

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**ELECTRONIC APPLICATION OF HYDEN-)
LESLIE COUNTY WATER DISTRICT FOR) CASE NO. 2020-00141
AN ALTERNATIVE RATE ADJUSTMENT)**

**MOTION TO EXCUSE THE ATTENDANCE OF
WITNESS WILLIAM J. WOOTON AT THE SCHEDULED HEARING**

Hyden-Leslie County Water District (“Hyden-Leslie District”) moves the Public Service Commission for an order excusing William J. Wooton from appearing at the hearing scheduled for October 14, 2020. In support of its motion, Hyden-Leslie District states:

1. Mr. Wooton is a member of the Hyden-Leslie County Water District Board of Commissioners.
2. On September 18, 2020, the Public Service Commission issued an Order in which it directed Mr. Wooton to appear at the hearing scheduled in this matter.
3. On September 29, 2020, Commission Staff obtained a subpoena for Mr. Wooton to appear and testify as a witness at the scheduled hearing.
4. Mr. Wooton is 86 years old and has suffered two heart attacks. As a result of the most recent heart attack, which occurred in 2016, he was hospitalized for three months at University of Kentucky Hospital. Mr. Wooton also suffers from chronic obstructive pulmonary disease and high blood pressure. His physician has informed him that the lengthy travel from Hyden, Kentucky to Frankfort is unadvisable and may be detrimental to his health. A statement from Mr. Wooton’s physician is attached.

5. Because of his age¹ and his underlying medical conditions,² Mr. Wooten is at increased risk of severe illness from COVID-19. His appearance at the scheduled hearing is likely to increase his risk of exposure.

6. Mr. Wooten is one of five members of Hyden-Leslie County Water District Board of Commissioners directed to appear at the scheduled hearing and to whom Commission Staff has issued a subpoena to testify before the Public Service Commission. His testimony is likely to duplicate that of the other Board members. Mr. Wooten did not play any role in preparing Hyden-Leslie District's application for rate adjustment or its responses to the Commission's Order of June 18, 2020 or Commission Staff's Request for Information. Therefore, his absence should not lessen or restrict the Public Service Commission's ability to conduct its inquiry.

7. If the Public Service Commission finds that Mr. Wooten's testimony is necessary to its inquiry, Hyden-Leslie District respectfully requests that alternative means of taking that testimony be considered that would allow Mr. Wooten to respond to questions without having to travel to the Public Service Commission's offices in Frankfort.

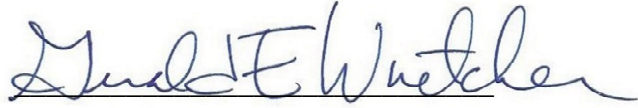
WHEREFORE, Hyden-Leslie County Water District requests that Mr. William J. Wooten be excused from appearing at the scheduled hearing in this matter and that subpoena requiring his appearance be withdrawn

¹ Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html> (last visited Sep. 30, 2020).

² Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last visited Sep. 30, 2020)

Dated: September 30, 2020

Respectfully submitted,

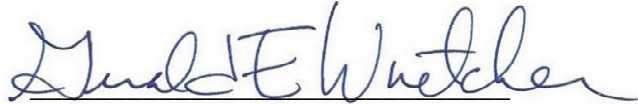


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Counsel for Hyden-Leslie County Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that Hyden-Leslie County Water District's electronic filing of this Motion is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Public Service Commission on September 30, 2020; that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding; and that that within 30 days following the termination of the state of emergency declared in Executive Order 2020-215, this Motion in paper medium will be delivered to the Public Service Commission.



Gerald E. Wuetcher



EXHIBIT A

09/29/2020

To Whom It May Concern:

William Wooton is currently a patient under my medical care. The patient's medical conditions makes travel and coming to a hearing inadvisable at this time. Please excuse them from this meeting. If you require additional information please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Overbee".

Provider:

Overbee, Brian 09/29/2020 2:12 PM

Document generated by: Brian Overbee 09/29/2020

Grace Community Health Center