

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 6 2015

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 KILOWATT HOUR UP TO 9.4)
MEGAWATTS OF POWER VS. A RATE IN)
EXCESS OF SEVEN CENTS PER KILOWATT)
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.)

CASE NO.
2012-00503

**RESPONSE OF GRAYSON RURAL ELECTRIC COOPERATIVE CORPORATION
TO MOTION TO DISMISS AMENDED COMPLAINT FILED BY SHELBY ENERGY**

Comes now Grayson Rural Electric Cooperative Corporation (Grayson) and for its response to the Motion of Shelby Energy to dismiss the Amended Petition states as follows:

1. The Motion to Dismiss should be summarily overruled for the reason that there is no duty to serve Shelby Energy with an Amended Petition since the Petition nor Amended Petition seeks any relief from Shelby Energy.
2. The Amendment 3 to the Wholesale Power Contract and any other amendment is a contract that Grayson seeks to be enforced that it entered into with East Kentucky Power. Grayson has no contract regarding the purchase of power that it has ever entered into with Shelby Energy.
3. The Notice mailed to East Kentucky Power was simply to provide notice under the terms of Amendment 3 rather than seek any modification of the relief requested than that which was originally sought in the Petition filed in the within action in 2012.

4. East Kentucky Power attorneys have notified the undersigned that they are not authorized to accept notification of intent to exercise rights under Amendment 3 to the Wholesale Power Contract by distribution cooperatives so the Notice was sent not only to East Kentucky Power Cooperative attorney in the within action but also to East Kentucky Power Cooperative directly in accordance with the dictates of counsel for East Kentucky Power Cooperative previously dictated to the undersigned.
5. The filing of the Amended Petition was also done in the manner directed by the attorney handling this matter for the Commission, Hon. Quang Nguyen, This was based upon direction given the undersigned by said attorney whose direction was followed by the undersigned.

WHEREFORE, Grayson respectfully submits that for all the foregoing reasons and particularly since there is no relief requested from Shelby Energy by Grayson that the Motion of Shelby Energy should be summarily denied.

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 document 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 Road, Suite B 325
Lexington, KY 40504

Hon. Clayton O. Oswald
Taylor, Keller & Oswald, PLLC
P.O. Box 3440
1306 West Fifth Street – Suite 100
London, KY 40743-03440

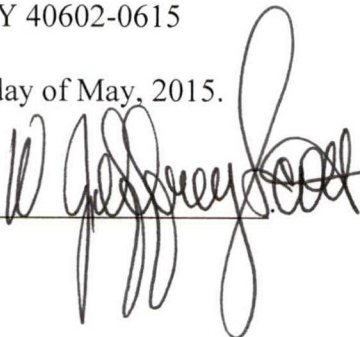
Hon. James M. Crawford
Crawford & Baxter
523 Highland Avenue
P.O. Box 353
Carrollton, KY 41008

Hon. Donald T. Prather
Mathis, Riggs & Prather, P.S.C.
500 Main Street - Suite 5
Shelbyville, KY 40065

This is to further certify that the original plus
10 copies of this document has been forwarded
to the Kentucky Service Commission as follows:

Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

This the 4th day of May, 2015.



A handwritten signature in black ink, appearing to read "Clayton O. Oswald", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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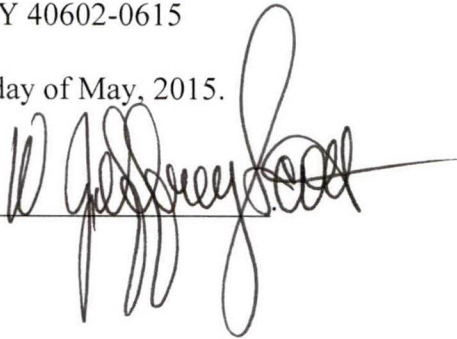
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