

BROWN & HILL, PLLC

1005 S. Main St., Suite 101
Corbin, Kentucky 40701

Phone (606) 528 - 3073

Fax (606) 528 - 3289

FACSIMILE LETTER

TO: Hon. Virginia Gregg, Attorney
Public Service Commission

RECEIVED

FACSIMILE: (502) 564-3460

JAN 30 2012

FROM: Hon. Shannan Stamper Carroll

**PUBLIC SERVICE
COMMISSION**

DATE: January 30, 2012

2012-00022

Total Number of Pages (including cover letter): 2

MESSAGE: Please find attached a courtesy copy of our Response to the Commission's January 27, 2012 letter regarding Public Notice. The original letter has been placed in the mail this same day.

The information contained in this facsimile is confidential and may also be attorney-privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you have received this facsimile in error, please immediately notify us by a collect telephone call to (606) 528-3073 and return the original message to us at the address above by United States mail. Thank you.

BROWN & HILL^{PLLC}

ATTORNEYS AT LAW

January 30, 2012

Hon. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40601

COPY

Re: Case No. 2012-00022, Forexco, Inc.
Response to 1/27/12 letter re filing deficiencies

Dear Mr. Derouen:

We are in receipt of the January 27, 2012, letter from Linda Faulkner, Filings Division Director, rejecting Forexco, Inc.'s ("Forexco") farm tap utility application for initial tariffs in the above styled case. The letter states that Forexco's filing is rejected for failure to comply with 807 KAR 5:026 Section 9(4), copy of public notice.

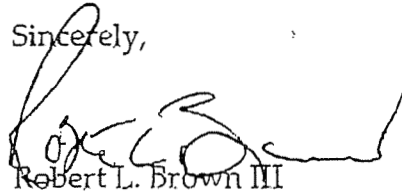
Our review of 807 KAR 5:026 Section 9(1)(d) indicates that the public notice requirement applies to a proposed tariffs "to increase rates", and that the form language listed in 807 KAR 5:026 Section 9(4) states that it is a notice of a request "to increase rates."

Forexco's application is an application for an initial tariff for a new farm-tap utility, not an application or request to increase an existing rate. Therefore, we respectfully submit that the regulation cited in the January 27, 2012, letter does not apply to Forexco's application.

If the Public Service Commission disagrees, we respectfully request further guidance from the Commission as to how to comply with the regulation in light of the regulation's plain language applying the public notice provision only to applications to increase existing rates.

Please feel free to contact us should you have any questions.

Sincerely,


Robert L. Brown III