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Vice Chairman**

**Robert E. Spurlin  
Commissioner**

March 25, 2002

Honorable C. Donald Wells  
Pendleton County Attorney  
235 W. Main Street  
Falmouth, KY 41040

Dear Mr. Wells:

Commission Staff is in receipt of your letter of March 11, 2002, in which you request an opinion concerning Pendleton County's ability to enforce an ordinance that requires Blue Grass Energy Cooperative Corporation (hereinafter "BlueGrass") to refuse service to any new residence, business or commercial building that does not have an E911 address.

In your letter, you state that upon passage of the ordinance, the County Judge sent a letter to Harrison Rural Electric (now Blue Grass) requesting cooperation and compliance with the ordinance. You state that Mr. Ralph Combs, attorney for Blue Grass, responded to the letter. You state that Mr. Combs asserted that Blue Grass was under the exclusive jurisdiction of this Commission and as such could not refuse service if an applicant met the requirements of the Commission.

KRS 278.040 provides the Commission with jurisdiction over all utilities (KRS 278.010) in the state and specifically provides the Commission with, "exclusive jurisdiction over the regulation of rates and service of utilities."

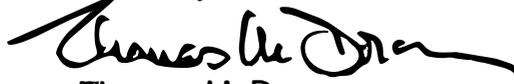
Blue Grass is a Kentucky cooperative corporation formed pursuant to KRS 279.010 to 279.220. It engages in the distribution of electricity to the public for compensation for lights, heat, power and other uses, and is a utility subject to Commission jurisdiction. KRS 278.010; KRS 279.210.



KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by utilities. Pursuant to this statutory directive, the Commission promulgated Administrative Regulation 807 KAR 5:006, Section 14, which sets forth the circumstances under which a utility may refuse or terminate service. This regulation does not permit Blue Grass to refuse service as you request. However, 807 KAR 5:006, Section 27, authorizes the Commission, upon request, for good cause shown, to permit a utility to deviate from the requirements of 807 KAR 5:006, including Section 14. To my knowledge, the Commission has not been requested to rule on this issue.

This letter represents Commission Staff's interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issue herein be formally presented for Commission resolution. If you have any further questions, you may contact Anita Mitchell, Staff Attorney at (502) 564-3940, ext. 258.

Sincerely,



Thomas M. Dorman  
Executive Director

Alm

cc Mr. Ralph K. Combs

