

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION INTO THE )	CASE NO.
FINANCIAL AND OPERATING CAPACITY )	2023-00235
OF BLACK MOUNTAIN UTILITY DISTRICT )	

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**MOTION TO EXCUSE WITNESS**

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Comes now, Black Mountain Utility District (“Black Mountain”), by counsel, and respectfully moves the Kentucky Public Service Commission (“Commission”) to excuse Bill Clem from appearing at the March 26, 2024, hearing schedule in this matter. In support of this motion, Black Mountain states as follows:

1. On February 29, 2024, the Commission issued an order scheduling a hearing in this matter. In the February 29, 2024 Order, the Commission directed that Black Mountain’s manager, Grant Cooper; Harlan County Judge Executive, Dan Mosley; and Black Mountain’s Board of Commissioners, Brandon Shepard, Dewayne Williams, Shawn Miller, Chad Brock, and Bill Clem be present to provide testimony.

2. Mr. Clem has employment obligations that cannot be rescheduled, or accommodated by video conferencing, for March 26, 2024, and cannot be present at the hearing on this matter. Mr. Clem has indicated that he will be in Letcher County, Kentucky for a bridge replacement project on that day. Mr. Clem is a retired state engineer and currently assists and oversees projects for bridge replacements.

3. Harlan County Judge Executive, Dan Mosely; Black Mountain manager, Grant Cooper; Black Mountain Board President, Shawn Miller; Black Mountain Vice-President,


Dewayne Williams, and Black Mountain Board members Brandon Shepard and Chad Brock will be present at the hearing on March 26, 2024.

4. Mr. Clem does not have any knowledge or information on the issues that are the subject of this proceeding that is not also possessed by any of the witnesses that will be present, and the Commission will not be prejudiced by Mr. Clem's absence. Mr. Clem did not sponsor any data request responses in this proceeding.

WHEREFORE, Black Mountain moves the Commission to excuse Mr. Clem from participation at the March 26, 2024, hearing in this matter.

This 22<sup>nd</sup> day of March, 2024.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on March 22, 2024 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

*Heather Temple*

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*Counsel for Black Mountain Utility District*