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November 10, 2011

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PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen, Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

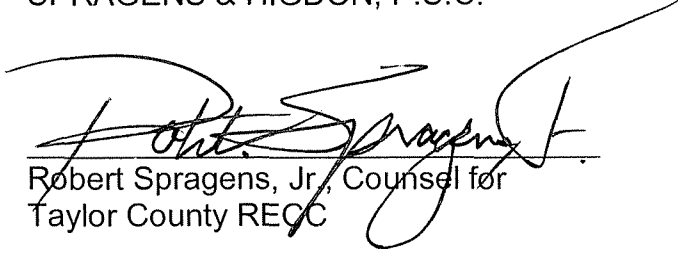
Dear Mr. Derouen:

Re: PSC Case No. 2011-00314;
William Allen Roberts v. Taylor County RECC

Enclosed herewith please find an original and 10 copies of Taylor County Rural Electric Cooperative Corporation's response to the Commission Staff's first request for information.

Very truly yours,

SPRAGENS & HIGDON, P.S.C.


Robert Spragens, Jr., Counsel for
Taylor County RECC

RS,JR:js
Enclosures

cc: Mr. Barry L. Myers, Manager,
Taylor County RECC

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

| | | |
|------------------------------|---|------------|
| WILLIAM ALLEN ROBERTS |) | |
| |) | |
| COMPLAINANT |) | |
| |) | CASE NO. |
| V. |) | 2011-00314 |
| |) | |
| TAYLOR COUNTY RURAL ELECTRIC |) | |
| COOPERATIVE CORPORATION |) | |
| |) | |
| DEFENDANT |) | |

**TAYLOR COUNTY RURAL ELECTRIC COOPERATIVE CORPORATION’S
RESPONSE TO COMMISSION STAFF’S FIRST REQUEST FOR INFORMATION**

Taylor County Rural Electric Cooperative Corporation (Taylor County) responds as follows to the Staff’s first request for information issued herein on October 27, 2011.

1, Regarding William Allen Roberts (“Complainant”) contacting Taylor County about installing electric utility service at 728 Lether Burton Road, Columbia, Kentucky (“the Roberts property):

a. Provide the date Complainant first contacted Taylor County about having electric utility service installed at the Roberts property and how the contact was made, i.e., in person, by phone, written request, etc.

RESPONSE: June 24, 2010 via phone

b. Provide Taylor County’s response to Complainant’s request to have electric utility service installed at the Roberts property.

RESPONSE: Although the exact date was not recorded, Roberts was contacted within a week's time. The staking engineer met Roberts at the site and was informed by Roberts that he and Joey Curry were friends. Accordingly, both Roberts and the staking engineer went to meet with Curry to inquire about obtaining an easement. In no uncertain terms, Curry emphatically relayed the fact, to both the staking engineer and Roberts, that he would not allow Taylor County RECC to obtain an easement. Upon this revelation, the Taylor County staking engineer began the process of identifying other feasible routes to provide Roberts with service. Multiple conversations/visits have taken place since this initial contact constituting many hours of staff time. As a point of reference, Taylor County RECC's Manager has met with Curry and has spoken with Katie McKinney on numerous occasions. Accordingly, Mike Skaggs, Taylor County RECC's chief engineer, and Barry Myers, Taylor County RECC's manager, are available to respond to further inquiry on this subject. Unless otherwise indicated, Mr. Skaggs and Mr. Myers would likewise be the persons who would be called upon to respond orally to the additional inquiries to which this written response is directed. Furthermore, Taylor County anticipates that it may become necessary to hear directly from Joey Curry, Robert and Katie McKinney, Wendell Burton, and perhaps other property owners in and around the location of the Roberts' cabin.

2. In its Answer to the Complaint, Taylor County states that it has no easement across the property of Curry beyond the point at which its pole is situated and that, in order to extend a distribution line from the Curry pole, an easement from Curry, "who is unwilling, under any circumstance, to grant such an easement" would be required.

a. Confirm that the Curry referred to in the Answer is Joey Curry, whose name appears in Taylor County's Answer at Exhibit B.

RESPONSE: Yes, see Response 1 b.

b. Explain why Taylor County maintains that Curry is unwilling under any circumstance to grant an easement to Taylor County.

RESPONSE: See Response 1 b. Joey Curry has also confirmed to Taylor County's manager, Barry Myers, his unwillingness to grant any easement which would facilitate service to Roberts.

3. Taylor County's Answer at Paragraph 4.b. states that it does not have any additional easement right across the property of Ken Burton beyond the pole situated upon that property. Exhibit A of Taylor County's Answer identifies the Wendell Burton property. Explain whether Ken Burton and Wendell Burton are two individuals or if the reference to Ken Burton is intended to refer to Wendell Burton.

RESPONSE: Ken Burton and Wendell Burton are two different individuals, and the properties of each are identified upon attached exhibits.

4. Taylor County's Answer at Paragraph 4.c. states that, with the permission of Adair County, it could utilize a part of the 30-foot road right-of-way to extend service in the direction of the Roberts property but that the circumstances of such an extension would require underground service within the county road corridor. Explain why Taylor County maintains that such an extension would require underground service within the county road corridor.

RESPONSE: The Robert (Katie) McKinney and Joey Curry properties border the county road, one on each side. Given the fact that the road is not straight an overhead pole line would have turns to maintain pole placement on the limited county right of way. The turns in the pole line would require anchoring/guying necessitating pertinent components being located on the private property of the above owners. Also, immediately adjacent to the county right of way are trees belonging to McKinney that would require some level of attention(cutting/trimming) prior to constructing the overhead line. The property owners have emphatically informed Taylor County RECC that an overhead line is not an option. Given this, the underground primary option is the only viable option to maintain all facilities inside of the county right-of-way.

5. Taylor County's Answer at Paragraph 4.d. states that the county road ends before reaching the Roberts property and that Complainant's access from the county road to his property is through a non-exclusive use for access purposes of a 20-foot private roadway which privilege is either granted or retained by as many as three other parties. Paragraph 4.d. further states that, if the private roadway corridor could be utilized for purposes of extending service to Complainant, service would necessarily have to be underground.

a. Provide the names of the three parties referred to who have either granted or retained the roadway privilege to the Roberts property.

RESPONSE: Wendell Burton, Robert (Katie) McKinney and Joey Curry. Research seems to note the private road/access to the private road on the deeds of Burton, McKinney and Roberts. However, no direct mention of the private road is made

in Curry's deed, yet both Curry and Burton steadfastly maintain that Curry does have a road privilege.

b. Explain why Taylor County maintains that, if the private roadway corridor is utilized for purposes of extending service to the Roberts property, the service would necessarily have to be underground.

RESPONSE: The private road is located in a heavily forested area. The clearing of trees required for an overhead line will require a large, drastic change in this landscape. Given issues that have arisen in the 'open space' adjacent to the forested area, Taylor County RECC maintains that this is the more reasonable approach to actually obtaining property owner cooperation.

6. Taylor County's Answer at Paragraph 6 indicates that it has evidenced to Complainant its willingness to acquire an appropriate easement for the installation of underground service to the Roberts property through condemnation. Taylor County's Answer at Paragraph 7 states that it is familiar with 807 KAR 5:041(11) which requires, in the case of normal extensions, a distribution utility to construct at its cost, facilities by means of which it extends for a distance of no more than 1,000 feet its existing distribution line to the property of a prospective customer. 807 KAR 5:041, Section 11 (2)(a) states that, when an extension of the utility's line is greater than 1,000 feet per customer, the utility may, if not inconsistent with its filed tariff, require the total cost of the excess footage over 1,000 feet per customer to be deposited with the utility by the applicant, based on the average estimated cost per foot of the total extension. Taylor County's tariff at Sheet No. 14, concerning Line Extensions for New Services, states that:

2. Other Extensions:

(a) When an extension of the Cooperatives distribution line to serve an applicant or group of applicants amounts to more than 1000 feet per customer, the cooperative shall require the total cost of the excessive footage over 1000 feet per customer to be deposited with the cooperative by the applicant or applicants. The cost per foot for single phase extensions shall be \$2.93.

(b) Each customer receiving service under such extensions will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the cooperative shall refund to the customer or customers who paid for the excessive footage the cost of 1000 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the cooperative. At the end of the refund period no refund will be required to be made.

Has Taylor County informed Complainant of its Tariff Section 14.2(a) and (b)?

RESPONSE: As a part of discussions with Roberts, he has been advised that, with any overhead extension exceeding 1,000 feet, he would be expected to bear the cost of that extension beyond 1,000 feet. Taylor County is not aware of any conversation with Roberts in which Taylor County's specific tariff provisions were discussed, as those conversations have typically been limited to the problems encountered in achieving lawful access to the Roberts' property.

7. Explain whether Taylor County has completed an analysis of the cost differential in providing underground service versus the cost of providing above-ground service to the Roberts property. If yes, provide all calculations and workpapers. If no, explain why an analysis has not been performed.

RESPONSE: No such analysis has been done inasmuch as there has yet to be made any determination regarding the route through which any extension of service to the Roberts property can be achieved.

8. Provide a simple boundary non-relief map of the area identified in Taylor County's Answer, Exhibit B, which clearly shows:

a. The distribution service line drop at the point closest to Complainant's property;

RESPONSE: Taylor County RECC attaches as Exhibit C a current Adair County PVA map of the area; and as Exhibit D, a wide-scale map of the area to complement Exhibit B provided with Taylor County's original responsive pleading. The "Overhead Electric Line" denotes the overhead primary line feeding consumers on the road. The line deadends at "Joey Curry Home" with the home being served by a short service drop – the service drop is not graphically shown.

b. The location of the end of the county road;

RESPONSE: The end of the county road is noted by "Private Road Begins near Woodline". This is very near the "Joey Curry Home".

c. The location of the private road over which Complainant has access to his property;

RESPONSE: The private road location is noted in b. above and goes to and slightly past the area denoted with "Roberts Prop (Cabin)".

d. The property line boundaries of the properties owned by Roberts, Curry and Burton.

RESPONSE: They are noted. The only applicable boundary that was not noted is that of Ken Burton. The PVA map, Exhibit C, denotes the location. On the PVA map, Ken Burton is noted as Burton Kenneth D. Jr. & Jennifer and is adjacent to the property owned by McKinney.

e. All potential feasible line extension routes to the Roberts property, with each route identified in a separate color. For each route, provide the length of the extension on the map. Identify separately the length of the distribution extension and the length of the service line when appropriate.

RESPONSE: This is addressed on new Exhibit F which is a blowup of prior Exhibit B. Three routes are identified, via line colors of Green, Blue-Purple and Red-Maroon. The routes are further identified by line type with a solid line being Overhead Primary construction and a dashed line being Underground Primary construction. The identified routes are that of primary lines only and their distances are approximated as follows:

a. Green Route – Overhead line from Ken Burton property to the Robert McKinney property. At the McKinney property, begin Underground construction on the County road right of way until the county road ends at the woodline. At the woodline, continue Underground construction on the private road easement to the Roberts property. (Distances = ~400' Overhead, ~1,800' of Underground)

b. Blue-Purple Route - Overhead line from Ken Burton property to the Robert McKinney property. At the McKinney property, begin Underground construction on the existing water line easement for the line going through the McKinney property all the way to the Roberts property. (Distances = ~400' of Overhead, ~1,800' of Underground)

c. Red-Maroon Route – Construct Overhead line from the deadend pole on Joey Curry Property across road to the private road easement. Once across road, begin Underground construction via the private road easement to the Roberts property. (Distances are ~75' of Overhead and ~900 of Underground)

Taylor County RECC staff cannot recall an instance that has been as time-intensive as this undertaking. It is of extreme importance to understand that

property/property line/deed issue disagreements with involved parties add multiple layers of complexities. As an example, Taylor County appends hereto a plat dated March 12, 1998 for Lether Burton, marked as Exhibit F for identification, which shows details of what was to become the Robert McKinney property – updated property owners are identified via note added. On this plat, the private road in question is noted. Additionally, there are miscellaneous notes on the plat pertaining to the establishment of the property lines around the road. However, conversations with Wendell Burton reveal his resolute belief that the noted property lines are not referenced from the road's Western edge but instead from the road centerline, once the road enters/progresses past the woodline – his recollection is that the road was surveyed years ago and did not geospatially match deed calls, hence the agreement by all parties involved to update boundary lines via the center of the road as it exists in real world terms. So, given W. Burton's interpretation, Joey Curry would have privileges to the road but instead the plat would detail otherwise as Curry's property begins outside the road's Western edge. Regardless, Joey Curry is resolute in his belief that he has privileges to the road. Furthermore, McKinney is resolute that they have no private road easement through their property although the plat appears to clearly note its existence. To further complicate matters, the road prior to the woodline is a county road with pertinent right of way, generally 30'. Given this, there exist questions as to the exact location of the property line/private road location inasmuch as the county right of way is generally 15' from center each direction. Lastly, the plat for the Allen Roberts parcel notes the private road outside of his parcel yet it originated from the larger parcel of W. Burton that detailed the road being contained within the property line. It may be that some of these concerns may provide the basis for the hard feelings that apparently exist between

neighboring property owners in the area. Not only is Taylor County RECC trying to act as a mediator in this situation, but it is also dealing with entity locations which are ill-defined.


9. Explain whether the McKinney property has electrical service.

RESPONSE: The McKinney tract is unimproved and does not have electrical service.

The undersigned acts as counsel for Taylor County Rural Electric Cooperative Corporation and, acting in that capacity, has supervised the preparation of this Response, which is true and accurate to the best of counsel's knowledge, information and belief formed after a reasonable inquiry.

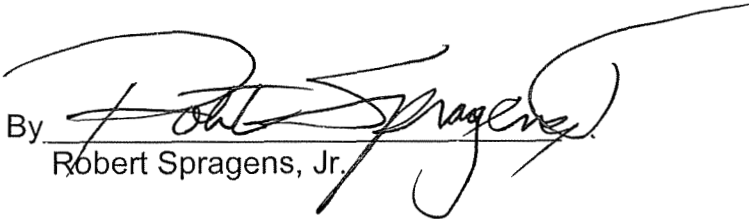
DATED this 10th day of November, 2011.

SPRAGENS & HIGDON, P.S.C.
Attorneys at Law
15 Court Square - P. O. Box 681
Lebanon, (270) 692-3141
Telephone: (270) 692-3141

By 
ROBERT SPRAGENS, JR.
Counsel for Taylor County Rural
Electric Cooperative Corporation

I hereby certify that a true copy of
the foregoing was mailed this
10TH day of November, 2011, to:

Mr. William Allen Roberts
4078 Snake Creek Road
Columbia, KY 42728

By 
Robert Spragens, Jr.

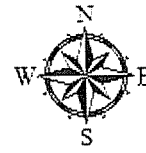
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Willie M. Feese, Jr. PVA
424 Public Square
Courthouse Annex, Suite 2
Columbia, KY 42728
Office: 270-384-3673



Adair County Property Valuation Administrator

Print Date: 11/1/2011
Aerial Date: 2006



Maps to be used
for identification only,
NOT for conveyance
1 inch = 600 feet

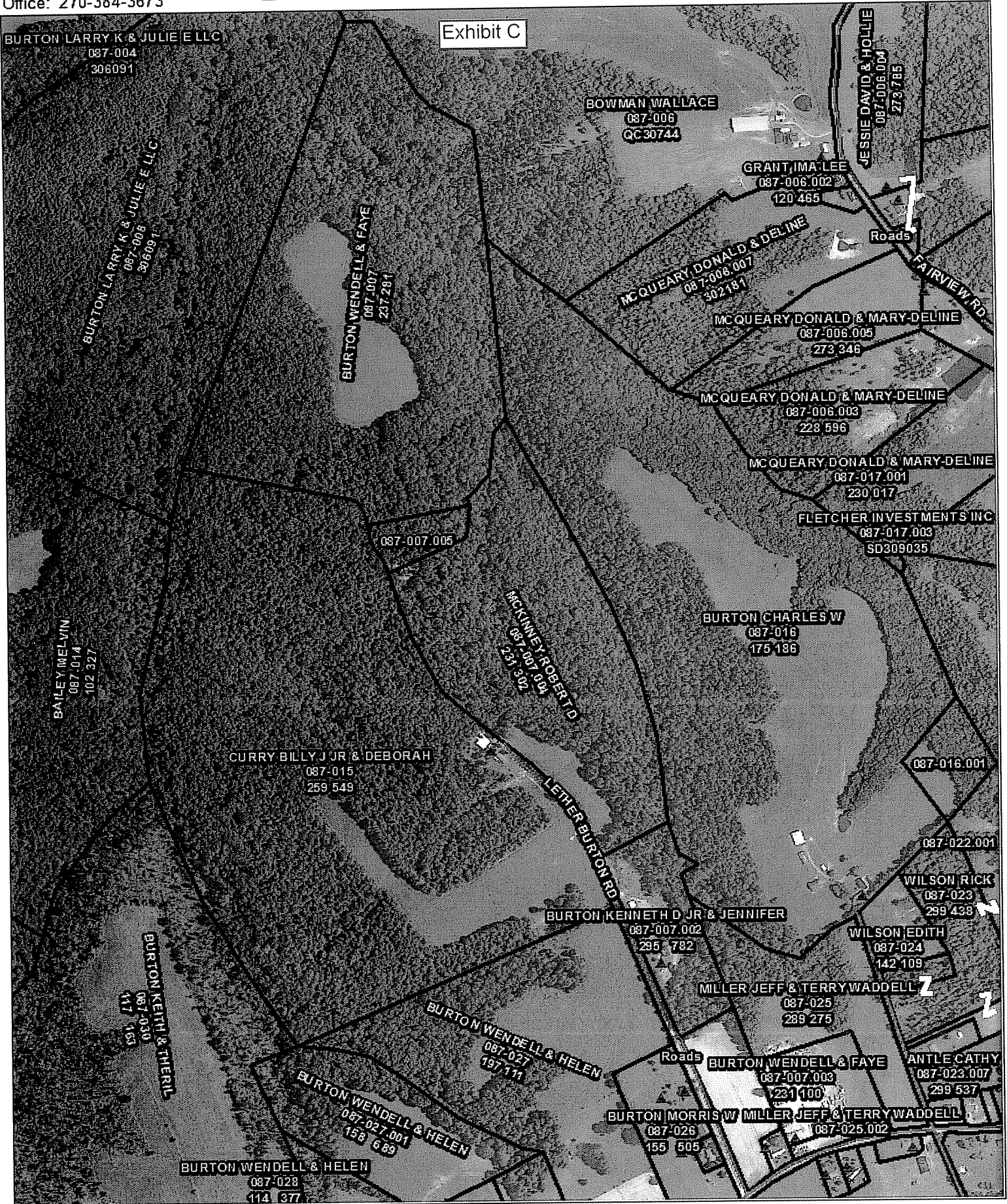


Exhibit D

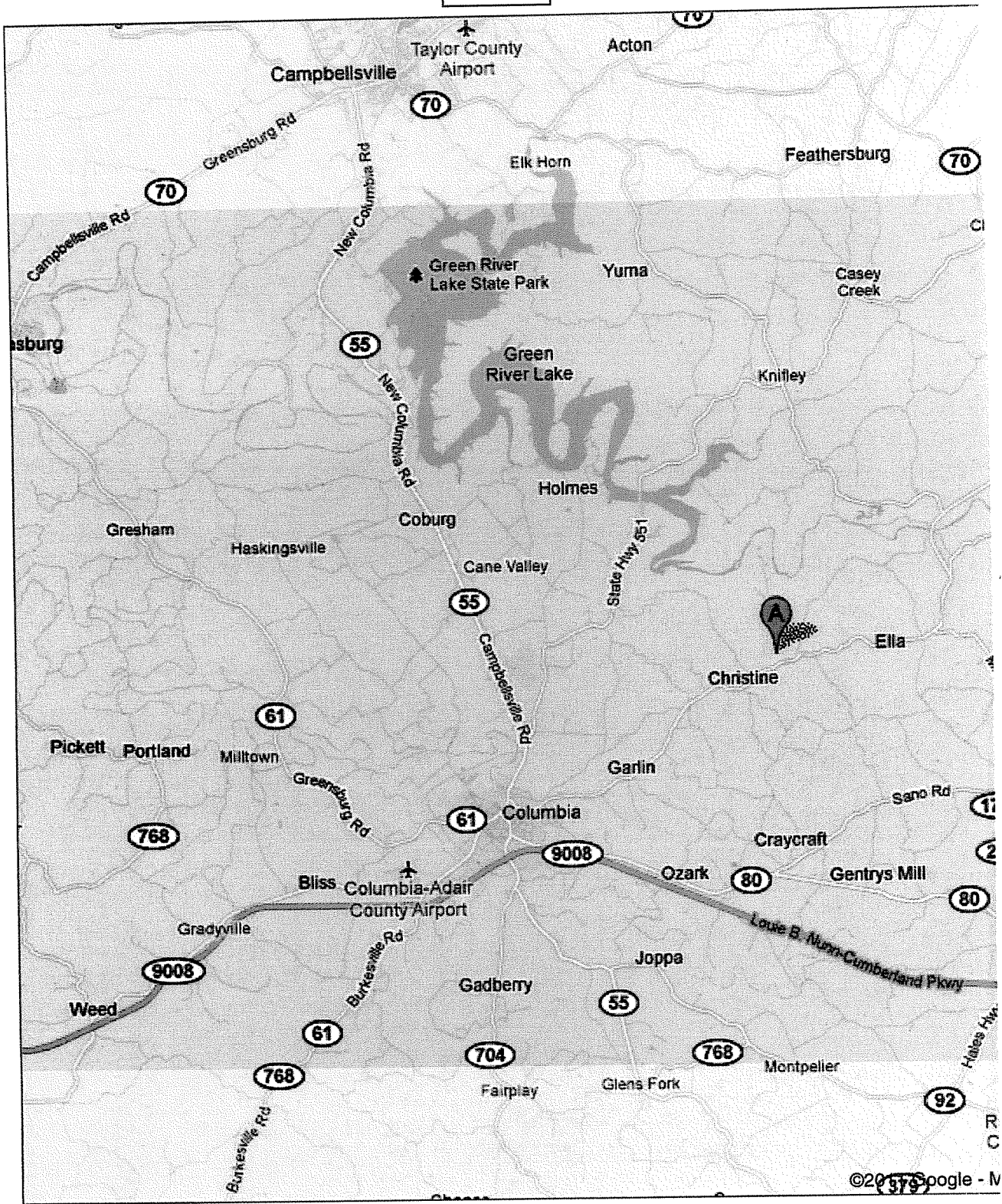
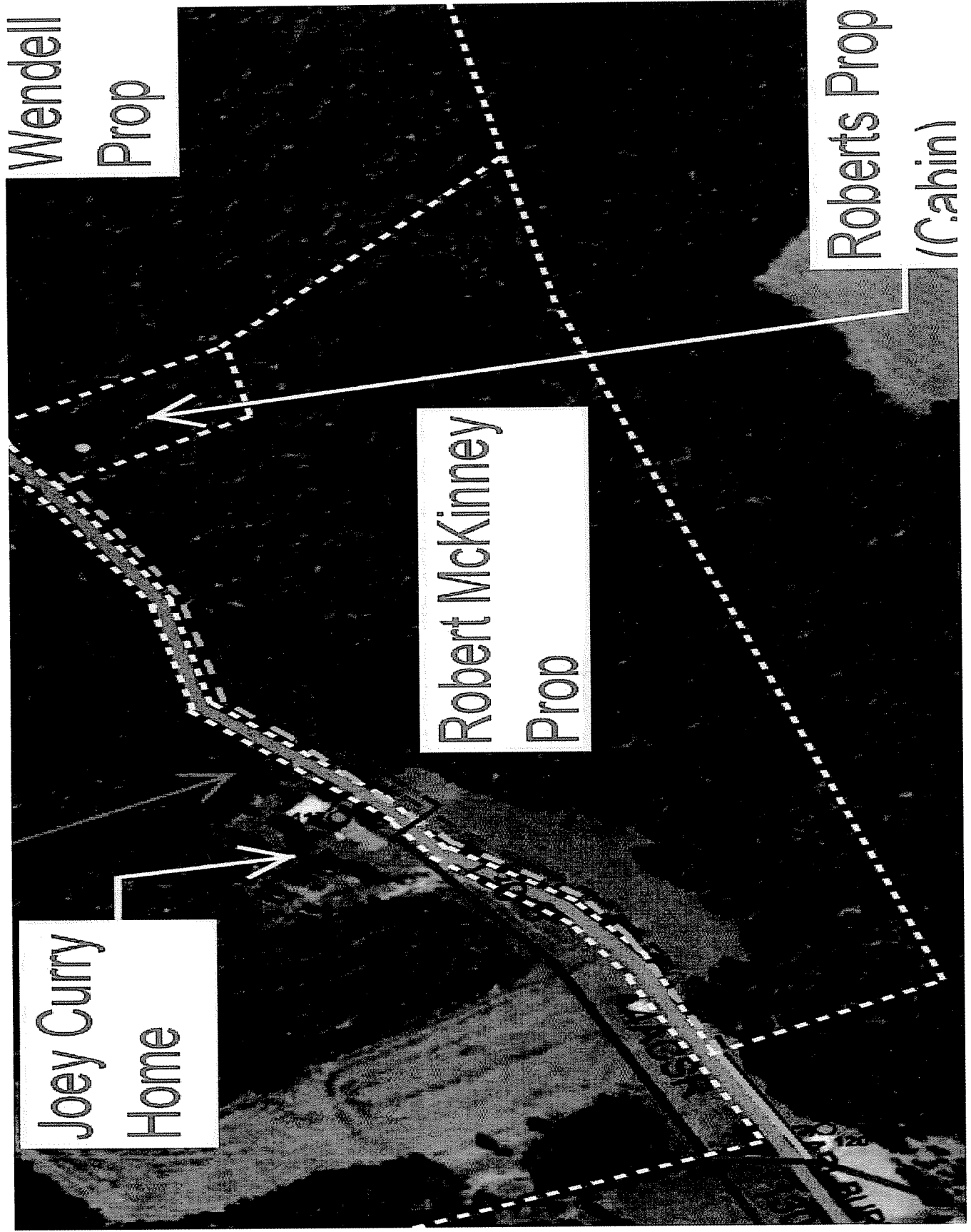
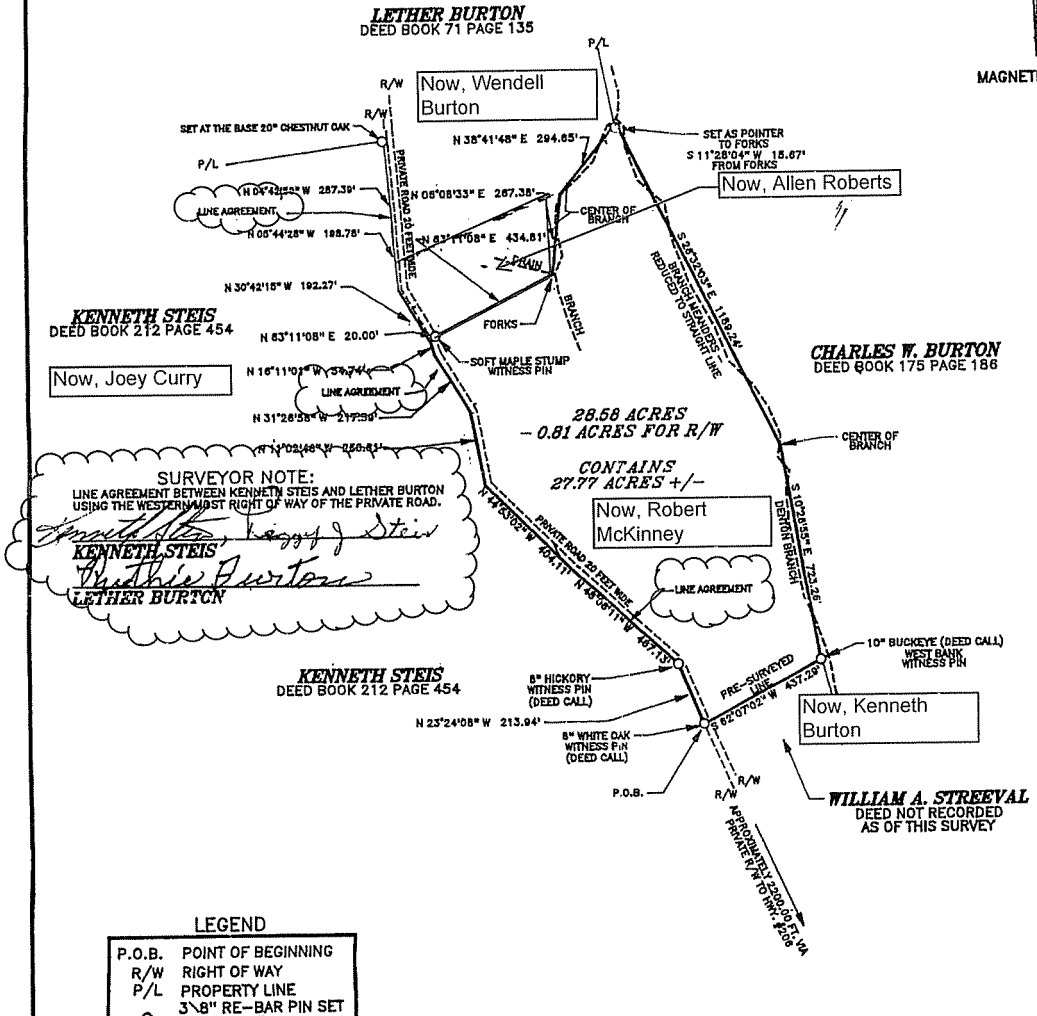
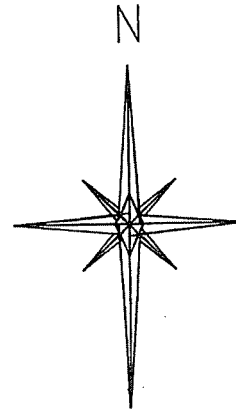
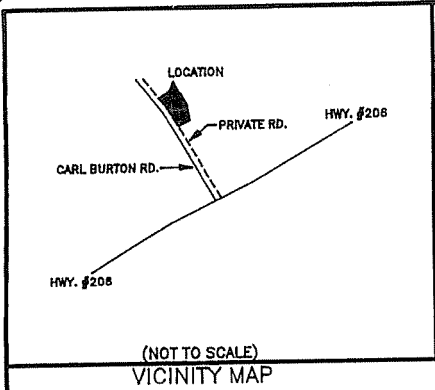


Exhibit E





SURVEYOR NOTE:
 LINE AGREEMENT BETWEEN KENNETH STEIS AND LEATHER BURTON USING THE WESTERN MOST RIGHT OF WAY OF THE PRIVATE ROAD.

Kenneth Steis
Joey Curry
Robert McKinney
Leather Burton

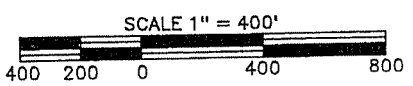
MAGNETIC NORTH OBSERVED IN THE FIELD

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AT THIS TIME.

DRAWN BY ROBERT L. SMITH
CHECKED BY: *[Signature]*
FILE DC:MCKINNRL

SURVEYOR CERTIFICATION
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION BY THE METHOD OF RANDOM TRAVERSE AND THAT IT MEETS THE MINIMUM STANDARDS REQUIRED BY THE STATE OF KENTUCKY AS DEFINED BY KRS 322.

Michael E. McKinney 4/14/98
 MICHAEL E. MCKINNEY R.L.S. #3318
 ERROR OF CLOSURE 1/8246.98 (UNADJUSTED)



SURVEY FOR
LEATHER BURTON
 PORTION OF
 DEED BOOK 71 PAGE 135
 CHRISTINE COMMUNITY
 ADAIR COUNTY, KENTUCKY
 MARCH 12, 1998
MCKINNEY LAND SURVEYING
 119 KNOX ST. COLUMBIA, KY. 42728 PHONE 502-384-5293
Revised 4-27-98