

SPRAGENS & HIGDON, P.S.C.  
ATTORNEYS AT LAW

ROBERT SPRAGENS, JR.\*  
FREDERICK A. HIGDON

P. O. BOX 681 - 15 COURT SQUARE  
LEBANON, KENTUCKY 40033-0681  
TELEPHONE (270) 692-3141  
FAX: (270) 692-6693

ROBERT SPRAGENS, SR.  
(1920-1998)

\*ALSO ADMITTED IN GEORGIA

GENERAL E-MAIL: [sh@spragenshigdonlaw.com](mailto:sh@spragenshigdonlaw.com)  
WRITER'S E-MAIL: [rspragens@spragenshigdonlaw.com](mailto:rspragens@spragenshigdonlaw.com)

RECEIVED

May 14, 2012

MAY 15 2013

PUBLIC SERVICE  
COMMISSION

VIA FEDEX: 799753283764

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

Re: PSC Case No. 2013-00165

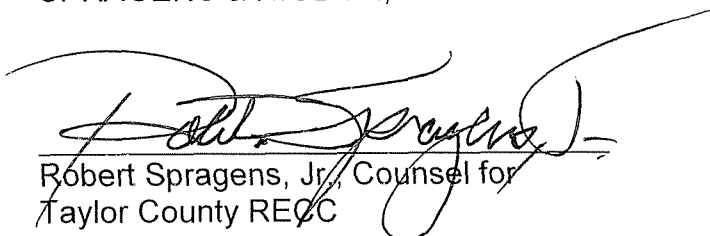
Dear Mr. Derouen:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten copies of the Answer of Taylor County RECC.

With kind regards, I remain,

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



sawmill operation utilizing a series of electric motors providing an aggregate of 75 horsepower (See attached 2-Page "Exhibit A" reflecting load data). Mr. White undertook an appropriate site inspection, and procured from Complainant the information necessary to calculate load requirements, and returned that information to Defendant's engineering department for preparation of cost estimates. During that visit, Mr. White advised Complainant that the sawmill which he proposed would be characterized as "questionable permanent service", and that service installation estimates would include the probable necessary costs of removal as provided under Defendant's existing tariff.

3. Defendant admits that its engineering department created a proposed work order for the installation of three-phase primary service to energize Complainant's proposed sawmill, and that estimate is set forth on November 19, 2012 correspondence to Complainant which is referenced as Work Order No. 112520 and which is attached to the Complaint filed herein. Complainant's insistence that that estimate purports to charge "...a rate that is double what it should be under their tariff..." suggests that Complainant misinterprets that proposed work order, \$10,541.24 of which represents the cost of materials and installation for a three-phase primary service, and \$4,304.68 of which represents the prospective cost of removal.

4. Defendant attaches hereto for ready reference, 2-Page "Exhibit B", the portions of its tariff which deal with provisions of service to installations which are characterized as "Questionable Permanent Service". Such services specifically include oil wells, *sawmills* (emphasis added) and billboards. It would be inappropriate, as a part of this responsive pleading, to attempt to detail the history which led to the adoption of

this portion of its tariff as that has been approved by this Commission. The applicable portion of the subject tariff further provides that the member receiving service shall be entitled to have rebated to him / her an amount equaling 10% of the annual paid charges for this service until such time as the total advancement (including prospective retirement costs) has been recovered.

5. Complainant asserts that he should be entitled to preferential consideration not available to Defendant's general membership for any or all of the following reasons:

a. **Complainant suggests that his sawmill operation is "small" and "not a commercial sawmill"**. However, Complainant concedes that his intention is to "make the sale of lumber a larger part of our farm operation", which is clearly a commercial use. Further, Complainant's website represents that Rich Hill Farms sells lumber and does custom sawing. See attached "Exhibit C".

b. **Complainant prefers to define his sawmill operation as "permanent"**. Complainant suggests that no one "would invest hundreds of thousands of dollars to build a commercial sawmill" (whether or not that is his intention) without intending that such operation be permanent. Under Defendant's approved tariff, sawmills are not deemed questionably permanent based upon the intent of the owner / operator. That tariff section instead relies upon empirical evidence that suggests that sawmills, many of which are (like Complainant's) portable, come and go, often overnight. If, consistent with Complainant's intent, his sawmill operation achieves permanency, then he will ultimately recoup every penny of his investment necessary to establish desired three-phase primary service to the sawmill.

c. **Complainant suggests that a seventh generation family farmer should be treated differently than an ordinary sawmill operator.** Unfortunately, Taylor County RECC's tariff cannot be applied in such a way as to provide preference based upon ancestral history or cultural background.

d. **Complainant suggest that a neighboring co-op would allegedly provide this installation at a lesser cost.** Defendant has no idea of the circumstances pursuant to which a representative of South Kentucky Rural Electric Cooperative Corporation would, obviously in the absence of on-site inspection of Complainant's property and his proposed service needs, offer an installation estimate for a location which lies beyond South Kentucky's certified territory. South Kentucky's appropriate response to inquiry from someone whom South Kentucky could not possibly serve should have been just that.

e. **Complainant suggests that Taylor County RECC proposes to charge a rate which is double what it should be under their tariff.** As Defendant's November 19, 2012 written advice regarding this proposed work order sets out, the proposal includes retirement costs of \$4,304.68, which is a charge specifically allowable under Defendant's approved tariff.

6. To the extent that the property to which this proposed service is to be provided is owned by other co-tenants, then such other persons would be parties indispensable to any final, enforceable, and appealable determination / adjudication made in this proceeding. To the extent that the subject property is owned by a separate legal entity (See "Exhibit D") Complainant may not be a proper party to this proceeding and may require legal representation.

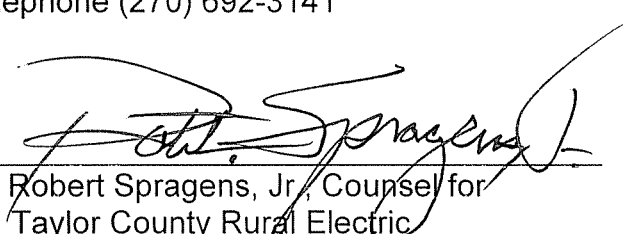
Wherefore, Defendant, Taylor County Rural Electric Cooperative Corporation prays as follows:

1. That the Complaint of McAninch herein be dismissed;
2. That to the extent that this matter is permitted to proceed, then any owner / co-owner of the subject property be required to join as a necessary and indispensable party to this proceeding, and be bound by any administrative and/or judicial adjudication made herein;
3. That no party to this proceeding be permitted to engage in the unauthorized practice of law.
4. To the extent that this matter proceeds to resolution by Order of the Commission, that the Commission conduct an evidentiary hearing sufficient to provide for judicial review; and
5. All proper relief.

Respectfully submitted,

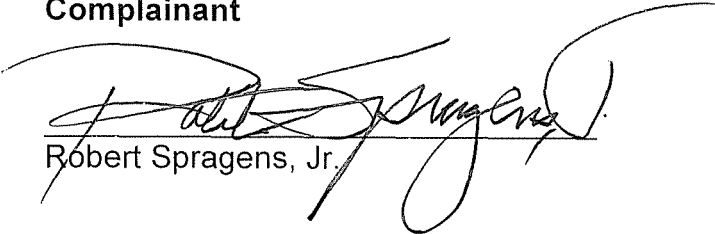
SPRAGENS & HIGDON, P.S.C.  
Attorneys at Law  
15 Court Square - P. O. Box 681  
Lebanon, Kentucky 40033  
Telephone (270) 692-3141

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 14<sup>th</sup> day of May, 2013, to:

Frank McAninch  
1341 Ivan Godbey Rd.  
Liberty, KY 42539  
**Complainant**

  
Robert Spragens, Jr.

Name FRANK McANINCH Address 1341 Ivaca UTahy Rd. Liberty, Ky  
 Business Name Rich Hill Farms Phone 606-787-0120 Fax 42539

General Contractor

Electrical Contractor

Firm/Contact \_\_\_\_\_

Firm/Contact \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Project & Electrical Entrance Information

Location \_\_\_\_\_

Type of Operation \_\_\_\_\_

Service date required: Temporary 1/1 Permanent 1/1

Requested service size: 400 Amp \_\_\_\_\_ 1 Phase \_\_\_\_\_ 3 Phase Overhead \_\_\_\_\_ Underground \_\_\_\_\_

Size & number of service entrance conductors: 500 MCM = 4

Requested service voltage: 120/240 \_\_\_\_\_ 120/208 \_\_\_\_\_ 240/480 \_\_\_\_\_ 277/480 \_\_\_\_\_ 7200/12470

Structure size (sq ft) \_\_\_\_\_ Multi-family unit Y N Number of units \_\_\_\_\_

Total Connected Load Data (Voltage x Current = Wattage)

(Note: If you can only give amps, then we must know at what voltage these amps will be used.)

Total project load: 60 kW 3Phase only 10 kW 1 Phase only

Anticipated demand factor: 20 % Diversity factor: \_\_\_\_\_ % Load factor: \_\_\_\_\_ %

Anticipated future load: 5 kW 3Phase only \_\_\_\_\_ kW 1 Phase only

Load Listing (Note: Apartment complexes list typical per load for each type apartment.)

Heat \_\_\_\_\_ kW Type installation \_\_\_\_\_ Water heater \_\_\_\_\_ kW 1 Phase \_\_\_\_\_ kW 3 Phase

Air Conditioning \_\_\_\_\_ kW \_\_\_\_\_ BTU \_\_\_\_\_ 1 Phase \_\_\_\_\_ 3 Phase \_\_\_\_\_ Number of Units

Lighting \_\_\_\_\_ Total kW Miscellaneous small appliances and motors \_\_\_\_\_ Total kW.

Motor Load and Miscellaneous Equipment Listing: (single loads over 5kW) Full Load Amps

Description	Size	Voltage	Type Starting	1 Phase	3 Phase
<u>BACK 1-SHEET AT</u>			<u>NON-REVERSIBLE MAGNETIC</u>		
				<u>NO</u>	<u>SOFT START</u>
			<u>SOME CAPACITOR'S USED ON SOME MOTOR'S</u>		

(Attach sheet or add to back any more equipment not able to fit in the space provided above.)

Please note and describe any portion of proposed load possessing unusual voltage or current sensitivity or other special considerations

AT SHEET

Load sheet must be completed, signed, and returned to our engineer before any work will

Exhibit

concerning your job.

A

provided by: Frank McAninch Signature Frank McAninch Date: 11-19-12



25 HP	120/240	68 AMPS	18650 W
10 "	120/240	28 "	10746 W
10 "	120/240	28 "	10746 W
10 "	120/240	28 "	10746 W
10 "	120/240	28 "	10746 W
5 "	120/240	15 "	3710 W
5 "	120/240	15 "	3710 W
<u>75 HP</u>		<u>210 AMPS</u>	<u>7400 W</u>

1/0

DRYER = 40 AMP 7 1/2 HP. 5595 WATTS

FANS = 2 2 HP EACH 4 HP 24 AMP / 2984

LIGHTING / GEN. REC. LOAD 4800

1/0 = 13,500 WATTS

FOR ALL TERRITORY SERVED

P.S.C. KY No. 5

Sheet No. 15

TAYLOR COUNTY RURAL ELECTRIC  
COOPERATIVE CORPORATION

Cancelling P.S.C. No. 4

Sheet No. 11

RULES AND REGULATIONS

=====
DISTRIBUTION LINE EXTENSIONS TO MOBILE HOMES
=====

1. All extensions of up to 150 feet from the nearest facility shall be made without charge.

2. Extensions greater than 150 feet from the nearest facility and up to 300 feet shall be made provided the consumer shall pay the utility a "customer advance for construction" of fifty dollars (\$50.00) in addition to any other charges required by the Cooperative for all consumers. This advance shall be refunded at the end of one (1) year if the service to the mobile home continues for that length of time.

3. For extensions greater than 300 feet and less than 1000 feet from the nearest facility, the utility may charge an advance equal to the reasonable costs incurred by it for that portion of the service beyond 300 feet plus fifty dollars (\$50.). Beyond 1,000 feet the extensions policies set forth in Line Extension For New Service apply.

(a) This advance shall be refunded to the customer over a four (4) year period in equal amounts for each year the service is continued.

(b) If the service is discontinued for a period of sixty (60) days, or should the mobile home be removed and another not take its place within sixty (60) days, or be replaced by a permanent structure, the remainder of the advance shall be forfeited.

(c) No refunds shall be made to any customer who did not make the advance originally.

4. Mobile Homes which meet the following criteria shall be considered permanent structures and no advance charges:

- (a) The axle and tongue are removed.
(b) Sitting on a permanent foundation (concrete or block all the way around).
(c) There is a permanent water and sewer system.
(d) A permanent road is built.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
(cont'd)

DATE OF ISSUE \_\_\_\_\_ DATE EFFECTIVE OCT 28 1992

ISSUED BY William Hume President P.O. Box 100 Campbellsville KY 40728
(Name of Officer) (Title) (Address)
SECTION 9 (1)

BY: [Signature]
PUBLIC SERVICE COMMISSION

Exhibit
B

FOR ALL TERRITORY SERVED

P.S.C. KY No. 5

Sheet No. 16

TAYLOR COUNTY RURAL ELECTRIC  
COOPERATIVE CORPORATION

Cancelling P.S.C. No. 4

Sheet No. 11

RULES AND REGULATIONS

=====
DISTRIBUTION LINE EXTENSIONS TO MOBILE HOMES (cont'd)
=====

5. Questionable Permanent Service

For distribution line extensions to questionable permanent services (including but not limited to oil wells, saw mills, billboards, etc.), the Cooperative may charge an advance equal to the costs for construction and estimated cost to remove the line if service is discontinued. Refunds of the advance shall be made at ten percent (10%) of the consumer's yearly power bills thereafter, until such advance is retired. No refund shall be made to the Consumer of any portion of the advance remaining upon termination of service. No refund shall be made to any Consumer who did not make the advance originally.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

OCT 28 1992

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: [Signature]
PUBLIC SERVICE COMMISSION

=====
DATE OF ISSUE \_\_\_\_\_ DATE EFFECTIVE \_\_\_\_\_

ISSUED BY William Harris President P.O. Box 100
(Name of Officer) (Title) Campbellsville, KY 42719
(Address)



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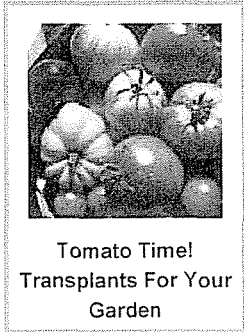
- Home
- Shop
- Farms
- CSA
- Forum
- Events
- Newsletter
- Blogs
- Photos

GO

### Rich Hill Farms (Liberty, Kentucky)

- Email this
- KeepMePosted
- Forum
- Printable

☆☆☆☆☆ (0 reviews) Like 2



#### Store Categories:

Chocolate & Desserts

Christmas Wreaths

Coffee & Tea

CSA Subscriptions

Dairy & Eggs

Dried Fruits & Nuts

Farm Crafts

Flowers

Fresh Fruits

Farm / Garden

Gifts / Gift Cards

Grocery and Produce

Herbal Tinctures

Herbs and Health

Honey / Bee Products

Lavender

We are a full time working family farm. I am proud of the fact that we are the seventh generation on the same family farm. Renee and I hope our two little girls will be the eighth generation to enjoy this way of life. We raise beef cattle, meat goats, hay, corn, alfalfa, and chickens. We have diversified our operation and now saw lumber. We harvest and manage our timber in a sustainable way, only cutting our mature or damaged trees. We sell grass fed beef, pasture raised meat goats and soon chickens and eggs. We also sell lumber and do custom sawing. Please call or stop by for a visit.

(This listing was last updated on Jan 12, 2013)

#### Location

1341 Iven Godbey Rd.  
Liberty, KY 42539  
[ get directions ]

#### Contact Information

Frank McAninch  
(606) 787-0120  
[ Email Us ]

#### U-Pick Farm

**Schedule and Location:**  
Come visit here on the farm at Rich Hill, Ky.  
Six days a week, 8am-7pm

#### Farming Practices: [?]

naturally grown, transitional, grass fed/pastured

#### Products/Crops: [?]

Click on the icon for recipes! ("WSSF" Stands for Winter/Spring/Summer/Fall.)

<b>Fruits:</b>	W S S F	goat	✓✓✓✓	lumber	✓✓✓✓
apples	✓✓				
<b>Meats/Livestock:</b>	W S S F	firewood	✓✓✓✓		
beef	✓✓✓✓				



magnify image

#### Coming Events

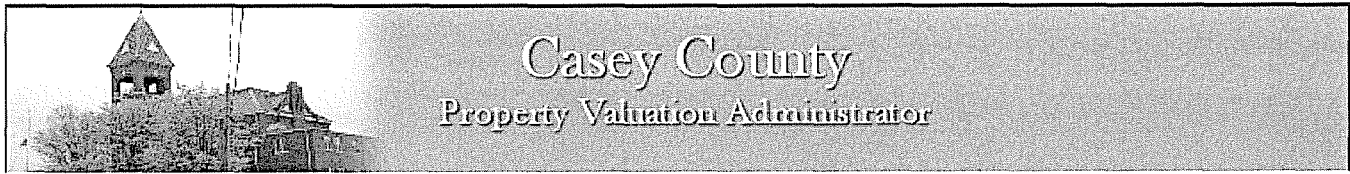
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**Owner and Parcel Information**

<b>Owner Name</b>	MCANINCH M F & VIVIEN TRUST	<b>Today's Date</b>	May 13, 2013
<b>Mailing Address</b>	122 LONGVIEW DR RICHMOND, KY 40475	<b>Parcel Number/Account Number</b>	120-55 /29194
<b>Description</b>		<b>Tax District</b>	00 00
		<b>2012 Rate Per Thousand</b>	8.39
<b>Land Characteristics:</b>			
<b>Location Address</b>	IVEN GODBEY RD 1341	<b>Parcel Map</b>	<a href="#">Maps available with subscription</a>
<b>Condition</b>		<b>Topography</b>	
<b>Plat Book/Page</b>		<b>Drainage</b>	
<b>Subdivision</b>		<b>Flood Hazard</b>	
<b>Lot</b>		<b>Zoning</b>	
<b>Block</b>		<b>Electric</b>	No
<b>Acres</b>	44.00	<b>Water</b>	No
<b>Front</b>	0	<b>Gas</b>	No
<b>Depth</b>	0	<b>Sewer</b>	No
<b>Lot Size</b>	0x0	<b>Road</b>	
<b>Lot Sq Ft</b>	0	<b>Side Walks</b>	
<b>Shape</b>		<b>Information Source</b>	

More detailed information is available via subscription service. Details [here](#)

The Casey County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: May 7, 2013

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Exhibit

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