

**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) RESPONSE TO CITY OF  
AUGUSTA'S REQUEST FOR EXCUSE OF WITNESS (MAYOR, JOHN LAYCOCK) AND/OR  
CONTINUANCE OF HEARING SET FOR JULY 16, 2025.**

**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 responds to the City of Augusta's request for excuse of witness (i.e. mayor, Mr. John Laycock), and/or continuance of hearing set for July 16, 2025, as follows:

1. By Order of The Commission on April 18, 2025, this matter was set for hearing on July 16, 2025.
2. BCWD filed a request on or about June 27, 2025, requesting to excuse possible witness, Mr. Anthony Habermehl, and/or to substitute Rick King for his responses (see. *Motion of BCWD, filed 6-27-25*).
3. City of Augusta on July 1, 2025, filed a request to excuse witness, Mayor, John Laycock, due to his unavailability and/or continue hearing date.

4. BCWD does not have an objection to the requested continuance of their witness, mayor, John Laycock, with the condition that any delay in a ruling prior to the current suspension period for the rate increase request (i.e. September 18, 2025), would be further suspended, until Order of This Commission, setting the effective date.
5. BCWD would further assert that the burden of proof is on the applicant (*see. KRS 278.190; KRS 278.040, KRS 278.200; Simpson County Water District v. City of Franklin, 872 S.W. 2d 460 (Ky.1994).*
6. Further, BCWD would assert that the mayor is a vital witness for cross-examination herein, as viewed by BCWD.

Respectfully submitted,

/s/ JESSE P. MELCHER, ESQ.  
BRACKEN COUNTY WATER DISTRICT,  
ATTORNEY  
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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, (i.e. response to unavailability of witness and request for hearing) through the KY PSC web portal, pursuant to 807 KAR 5:001(8), this the 8th day of July, 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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