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David L. Armstrong
Chairman

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Vice Chairman

Linda Breathitt
Commissioner

February 6, 2014

PARTIES OF RECORD

Re: Case No. 2013-00291

Attached is a copy of a memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the memorandum concerning the February 5, 2014 informal conference, please do so within five days of receipt of this letter. If you have any questions, please contact Jonathan Beyer, Staff Attorney, at 502/782-2581.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File – Case No. 2013-00291

FROM: Jonathan Beyer, Staff Attorney

DATE: February 6, 2014

RE: Informal Conference of February 5, 2014

On February 5, 2014, pursuant to Commission Staff's Notice dated December 3, 2013, an informal conference was held in this matter to discuss the issues presented in this case. A list of attendees is attached to this memorandum.

Beginning the conference, Mr. Beyer stated that he would take notes on the conference and the parties would have an opportunity to submit comments on the memorandum. In discussing the current status of the case, Mr. Beyer noted that Eastern Kentucky Power Cooperative, Inc.'s ("EKPC") motion to dismiss remains outstanding. Mr. Beyer further stated that requests for relief related to monetary damages are generally outside of the scope of the Commission's jurisdiction over utilities' rates and services.

Mr. Rowady, counsel for the Complainants detailed the main issues in the case and set forth Complainants' contention that a Certificate of Public Convenience and Necessity ("CPCN") should have been obtained prior to EKPC's upgrading of the power line at issue in this case. He stated that the Complainants' request for relief includes all available relief up to and including an Order requiring EKPC to move the line.

Counsel for EKPC, Mr. Samford, iterated EKPC's position that the line upgrade fell within the exception to the CPCN requirement under KRS 278.020. In response to Mr. Beyer's query, Mr. Samford stated that the Complainants' original request to move the line would have affected other property owners. Due in part to the impact on other land owners, the request was consequently rejected, whereas the Complainants' additional request to alter the placement of certain poles was acquiesced to in part due to the lesser impact upon adjacent property owners.

On behalf of the Complainants', Mr. John Pfeiffer presented arguments regarding the original cost to have relocated the line as contrasted with the current costs to move the now upgraded line. In response, Mr. Samford noted that Mr. Pfeiffer could not be qualified as an expert in the course of an informal conference and recommended such testimony would be more appropriate at a formal hearing before the Commission.

The parties agreed that a formal hearing in the matter should be scheduled. The parties further agreed that Complainants' would have fourteen days from the date of the

informal conference to submit a response to EKPC's existing motion to dismiss and EKPC may submit a reply within seven days thereafter. Finally, the parties discussed procedural issues regarding the hearing and Mr. Beyer indicated that matters relating to scheduling would be addressed in a future Commission Order.

Finding that no party had any further questions, the conference was adjourned.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HAROLD BARKER;
ANN BARKER; and
BROOKS BARKER

COMPLAINANTS

V.

EAST KENTUCKY POWER COOPERATIVE,
INC.

DEFENDANT

CASE NO.
2013-00291

February 5, 2014

Please sign in:

NAME

REPRESENTING

Jonathan Beyer

PSC-Legal

Jim Livers

PSC-FA

JOHN SHUPP

PSC-ENGR.

Denver York

EKPC

Patrick Woods

ETPC

SHERMAN GOODPASTER

EKPC

Mary Jane Warner

EKPC

David S. Samford

Gov Samford - EKPC

Harold Barker

Winchester, Ky.

JH

Alex Rowdy
John Pfeiffer
Ann Barber
Brooks Barber

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