

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**RE: ELECTRONIC TARIFF FILING OF THE CITY OF  
AUGUSTA TO INCREASE THE WHOLESALE  
WATER RATE CHARGED TO BRACKEN  
COUNTY WATER DISTRICT**

**INTERVENOR, BRACKEN COUNTY WATER DISTRICT'S (BCWD'S) MOTION TO  
EXCLUDE CHAIRMAN, ANTHONY HABERMEHL, AS A WITNESS  
WITH ALTERNATIVE MOTION TO SUBSTITUTE VICE-CHAIRMAN, RICK KING AS A  
WITNESS OR AUTHORIZE CHAIRMAN ANTHONY HABERMEHL TO APPEAR BY ZOOM**

**CASE NUMBER 2024-00349**

Comes now the intervening party, Bracken County Water District, ("BCWD") by and through counsel, Mr. Jesse P. Melcher, Esq., and hereby moves the commission to excuse chairman Anthony Habermehl as a possible witness and/or authorize vice-chairman, Rick King, to substitute as a possible witness in his place and/or last alternate to authorize Anthony Habermehl as a possible witness by zoom.

The intervening party, i.e. BCWD, states that it has offered no direct testimony in this matter. However, BCWD did answer 6 questions of City of Augusta herein, which was verified by chairman, Anthony Habermehl. The majority of the questions, i.e. 4 of the 6 questions, were objected to on grounds of relevance, and the only non-objected question, is a water numbers question, that Rick King can answer, and a question about his Division of Water license, or can be gleaned from Annual Reports of Bracken County Water District.

KY PSC by Order dated April 18, 2025, on Page 7-8, numerical paragraph provided that any party who has responses shall participate in person, and any request for substitution and/or excuse must be filed fourteen days prior to the hearing.

Anthony Habermehl will not be in Kentucky on July 16, 2025, and therefore requests that his personal appearance be excused. It is offered that if any testimony is necessary for any of the responses to which BCWD, chairman, Mr. Habermehl verified on or about March 12 2024,

*(Intervenor\_BCWDs\_Answers\_to\_Requests\_for\_info.\_Submitted\_by\_The\_City\_of\_Augusta)*, herein, that vice-chairman, Rick King will substitute as a witness therefore. *See Exhibit "A", verification of Chairman Habermehl as to commitment to being out of state on July 16, 2025.*

Rick King has been on the board as a commissioner since 2022; and signs off on all Monthly Operating Reports (MOR's) for BCWD and is familiar with its daily operations. Anthony Habermehl left the board in 2022 and returned to the Board in 2024 and is not personally familiar with all of the daily operations of BCWD for the years 2022-2025, and Mr. King has agreed to substitute as witness to those questions as evidenced by his verification those answers, identified herein, as Exhibit "B", and fully incorporated herein.

Therefore, for all of the above stated reasons, the intervenor Bracken County Water District, respectfully requests This Honorable Commission to authorize on of the following requests: 1) Excuse Anthony Habermehl as possible witness for the July 16, 2025 hearing herein due to the verified responses of chairman, Anthony Habermehl are

not relevant and/or responses are non-testimonial (see objections of BCWD in its response on March 12, 2025); or 2) authorize vice-chairman Rick King to substitute as a witness for the responses of BCWD to Augusta filed March 12, 2025; or 3) authorize Anthony Habermehl to appear by zoom for any possible testimony.

Respectfully submitted,

/s/ JESSE P. MELCHER, ESQ.  
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#### **CERTIFICATE OF SERVICE**

I, Jesse P. Melcher, Esq. as counsel and representative of BCWD herein, do hereby certify that I have mailed out by electronic filing through the KY PSC web portal, pursuant to 807 KAR 5:001(8), this the 27<sup>th</sup> day of June, 2025; and that no party herein, has opted out of the electronic notice and/or filing herein, and proof of electronic filing and courtesy copy are as follows:

KY PSC, filed by web portal in this case number

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/s/ MR. JESSE P. MELCHER, ESQ.