

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)
MOUNTAIN WATER DISTRICT FOR A) CASE NO. 2022-00366
GENERAL ADJUSTMENT OF WATER)
RATES)

ELECTRONIC APPLICATION OF)
MOUNTAIN WATER DISTRICT FOR A) CASE NO. 2022-00367
GENERAL ADJUSTMENT OF SEWER RATES)

MOTION TO EXCUSE WITNESSES SAWYERS AND TAYLOR
FROM APPEARANCE AT HEARING

Pursuant to 807 KAR 5:001, Section 5(1), Mountain Water District (“Mountain District”) moves to excuse Roy Sawyers and David Taylor from appearing at the scheduled hearing in these matters.

In support of its Motion, Mountain District states:

1. In its Orders of July 24, 2023, the Commission ordered that a hearing be held in these matters on August 16, 2023 and directed that “[w]itnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the . . . hearing.”
2. Mr. Roy Sawyers has filed testimony in Case No. 2022-00366 and is responsible for responses to four requests for information in the same proceeding.¹
3. Mountain District employed Mr. Sawyers from 2016 to 2023 as its General Manager. Mr. Sawyers was placed on terminal leave on April 17, 2023 and retired on June 30, 2023. He is no longer subject to Mountain District’s authority and control.

¹ Mr. Sawyers responded to Requests 1, 13, 29 and 37 of Commission Staff’s First Request for Information.

4. On April 17, Mountain District named Ms. Tammy Olson, who previously served as Mountain District's Regulatory Compliance Manager, as acting General Manager. On July 1, 2023, Mountain District appointed Ms. Olson as permanent General Manager. Ms. Olson is very familiar with the subjects for which Mr. Sawyers offered testimony and on which he responded to requests for information. She will adopt Mr. Sawyers' testimony and responses as her own and submit to examination from the Commission and its Staff on that testimony and those responses.

5. Mr. David Taylor is Operations Manager of Mountain District's water operations. He is responsible for responses to three requests for information in Case No. 2022-00366.² Mr. Taylor is scheduled for a medical evaluation and treatment on August 16, 2023 for a medical condition that he has been experiencing for several months and that has caused him significant pain and limited his physical mobility. This evaluation was scheduled prior to the scheduling of the hearing in this matter. Because of his condition, his medical provider had accommodated Mr. Taylor's request for expedited scheduling of this evaluation. Because of the medical provider's patient load and work schedule, rescheduling this evaluation is likely to significantly delay Mr. Taylor's evaluation and medical treatment.

6. Ms. Olson is familiar with Mr. Taylor's responses to the requests for information and will adopt his responses as her own and submit to examination from the Commission and its Staff on those responses.

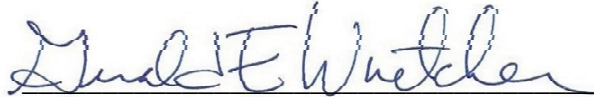
7. Excusing Mr. Sawyers and Mr. Taylor from appearing at the scheduled hearing will not adversely affect the Commission's ability to examine Mountain District's applications for rate adjustment.

² Mr. Taylor responded to Requests 1 and 37 of Commission Staff's First Request for Information and Request 5 of Commission Staff's Third Request for Information. In each response, another scheduled witness was also listed as a responsible witness.

WHEREFORE, Mountain District requests that the Commission excuse Roy Sawyers and David Taylor from appearing at the scheduled hearing in these matters.

Dated: August 10, 2023

Respectfully submitted,

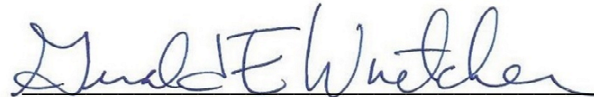


Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3017
Fax: (859) 259-3517
gerald.wuetcher@skofirm.com

Counsel for Mountain Water District

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 transmitted to the Public Service Commission on August 10, 2023 and that no parties have been excused from electronic filing procedures.



Counsel for Mountain Water District