

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 17 2013

PUBLIC SERVICE  
COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF GRAYSON )  
RURAL ELECTRIC COOPERATIVE )  
CORPORATION FOR AN ORDER )  
AUTHORIZING PURCHASE OF ELECTRIC )  
POWER AT THE RATE OF SIX CENTS PER )  
KILOWATTS OF POWER VS. A RATE IN ) Case No.  
EXCESS OF SEVEN CENTS PER KILLOWATT ) 2012-00503  
HOUR PURCHASED FROM EAST KENTUCKY )  
POWER COOPERATIVE UNDER A )  
WHOLESALE POWER CONTRACT AS )  
AMENDED BETWEEN GRAYSON RURAL )  
ELECTRIC COOPERATIVE CORPORATION )  
AND EAST KENTUCKY POWER )  
COOPERATIVE, INC. )

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PETITIONER, GRAYSON RURAL ELECTRIC COOPERATIVE CORPORATION'S  
RESPONSE TO MOTION TO DISMISS

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Comes now, Grayson Rural Electric Cooperative Corporation (GRECC), by and through counsel, and for its response to the motion of Respondent, East Kentucky Power Cooperative, Inc. (EKPC) to dismiss states as follows:

1. The Petitioner objects to the motion to "dismiss as moot" for the reason that the contract referred to by the Respondent in its motion is one wherein GRECC and Magnum entered into a verbal understanding for the extension for a period of time beyond the date of February 28, 2013.

Furthermore, the actual Amendment 3 to the Wholesale Power Contract referred to in the petition is one with which there is a genuine controversy between the Petitioner and the Respondent, EKPC, such that the Commission needs to adjudicate said controversy.

2. The Respondent has maintained that Petitioner cannot utilize the terms of the contract to purchase up to fifteen percent (15%) of its power from an alternate source which Petitioner believes is directly in contravention to the terms of Amendment 3 to the Wholesale Power Contract.

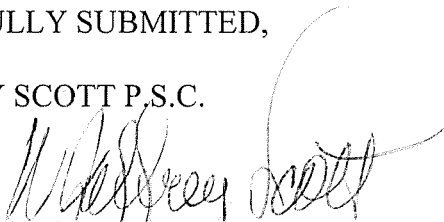
3. It is respectfully submitted that unless and until the Commission makes a determination as to this matter that the economic position of Petitioner will be adversely affected and as a result its member owners will not receive the full benefit of the contractual terms between GRECC and EKPC.

WHEREFORE, the Petitioner respectfully submits therefore that the motion should be overruled and that this matter should be assigned for hearing.

RESPECTFULLY SUBMITTED,

W. JEFFREY SCOTT P.S.C.

BY: \_\_\_\_\_

  
W. JEFFREY SCOTT  
ATTORNEY FOR GRECC  
311 WEST MAIN STREET  
P. O. BOX 608  
GRAYSON, KY 41143  
(606) 474-5194

This is to certify that the foregoing has been served upon the parties by mailing a true and correct copy of same to:

Hon. Mark David Goss  
Hon. David S. Samford  
Goss Samford, PLLC  
2365 Harrodsburg Rd., Suite B130  
Lexington, KY 40504

This the 14<sup>th</sup> day of May, 2013.

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