

APPALACHIAN CITIZENS' LAW CENTER, INC. RECEIVED

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MAY 15 2018

PUBLIC SERVICE  
COMMISSION

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\*Also admitted in VA

EVAN B. SMITH  
Staff Attorney  
evan@appalachianlawcenter.org

May <sup>14</sup>/<sub>11</sub>, 2018

Gwen R. Pinson, Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602-0615

RE: Martin County Concerned Citizens Inc.'s  
Motion for Issuance of Subpoenas  
PSC Case No. 2016-142

Dear Ms. Pinson,

Please find enclosed and original and six copies of Martin County Concerned Citizens Inc.'s Motion for Issuance of Subpoenas in the above-referenced investigation.

Copies are provided this day to counsel of record for the Martin County Water District via U.S. mail and electronic mail.

Sincerely,  
  
Mary Varson Cromer

Enclosures

RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

MAY 15 2018

PUBLIC SERVICE  
COMMISSION

**In The Matter Of:**

**INVESTIGATION OF THE  
OPERATING CAPACITY OF  
MARTIN COUNTY WATER  
DISTRICT PURSUANT TO KRS  
278.280**

**Case No 2016-00142**

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**MARTIN COUNTY CONCERNED CITIZENS, INC.'S MOTION FOR ISSUANCE  
OF SUBPOENAS**

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Martin County Concerned Citizens, Inc. ("MCCC"), by and through counsel, submits this Motion pursuant to 807 KAR 5:001 Sec. 5, respectfully asking the Commission to sign and issue the attached subpoenas pursuant to its authority in 807 KAR 5:001 Sec. 4(6). In support of this Motion, MCCC states as follows:

1. By Order on April 20, 2018, the Commission scheduled the next hearing in this matter for May 31, 2018. That order also set May 24, 2018 as the deadline for the Martin County Water District ("Martin District") to provide its list of witnesses and exhibits to be presented at the hearing.
2. In that Order, the Commission set forth a list of issues that Martin District shall be prepared to discuss at the hearing. That list comprises "its responses to the requests for information; service quality issues; its water loss reduction planning and efforts; its leak reduction planning and efforts, including prioritization of finding and repairing major leaks, unmetered service and theft of water; its bad-debt expense; its efforts to collect on past-due accounts; its progress in reducing its accounts payable; and the status of the surcharge the Commission recently approved for paying its accounts payable."

3. MCCC interprets the list as non-exhaustive. The Commission has previously defined the scope of the investigation as comprising "the deficiencies identified in the

Commission's December 12, 2014 Inspection Report, Martin District's compliance with the Required Action Plan set forth in Appendix A of the Commission's April 2, 2008 Order in Case No. 2006-00303, and the allegations of deficiencies identified by Gary Ball through his complaint." April 11, 2016 Order, p. 8.

4. MCCC respectfully asks the Commission to sign and issue the five subpoenas attached hereto.

5. MCCC seeks to call the five witnesses identified in the attached subpoenas to testify regarding the following matters:

- a. Greg Scott: Mr. Scott is the Interim General Manager of the Martin District. MCCC seeks Mr. Scott's testimony regarding operational issues at the Water District, the Water District's finances, measures taken to implement controls on spending at the Water District, the Water District's involvement in the school water line expansion project, the Water District's plans regarding implementation of the ARC and AML grants, the Water District's contractual issues with Prestonsburg City Utilities Commission ("PCUC"), and such other issues as may be useful to the Commission's investigation in this matter.
- b. Bob Taylor. Mr. Taylor is the engineer with Kentucky Engineering Group who has worked with the Martin District for a number of years. MCCC seeks Mr. Taylor's testimony regarding the school water line extension project, the AML and ARC grants, the past development and implementation of projects at the Martin District's raw water intake, and such other issues as may be useful to the Commission's investigation in this matter.
- c. Kelly Callaham. Mr. Callaham is Martin County's Judge Executive and has

testified in previous hearings in this matter. MCCC seeks Judge Callaham's testimony regarding the school water line extension project and such other issues as may be useful to the Commission's investigation of this matter.

- d. Linda Sumpter. Ms. Sumpter is a private C.P.A. who provides contractual services to the Martin District. Ms. Sumpter has testified at previous hearings in this investigation. MCCC seeks her testimony regarding the Martin District's finances, issues related to Martin District's contractual relationship with PCUC, her contractual relationship with the Martin District, and such other issues as may be useful to the Commission's investigation of this matter.
- e. John Mills. Mr. Mills is the Martin District's Operations Manager. Mr. Mills has testified at previous hearings in this investigation. MCCC seeks Mr. Mills testimony regarding the Martin District's water loss detection and prevention efforts, improvements in the daily operations at the Martin District, the status of efforts to catch water theft, ongoing challenges related to the Martin District's daily operations, ongoing issues related to Martin District's contractual relationship with PCUC, and such other issues as may be useful to the Commission's investigation of this matter.

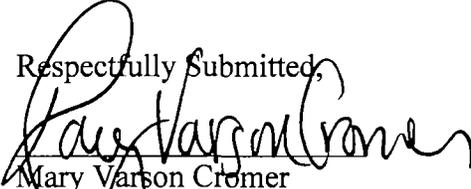
6. MCCC believes all issues identified above are within the scope of this investigation.

7. MCCC files this Motion as early as it practically could. Since the last hearing, MCCC has been investigating many of the issues identified above. To further its investigations, representatives of MCCC attended the most recent Martin County Fiscal Court meeting on May 3, 2018 and the most recent Martin County Utilities Board meeting on May 8, 2018. MCCC

thought it prudent to wait to identify its proposed witnesses after it had the opportunity to learn more about the issues at those two meetings.

8. MCCC files this Motion more than two weeks before the scheduled hearing. That period should provide sufficient time for the Martin District to respond to this Motion if it chooses to do so, for the Commission to issue an Order, and for issuance and service of the subpoenae.

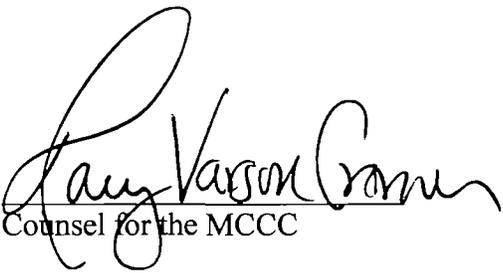
For the foregoing reasons, MCCC respectfully moves the Commission to sign and issue the five supoenae attached hereto.

Respectfully Submitted,  
  
Mary Varson Cromer  
Appalachian Citizens' Law Center, Inc.  
317 Main Street  
Whitesburg, Kentucky 41858  
Telephone: 606-633-3929  
Facsimile: 606-633-3925  
mary@appalachianlawcenter.org  
*Counsel for MCCC*  
DATED: 5-11-18

**CERTIFICATE OF SERVICE**

Pursuant to 807 KAR 5:001 Sec. 6, I, Mary Varson Cromer, hereby certify that on May <sup>14</sup> 21, 2018, a true and accurate copy of the foregoing Motion for Issuance of Subpoenas was served via electronic mail and postage-paid U.S. mail to the following:

Brian Cumbo  
86 W. Main St., STE 100  
P.O. Box 1844  
Inez, KY 41224  
cumbolaw@cumbolaw.com  
*Counsel for Martin County Water District*

  
Counsel for the MCCC

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation of the Operating Capacity of  
Martin County Water District Pursuant to  
KRS 278.280

)  
) CASE NO. 2016-00142  
)

**SUBPOENA**

1. The Public Service Commission TO: John Mills, Operations Manager, Martin County  
Water District  
\_\_\_\_\_

2. You are commanded to appear before the Public Service Commission, 211  
Sower Boulevard, Frankfort, Kentucky 40602.

3. At 9 A.M.

4. On the 31st day of May 2018.

5. x To testify on behalf of Martin County Concerned Citizens

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Public Service Commission  
*Ray Cromer*  
\_\_\_\_\_  
Requesting Attorney

This subpoena was served by delivery of a true copy via U.S. Mail, registered mail to:

John Mills, Operations Manager  
Martin County Water District  
1014 Main Street  
Inez, Kentucky 41224  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_

Title \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation of the Operating Capacity of  
Martin County Water District Pursuant to  
KRS 278.280

)  
) CASE NO. 2016-00142  
)

**SUBPOENA**

1. The Public Service Commission TO: Linda Sumpter, C.P.A.

\_\_\_\_\_

2. You are commanded to appear before the Public Service Commission, 211  
Sower Boulevard, Frankfort, Kentucky 40602.

3. At 9 A.M.

4. On the 31st day of May 2018.

5. x To testify on behalf of Martin County Concerned Citizens

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Public Service Commission  
*Ray Crone*  
\_\_\_\_\_  
Requesting Attorney

This subpoena was served by delivery of a true copy via U.S. Mail, registered mail to:

Linda Sumpter, C.P.A.  
910 Blackberry Road  
Inez, Kentucky 41224  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_ Title \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation of the Operating Capacity of  
Martin County Water District Pursuant to  
KRS 278.280

)  
) CASE NO. 2016-00142  
)

**SUBPOENA**

1. The Public Service Commission TO: Kelly Callaham, Martin County Judge Executive

\_\_\_\_\_

\_\_\_\_\_.

2. You are commanded to appear before the Public Service Commission, 211  
Sower Boulevard, Frankfort, Kentucky 40602.

3. At 9 A.M.

4. On the 31st day of May 2018.

5. x To testify on behalf of Martin County Concerned Citizens

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Public Service Commission  
*Randy Croner*  
\_\_\_\_\_  
Requesting Attorney

This subpoena was served by delivery of a true copy via U.S. Mail, registered mail to:

Kelly Callaham, Martin County Judge Executive  
P.O. Box 309  
Inez, Kentucky 41224

This \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_

Title \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation of the Operating Capacity of  
Martin County Water District Pursuant to  
KRS 278.280

)  
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)

**SUBPOENA**

1. The Public Service Commission TO: Bob Taylor, Client Manager and Project Manager  
Kentucky Engineering Group

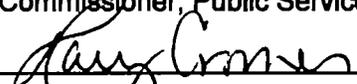
2. You are commanded to appear before the Public Service Commission, 211  
Sower Boulevard, Frankfort, Kentucky 40602.

3. At 9 A.M.

4. On the 31st day of May 2018.

5. x To testify on behalf of Martin County Concerned Citizens

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Public Service Commission  
  
\_\_\_\_\_  
Requesting Attorney

This subpoena was served by delivery of a true copy via U.S. Mail, registered mail to:  
Bob Taylor, Client/Project Manager  
Kentucky Engineering Group  
P.O. Box 1034  
161 North Locust Street  
Versailles, Kentucky 40383

This \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_ Title \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation of the Operating Capacity of  
Martin County Water District Pursuant to  
KRS 278.280

)  
) CASE NO. 2016-00142  
)

**SUBPOENA**

1. The Public Service Commission TO: Greg Scott, Interim General Manager, Martin  
County Water District

2. You are commanded to appear before the Public Service Commission, 211  
Sower Boulevard, Frankfort, Kentucky 40602.

3. At 9 A.M.

4. On the 31st day of May 2018.

5. x To testify on behalf of Martin County Concerned Citizens

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Public Service Commission  
*Ray Cronin*  
\_\_\_\_\_  
Requesting Attorney

This subpoena was served by delivery of a true copy via U.S. Mail, registered mail to:

Greg Scott, Interim General Manager, Martin County Water District,  
1014 Main Street  
Inez, Kentucky 41224

This \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_ Title \_\_\_\_\_