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Commonwealth of Kentucky  
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James W. Gardner  
Vice Chairman

Linda Breathitt  
Commissioner

October 4, 2013

## PARTIES OF RECORD

Re: Case No. 2013-00317  
Michael Monroe Tipton, Complainant v. Clark Energy Cooperative, Inc.,  
Defendant

Attached is a copy of the 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 informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Aaron Ann Cole, Staff Attorney, at 502-782-2591.

Sincerely,

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

Jeff Derouen  
Executive Director

AAC/kar  
Attachment

**INTRA-AGENCY MEMORANDUM**  
**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File

**FROM:** Aaron Ann Cole, Staff Attorney

**DATE:** October 3, 2013

**RE:** Case No. 2013-00317  
MICHAEL MONROE TIPTON, COMPLAINANT V. CLARK ENERGY  
COOPERATIVE, INC., DEFENDANT

Pursuant to a request by Clark Energy Cooperative, Inc. ("Clark Energy"), an informal telephonic conference was held at the Commission's offices on September 24, 2013 for Case No. 2013-00317. The purpose of the conference was to further an understanding of any and all outstanding issues that could lead to the development or a potential resolution of some or all of the issues in the case. A list of the attendees is attached to this memo. Both parties participated via telephone.

Clark Energy began by discussing its efforts to improve system reliability. Scott Sidwell, Clark Energy's Senior Vice President of Engineering, explained that there were significant damages to the system following the ice storm in 2009. Clark Energy indicated that it surveyed the system and determined that certain repairs should be implemented, including line upgrades, poles being changed out, and putting in a new conductor. Thereafter, Clark Energy completed these repairs. Clark Energy stated that it did not feel reliability was an issue. Clark Energy noted that, prior to a recent outage experienced in June of 2013, Mr. Tipton ("Complainant") had not suffered an outage in over 11 months.

Complainant responded by giving an overview of the case. He stated that following the ice storm in 2009, he and his family were without power for nine to ten days. He noted that he installed a generator on his property so that his family would not be in that position again. In 2012, Complainant said that a Clark Energy representative, Roger Richie, came to his property and assessed the power lines. Complainant stated that Mr. Richie told him that the lines were old and outdated, and that the spans were too long, particularly across Hinkston Creek. According to Complainant, Mr. Richie stated that Clark Energy would add poles and replace the lines. He stated that last year Clark Energy completed the engineering work. However, the project was not completed by June of this year. He stated that in June 2013, there was a heavy wind storm, and his power went out. Thereafter, Complainant discovered that Kentucky Utilities Company ("KU") served customers in the area and was agreeable to extending a line to serve him, and that KU would not have to run lines across Hinkston Creek. However, after additional research, Complainant learned that Clark Energy and KU would need to

agree to allow him to become a KU customer, and that Clark Energy was unwilling to participate in such an agreement.

Complainant stated that he viewed this case as a petition or proposal to alter the electric companies' boundary lines, not as a complaint. He stated that in light of Clark Energy's actions and improvements to its system, he no longer wants to proceed with this case. Clark Energy agreed to prepare a joint motion to dismiss for Complainant's review. Commission Staff clarified that if the motion to dismiss is one that requests the case to be dismissed with prejudice, meaning that the matter cannot be brought again. Commission Staff also stated that the motion will need to be accepted by the Commission before it is effective.

There being no further discussions, the informal conference adjourned.

Attachment

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL MONROE TIPTON	)	
	)	
COMPLAINANT	)	
V.	)	CASE NO.
	)	2013-00317
CLARK ENERGY COOPERATIVE, INC.	)	
	)	
DEFENDANT	)	

September 24, 2013

Please sign in:

NAME

REPRESENTING

Aaron Ann Cole

PSC - Legal

Matthew Baer

PSC - FA

Janet P. Bourke

PSC - Legal

JEFF SHAW

PSC - FA

Paul Embs

Clark Energy President + CEO (telephone)

Scott Sidwell

Clark Energy - Senior Vice President of  
Engineering (telephone)

John Pumphrey

Clark Energy - Counsel (telephone)

Michael Tipton

Complainant (telephone)

