

TAYLOR, KELLER & OSWALD, PLLC

Attorneys At Law

J. WARREN KELLER
CLAYTON O. OSWALD

BRADLEY S. HARN

BOYD F. TAYLOR
(1924 - 2012)

1306 WEST FIFTH STREET, STE. 100
P.O. Box 3440
LONDON, KY 40743-3440
PHONE: 606-878-8844
FACSIMILE: 606-878-8850

WRITERS E-MAIL: coswald@tkolegal.com

November 19, 2014

Mr. Jeff R. Derouen
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

Re: Mr. Bill's Grocery, Complainant, vs. Jackson Energy Cooperative Corp, Defendant
Case No. 2014-00194
Motion to Approve Settlement and Motion to Dismiss

Dear Mr. Derouen:

Please find enclosed with this letter an original and seven (7) copies of a Motion for Approval of Settlement and for Dismissal of this case filed on behalf of my client, Jackson Energy Cooperative Corporation, with respect to the above-referenced case. One copy of this motion has been sent, via mail, to counsel for the Complainant.

Please feel free to call if you have any questions or concerns.

With kindest regards.

Sincerely,



Clayton O. Oswald

RECEIVED

NOV 21 2014

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MR. BILL’S GROCERY)	
Complainant)	
v.)	Case No. 2014-00194
JACKSON ENERGY COOPERATIVE)	
CORPORATION)	
Defendant)	

MOTION TO APPROVE SETTLEMENT
AND MOTION TO DISMISS

Comes now the Defendant, Jackson Energy Cooperative, by and through the undersigned counsel, and hereby moves the Kentucky Public Service Commission (the “Commission”) for an Order approving a settlement between the parties and for an Order dismissing this case. As grounds for this motion, the Defendant states as follows:

On May 29, 2014, Mr. Bill’s Grocery (‘omplainant”), by counsel, filed a formal complaint alleging that Jackson Energy Cooperative Corporation (“Jackson Energy”) overcharged it for utility service at its place of business located in McKee, Kentucky. On June 24, 2014, Jackson Energy filed its answer denying the claims in the complaint. On August 1, 2014, Commission Staff served requests for information upon both the Complainant and Jackson Energy. Jackson Energy filed its responses to those requests for information on August 11, 2014. The Complainant filed its responses to those requests on September 17, 2014. Neither party filed requests for information to be answered by the other party.

Pursuant to order of the Commission, an informal conference was held in this matter on November 12, 2014. Both parties and their respective counsel attended the conference via telephone. During the informal conference, the case was discussed at length as set out in the Intra-Agency Memorandum dated November 14, 2014 and filed of record in this case. During the informal conference, Commission Staff expressed a concern regarding the manner in which Jackson Energy calculated its estimate of usage, specifically as to the inclusion of the monthly customer charge in calculating the per kWh rate for the back billing. Jackson Energy agreed to recalculate the under billing in a manner consistent with the Commission's recommendation. The Complainant likewise agreed with the recalculation and stated that there were no further issues to be adjudicated in this matter. Jackson Energy agreed to draft a settlement agreement to be submitted to the Commission.

Jackson Energy attaches to this motion a copy of the one page settlement agreement which has been duly signed by the parties. According to the terms of the agreement, the amount claimed by Jackson Energy that the Complainant was under billed will be reduced from \$4,779.94 to \$4,528.93 to reflect the removal of the monthly customer charge from the under billing calculation. The parties have further agreed that the Complainant will continue to pay the sum of \$99.58 per month, as previously agreed, until the amount of \$4,528.93 has been paid in full.

Jackson Energy hereby moves the Commission to enter an Order approving this settlement between the parties on the grounds that the settlement is fair and equitable and is an accurate calculation of the electricity that the Complainant was not billed for a two year period, but which should have been billed had there not been a failure of Jackson Energy's metering

equipment. The settlement comports with the Commission's regulations pertaining to recovery for under billed accounts.

Furthermore, since approval of this settlement by the Commission would dispose of all issues that were to be litigated by the parties in this matter, Jackson Energy also moves the Commission for an order dismissing this case.

Respectfully submitted by,



Clayton O. Oswald
Taylor, Keller & Oswald, PLLC
P.O. Box 3440
1306 W. 5th St., Suite 100
London, KY 40743-3440
(606) 878-8844
Fax: (606) 878-8850
E-mail: coswald@tkolegal.com
Counsel for Jackson Energy Cooperative

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of this motion was served by first class mail on the following:

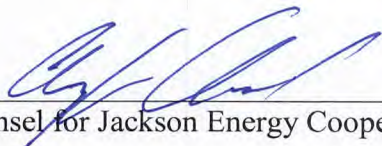
Original and 7 Copies:

Mr. Jeff Derouen
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40603

Copy:

Bill Meador, Esq.
Attorney at Law
P.O. Box 499
Hyden, KY 41749

DATED this the 19th day of November 2014.



Counsel for Jackson Energy Cooperative

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

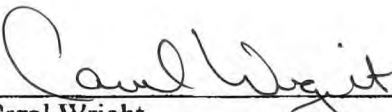
MR. BILL'S GROCERY)	
)	
Complainant)	
)	Case No. 2014-00194
V.)	
)	
JACKSON ENERGY COOPERATIVE)	
CORPORATION)	
)	
Defendant)	

SETTLEMENT AGREEMENT

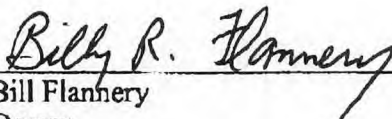
The parties herein having discussed this matter at an Informal Conference with the Commission and having reached an agreement as to the dispute between them, it is hereby agreed by and between the parties as follows:

1. The amount claimed by Jackson Energy Cooperative that Mr. Bill's Grocery was under billed shall be reduced from \$4,779.94 to \$4,528.93 to reflect a removal of the customer charge from the under billing calculation.
2. Mr. Bill's Grocery shall continue to pay the sum of \$99.58 per month until the amount of \$4,528.93 has been paid in full.

DATED this 12th day of November 2014.



 Carol Wright
 President & CEO
 Jackson Energy Cooperative



 Bill Flannery
 Owner
 Mr. Bill's Grocery