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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF EAST)
KENTUCKY POWER COOPERATIVE, INC.,)
FROM NOVEMBER 1, 2012, THROUGH OCTOBER)
31, 2014)

CASE NO.
2014-00451

OBJECTION AND MOTION TO STRIKE

Comes now Grayson Rural Electric Cooperative Corporation (Grayson) and herewith files and serves its objection to certain statements made by East Kentucky Power Cooperative (EKPC) in its Response to Commission Staff's Second Request for Information dated March 11, 2015, which was filed in the within action not until March 25, 2015.

1. The within action, by Order entered February 5, 2015, notice of which was not sent to Grayson nor any indication that it was sent to any other member of EKPC, contained an assertion in numerical paragraph 13 that the record in three other cases, including 2014-00226, was incorporated into the within proceeding.
2. Grayson is an intervening party in 2014-00226. However, Grayson was not given notice of the incorporation of that proceeding into the within proceeding.
3. Grayson has no duty to check the Public Service Commission records on a daily basis to see if its provider of power is filing a document containing information, nor does Grayson have a duty to check the Public Service Commission records each day to see if the Commission has entered an order, in a case that affects Grayson's rights without having served a copy of that order upon Grayson.

4. It is incumbent upon the Public Service Commission to afford adequate notice and opportunity to be heard to the rate payers when it is considering what its appropriate action would be in a given case. That has not been done in the within case.
5. On March 27, 2015, a Motion was served by EKPC in 2014-00226 to establish an informal conference in said action in which Motion it was suggested that the Commission hold the informal conference at the convenience of EKPC.
6. The Motion suggested that the, convenient, most suitable to EKPC date was April 7, 2015. However, more specificity was given by EKPC with respect to its suitability to attend an informal conference wherein the Motion asserted that the most convenient time would not be in the morning of April 7, 2015, but that the time to commence the informal conference be sometime after 1:00 p.m. on April 15.
7. Grayson upon receipt of the Motion served a response on March 30, 2015, objecting to the informal conference because of the short notice and the fact that the narcissistic, self-centered approach of EKPC as to when it was most suitable to EKPC to attend an informal conference, conflicted with previously scheduled Court appearances for counsel for Grayson.
8. When looking into the matter further, the undersigned counsel discovered EKPC's response to the last data request as referenced hereinabove and learned that two separate codes of PJM billing were given considerable discussion and explanation by EKPC. This is in the response to Request No. 4 and Request 3a. In that response there is given, hearsay statements that go to a significant issue in Case No. 2014-00226, which was decided by Order entered January 30, 2015, but which has been followed by, at the request of EKPC, an Order granting rehearing. To the extent that EKPC submits testimony, as vague as it is,

in the within action, in order to give explanation to matters asserted in 2014-00226 wherein Grayson was a party, but Grayson is not given the opportunity to consider the hearsay testimony, then there has been a denial of procedural due process necessitating that the Response by EKPC be stricken and that it not be considered at all by the Commission in the within proceeding. To allow explanation based upon hearsay in a matter that is outside the rules allowing cross-examination of witnesses and to allow same without appropriate time for same to be reviewed by Grayson would be absolutely reprehensible. The information submitted March 25, not having an opportunity to be reviewed by Grayson until the week of March 30, and then only by accident, the week preceding Easter, to be considered by the Commission on April 7, 2015, is a scenario that defies logic and is a scenario that should not be countenanced by the Commission.

- 9 It is unclear in the Response of EKPC to Commission Staff's Request for Information as to whether EKPC is intending to assert additional fuel charges that would need to be examined by Grayson or if it is simply relying upon those that have already been discussed. For example, in Response 4a EKPC asserts that "both billing line items 2370 and 1370 should be included in the calculation of the FAC, EKPC has not done so to date, but concurs that it should have included both codes" This could impact the decision in 2014-00226 and is something about which Grayson would be entitled to give some consideration as a rate payer and try to learn the ramifications of such billing. In Response 4d EKPC even asserts that there may even be more billing items that would need to be added. If the list goes on and on then, and without appropriate regulation by the Commission, and some question being asked by the rate payer when the rate payer is given proper notice of

Commission action, then EKPC will continue its improper attempts to bill its ratepayers on the backs of those least able to afford it.

10. In addition Grayson respectfully submits that the Commission should make an inquiry into whether appropriate notice of the hearing has been published by EKPC. The Proof of Notice filed April 3 would seem to indicate publication in the Cincinnati Enquirer, the Louisville Courier Journal, and another unidentified newspaper. One could guess that the third unidentified newspaper is the Lexington Herald. However, one could only guess as there is no indication as to what newspaper in which the third notice was published. Furthermore, if the Lexington Herald is the actual paper then an inquiry should be made as to whether that newspaper is one of "general circulation" in "each area in which it provides service". For example, many rural areas in Eastern Kentucky do not have delivery of the Lexington Herald, same being provided only in, in many instances, certain municipalities but not in a wide rural area where the distribution cooperatives that own EKPC provide service.

WHEREFORE, Grayson Rural Electric Cooperative Corporation prays for the appropriate order as requested heremabove and all other relief to which it may appear to be entitled.

RESPECTFULLY SUBMITTED,

W. JEFFREY SCOTT, P.S.C.

BY. 

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This is to certify that the original, plus ten (10) copies, of the foregoing was filed with the Public Service Commission with a copy served upon all parties of record by the U.S.P.S and by email.

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This 6th day of April, 2015.


