

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF)
GREEN RIVER VALLEY WATER)
DISTRICT AND ITS OFFICERS, JOHN)
BUNNELL, PAT TUCKER, ADRIAN)
GOSSETT, DEBBIE FOWLER, LELAND) CASE NO. 2022-00215
GLASS, AND ITS MANAGER, DAVID)
PAIGE, TO COMPLY WITH A)
COMMISSION ORDER, KRS 278.990)

MOTION TO RESCHEDULE HEARING

Pursuant to the 807 KAR 5:001, Section 5, John F. Bunnell, Debbie Fowler, Leland Glass, Adrian Gossett, and Pat Tucker (“Respondent Commissioners”) and Green River Valley Water District (“the District”) move the Public Service Commission (“the Commission”) to reschedule the hearing in this matter. In support of their motion, they state:

1. This matter involves allegations that the District, the Respondent Commissioners, and the District’s former general manager (collectively “the Respondents”) willfully failed to comply with the Commission’s Order of March 10, 2020 in Case No. 2019-00458.

2. In its Order of July 18, 2022, in which it established this proceeding, the Commission indicated that, as a result of the alleged willful failure to comply, all Respondents were subject to the possible assessment of civil penalties pursuant

to KRS 278.990(1) and that the Respondent Commissioners were subject to potential removal from their offices pursuant to KRS 74.025.

3. The Commission has scheduled a hearing in this matter for December 15, 2022.

4. On November 28, 2022, the District and Respondent Commissioners formally notified the Commission that Mr. Bunnell, who is the chair of the District's Board of Commissioners and has served in that capacity since October 2020, would appear as a witness at the scheduled hearing. In his capacity as Board chair, Mr. Bunnell will be the District's principal witness regarding the circumstances that led to the District's failure to comply with the Commission's Order of March 10, 2020 in Case No. 2019-00458, as well as the District's efforts since July 18, 2022 to ensure that such failure does not recur.

5. On December 11, 2022, Mr. Bunnell tested positive for the COVID-19 virus. According to the Centers for Disease Control's guidelines, Mr. Bunnell must stay at home for at least five (5) days and must isolate from others as much as possible.¹ As a result of his contracting the COVID-19 virus, he will not be able to attend the scheduled hearing.

¹ Centers for Disease Control, "Isolation and Precautions for People with COVID-19," Aug. 11, 2022, available at <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html> (last visited Dec. 12, 2022).

6. Mr. Bunnell's unavailability will limit the Commission's ability to obtain a clear and thorough understanding of the circumstances of the District's failure to comply with the Commission's Order of March 10, 2020 and the role of the Respondent Commissioners in that failure. His absence will also adversely prejudice Mr. Bunnell's ability to defend his own interests in this matter as well as the ability of the District and the other Respondent Commissioners to defend their interests

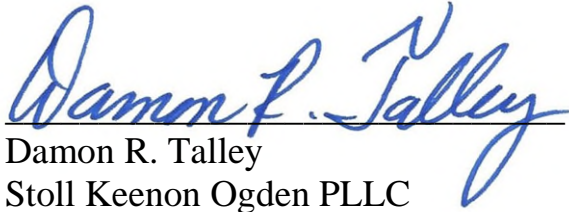
7. Because of the resulting prejudice to the District and the Respondent Commissioners from Mr. Bunnell's absence, as well as his absence's detrimental effect on the Commission's investigation, the hearing in this matter should be rescheduled to January 2023.

8. This motion is made in good faith and not for purposes of delay.

WHEREFORE, Green River Valley Water District and the Respondent Commissioners request that the Commission reschedule the hearing in this matter to January 2023.

Dated: December 12, 2022

Respectfully submitted,



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*Counsel for Green River Valley Water
District and Respondent Commissioners*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, and the Commission's Order of July 22, 2021 in Case No. 2020-00085, I certify that this document was submitted electronically to the Public Service Commission on December 12, 2022, and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.



*Counsel for Green River Valley Water
District and Respondent Commissioners*