

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVID BALLANTINE BELL)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2012-00312
MEADE COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

ORDER

On July 6, 2012, Complainant, David Ballantine Bell, (“Complainant”) submitted a formal complaint against Meade County Rural Electric Cooperative Corporation (“Meade RECC”). Complainant asserted that his electric service was deficient, as manifested through habitually flickering lights. Complainant contended that the problems began consequent to a then-recent upgrade, in early 2012, of equipment at Hilltop Quarry (“Hilltop”), a nearby rock quarry served on the same circuit as Complainant. He requested that Meade RECC restore the quality of his electric service.

Meade RECC admitted the existence of the service deficiency and in August 2012 worked with Hilltop to ascertain the cause of the problem. Both Complainant and Hilltop were being served from the same three-phase line originating from the Battletown substation. Ultimately, on or about October 11, 2012, Meade agreed to construct a single-phase express circuit to serve the Complainant and other customers by bypassing the rock quarry in an attempt to alleviate the then ongoing deficiency.

This express circuit was a new line split off from the existing line shortly before reaching Hilltop. Meade RECC chose this option to serve Complainant due to its lower cost compared with constructing an entirely new single-phase line emanating from the Battletown substation. Hilltop agreed to pay the approximately \$80,000 cost of the new two-mile express line, which was completed on December 28, 2012. In a status update filed after the new line was completed, Meade RECC stated that its voltage monitoring data showed significant improvement. However, Complainant indicated that while the new line segment helped reduce the flickering, it did not completely alleviate the issue.

At the Commission's direction, and on multiple occasions, Meade RECC installed recording devices at various line locations. Commission Staff also installed recording devices. The data, along with a Commission-prepared Complaint Investigative Report ("Investigative Report"), was filed in the record on March 7, 2014. The Investigative Report, to which the parties were invited to submit comments, noted multiple instances where there were measurable voltage fluctuations.

Complainant did not submit comments to the Investigative Report. Meade RECC submitted comments to the Investigative Report wherein it admitted that there were several spikes in voltage during the recording period. However, it asserted that almost all of the fluctuations could be explained as having been caused by thunderstorms, birds on the line, or spikes from Meade RECC's power supplier, Big Rivers Electric Corporation. Accordingly, Meade RECC stated that outside of such natural events it was providing service in compliance with the voltage requirements set forth in 807 KAR 5:041, Section 6.

A hearing was subsequently scheduled to be held on August 14, 2014. On July 11, 2014, Meade RECC submitted a Motion for Summary Judgment. It argued that the construction of the express circuit satisfactorily alleviated the voltage issues for all affected members, including the Complainant. Meade RECC noted that the voltage at the Battletown substation has remained constant since the express circuit's construction. Meade RECC further pointed to its comments to the Investigative Report to support its argument that it is in compliance with all applicable voltage regulations and that any variances outside of the regulations may be attributable to external and uncontrollable events, such as weather.

Complainant did not respond to Meade RECC's motion.

Prior to the hearing, the Commission ordered Complainant to file a status update, witness list, and a summary of each witness's expected testimony. Meade RECC was also required to, and did, submit a summary of each witness's testimony. However, Complainant did not file any documents in compliance with the Commission Order. By Order entered August 7, 2014, the Commission again ordered Complainant to submit the aforesaid information and held that if the required documents were not filed, the hearing would be cancelled and the case taken under submission. Complainant did not tender any of the required documents, and as a result of Complainant's noncompliance with the Commission's Orders, the hearing was cancelled and the case was taken under submission. This matter is therefore ripe for adjudication.

Data in the record gathered by both Meade RECC and Commission Staff indicates that occasional voltage fluctuations have continued since the installation of the express circuit. Commission regulations pertaining to voltage variations state in part:

(a) For service rendered primarily for lighting purposes, variation in voltage between 5 p.m. and 11 p.m. shall not be more than five (5) percent plus or minus the nominal voltage adopted, and total variation of voltage from minimum to maximum shall not exceed six (6) percent of the nominal voltage.

...

(c) Where utility distribution facilities supplying customers are reasonably adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that starting and operating characteristics of equipment on customer premises shall not cause an instantaneous voltage drop of more than four (4) percent of standard voltage nor cause objectionable flicker in other customer's lights.¹

Meade RECC has provided reasonable explanations for the documented voltage sags. The record is devoid of any recent evidence that Meade RECC is not currently providing service in accordance with the Commission's voltage regulations. Complainant did not tender a response to the Investigative Report, a service deficiency log, or a response to Meade RECC's summary judgment motion.

The record is replete with charts and data fathered by both Commission Staff and Meade RECC.² The charts demonstrate a recurring pattern of voltage sags during the daytime hours. However, the sags are generally within the +/- 5 and 6 percent permissible ranges.

The Commission has provided Complainant ample opportunity to present some recent information regarding the existence of objectionable flicker and to refute Meade RECC's demonstration that the service issues have been alleviated. Meade RECC has demonstrated that the voltage fluctuations have significantly diminished following construction of the express circuit. It has further established that it is presently

¹ 807 KAR 5:041, Section 6(2).

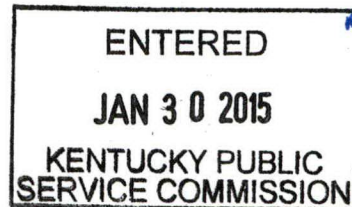
² See, e.g., Meade RECC Comments to Staff Investigative Report (filed Mar. 27, 2014).

providing adequate service pursuant to 807 KAR 5:041, Section 6(2), and that any remaining inadequacies are predominantly the result of weather and natural acts beyond Meade RECC's control. Complainant has thus failed to carry his burden in proving that Meade is currently out of compliance with the voltage regulations or that he is currently experiencing objectionable flicker. Accordingly, the Commission finds that Meade RECC has satisfied the complaint and is currently in compliance with the voltage variance requirements set forth in 807 KAR 5:041, Section 6. Therefore, the Commission further finds that because Meade RECC has satisfied the complaint, its Motion for Summary Judgment should be denied as moot.

Accordingly, IT IS THEREFORE ORDERED that:

1. The Complaint of David Ballantine Bell is dismissed as satisfied.
2. Meade RECC's Motion for Summary Judgment is denied as moot.

By the Commission



ATTEST:



Executive Director

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