

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE OPERATING)	
CAPACITY OF MARTIN COUNTY WATER)	CASE NO. 2016-00142
DISTRICT PURSUANT TO KRS 278.280)	

ORDER

On February 5, 2018, the Martin County Concerned Citizen's, Inc. ("MCCC") filed a motion with the Commission requesting that the Commission: 1) grant leave to take the deposition of Joe Hammond; and 2) incorporate the proceedings in Martin County Water District's ("Martin District's") pending rate case into this proceeding.¹ MCCC asserts that matters may arise in the rate case that may be relevant to this proceeding, and that deposing Joe Hammond is the most efficient method of deriving information and presenting it to the Commission. Martin District opposes the motion.

The Commission finds that MCCC's motion should be denied. The Commission is conducting hearings in this matter approximately every 90 days, gathering significant information at the hearings and through discovery. The deposition of Joe Hammond is not likely to lead to additional information that cannot be ascertained through the Commission's current process. Moreover, subsequent to MCCC's request for leave to depose Mr. Hammond, Mr. Hammond resigned as Martin District's business manager. Because Mr. Hammond is no longer an employee of Martin District, and will

¹ Case No. 2018-00017, *Application of Martin County Water District for an Alternative Rate Adjustment* (Filed Jan. 16, 2018).

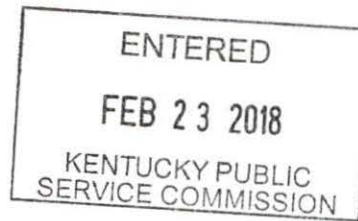
not be participating in the ongoing operations of Martin District or in efforts to repair Martin District's system, the Commission does not believe that deposing him at this time is within the scope of this proceeding.

With regard to incorporating the record from Case No. 2018-00017 into the record of this proceeding, the Commission notes that Chairman Michael Schmitt has recused himself from this proceeding, but not from the proceeding in Case No. 2018-00017. Additionally, the Commission incorporated the record of this proceeding into the record of the rate case because this investigation has been underway for approximately two years and the record relates directly to the heart of Martin District's request for emergency rate relief. Hence, there is no need to introduce into this record the documents and evidence necessary to process a rate case, particularly since the decision in the rate case will stand on its own merit, and incorporating the rate case record would allow for cross-examination on documents and evidence that are properly addressed in the rate proceeding. Accordingly, we find that MCCC's motion to incorporate the record of Case No. 2018-00017 into this proceeding should be denied.

IT IS HEREBY ORDERED that:

1. MCCC's motion to take the deposition of Joe Hammond is denied.
2. MCCC's motion to incorporate the record of Case No. 2018-00017 into the record of this proceeding is denied.

By the Commission



Chairman Michael Schmitt did not participate in the deliberations or decisions concerning this case.

ATTEST:

Nancy G. Vinsel for
Executive Director

Case No. 2016-00142

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