agree that Mr. Hale should be excused from this hearing.
4. That I believe the remaining Commissioners can adequately represent the Board at the hearing.

Further the Affiant saith naught.



\_\_\_\_\_

JIMMY KERR

J



STATE OF KENTUCKY)

COUNTY OF MARTIN)

SUBSCRIBED, ACKNOWLEDGED and SWORN TO before me by Jimmy Kerr this the  
11<sup>th</sup> day of October, 2019.

My Commission Expires: 9-18-22.

Lesley A Dempsey  
NOTARY PUBLIC, STATE AT LARGE