

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF	)	
CUMBERLAND COUNTY WATER DISTRICT AND	)	
ITS OFFICERS, ERIC CARVER, GARLAND	)	
HIENEMAN, JAY CARY, MARK VIBBERT, TROY	)	CASE NO.
NORRIS, AND ITS MANAGER, MATTHEW DYER,	)	2022-00244
TO COMPLY WITH A COMMISSION ORDER, KRS	)	
278.990	)	

ORDER

On March 30, 2023, Cumberland County Water District (Cumberland District) filed a motion requesting that the witnesses including Matthew Dyer and the remaining, unexcused commissioners<sup>1</sup> and the attorney for the district be permitted to appear virtually at the April 4, 2023 hearing scheduled in this case. In support of its motion, Cumberland District argued that Mark Vibbert will have to take leave and implied it would be without pay. Cumberland District's motion also noted that the round trip is approximately five hours, the participants have minor children, and it is the children's spring break. Counsel said that he would be willing to appear in person, if the Commission requested.

Based upon the motion and being otherwise sufficiently advised, the Commission finds that Cumberland District's motion should be denied. When a utility submits witness testimony or when a utility witness sponsors responses to data requests in a case, the


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<sup>1</sup> Order (Ky. PSC Mar. 31, 2023), the Commission excused Sandra Hieneman and Eric Carver for good cause.

witness is expected to be available to testify at any Commission hearing in that case. Such witnesses are integral to the investigation of the case. Driving distance, alone, has not been treated as good cause to excuse in person attendance by a witness. The manager, Matthew Dyer, sponsored numerous responses. The commissioners are named parties in an investigation and individually, each filed a response. KRS 278.250 provides that “[i]n conducting such investigation, the commission may proceed with or without a hearing as it deems best but shall make no order without giving a hearing to the parties affected thereby.” Thus, the Commission finds that Cumberland District failed to establish good cause to permit any party to participate virtually at the hearing, and accordingly, finds that Cumberland District’s motion should be denied.

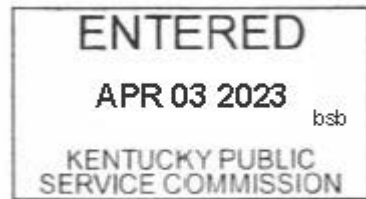
IT IS THEREFORE ORDERED that Cumberland District’s motion to participate virtually at the April 4, 2023 hearing is denied in its entirety.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

\_\_\_\_\_  
Commissioner



ATTEST:

  
Executive Director

\*Cumberland County Water District  
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\*Lindsey G. Bell  
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\*Matthew Dyer  
Manager  
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