

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF GRAYSON	)	
RURAL ELECTRIC COOPERATIVE	)	
CORPORATION FOR A DECLARATION OF	)	CASE NO.
ITS EXCLUSIVE RIGHT PURSUANT TO	)	2015-00131
KRS 278.018(1) TO SERVE THOSE PORTIONS	)	
OF THE VALLEY VIEW SUBDIVISION IN CARTER	)	
COUNTY, KENTUCKY LYING WITHIN ITS	)	
CERTIFIED TERRITORY IN LIEU OF KENTUCKY	)	
POWER COMPANY	)	

ORDER

On April 6, 2015, Grayson Rural Electric Cooperative Corporation (“Grayson”) filed a formal complaint (“Complaint”) alleging that Kentucky Power Company (“Kentucky Power”) is in violation of KRS 278.018(1) by providing electric service to 11 residences in the Valley View Subdivision, Grayson, Carter County, Kentucky, which Grayson alleges are within Grayson’s certified service territory. On May 4, 2015, Kentucky Power filed its Answer denying any violation of KRS 278.018(1) and asserting that the Complaint fails to state a prima facie case. On May 14, 2015, the Commission issued an Order (“Order”) directing Grayson to file a copy of the official territorial boundary map, and any other maps and surveys sufficient to support the allegations set forth in Grayson’s Complaint. On May 27, 2015, Grayson filed its response (“Response”) to the Order.

Based upon a review of the Response, the Commission finds that the documents filed by Grayson are nonresponsive to the Commission’s Order. Despite a clear directive to provide supporting evidence of its claims, Grayson failed to specifically

identify the street addresses and location of the residences at issue in this matter, or to provide maps, such as the map referenced in Paragraph 7 of the Complaint, that Grayson alleges demonstrate that the 11 residences at issue lie within Grayson's certified service territory. In its Response, Grayson filed staking sheets and maps that purport to show the GPS coordinates and location of poles and transformers that Grayson alleges "feed meters" located in Grayson's service territory. But, in the Response and supporting documents, Grayson never identified the owner of the poles and transformers, or the meters or residences allegedly served by said poles and transformers. If, in compliance with the Order, Grayson intended to support its claim set forth in the Complaint by asserting that poles and transformers owned by Kentucky Power were extended into Grayson's certified service territory, this is insufficient evidence to establish a prima facie case that Kentucky Power is providing electric service in Grayson's service territory. Pursuant to KRS 278.018(1), in order to serve its customers, a retail electric supplier may extend its facilities through the certified territory of another retail electric supplier, but may not provide retail electric service outside its certified service territory.

The Commission further finds that Grayson should file the following to support its claim that Kentucky Power is providing electric service to 11 residences in the Valley View Subdivision that are within Grayson's service territory:

1. A copy of the certified territory map referenced in Paragraph 7 of its Complaint that shows that certain residences in the Valley View subdivision lie within Grayson's service territory. Grayson may submit a digitized rendering of the agreed boundary from the United States Geological Survey map signed by Grayson and

Kentucky Power, which is on file with the Commission. The map should reasonably show the boundary line delineating the service territories of Kentucky Power and Grayson, and clearly identify the specific residences that Grayson alleges are located within its service territory to which Kentucky Power is providing electric service.

2. The street addresses of the 11 residences in the Valley View Subdivision that Grayson alleges are within Grayson's service territory but are receiving electric service from Kentucky Power.

3. A copy of any survey conducted by Grayson that demonstrates that the 11 residences in the Valley View Subdivision, Carter County, Kentucky, are within Grayson's certified service territory.

4. Any other aerial maps based upon a survey or based upon the certified territory map signed by Grayson and Kentucky Power which is on file with the Commission that show that certain residences in the Valley View subdivision lie within Grayson's service territory. Any such maps should reasonably show the boundary line delineating the service territories of Grayson and Kentucky, clearly identify the street addresses and residences that Grayson alleges are located within its service territory to which Kentucky Power is providing electric service, and include a legend that identifies and explains features on the map.

IT IS THEREFORE ORDERED that:

1. Within 14 days of the date of this Order, Grayson shall file:
  - a. A copy of the certified territory map referenced in Paragraph 7 of the Complaint that shows the boundary line delineating the service territories of

Grayson and Kentucky power, and clearly identifies the 11 residences in the Valley View Subdivision that Grayson's asserts lie within Grayson's service territory.

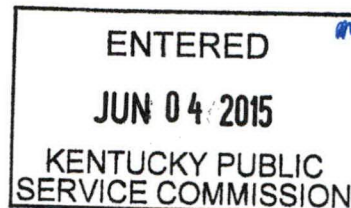
b. The street addresses of the 11 residences in the Valley View Subdivision that Grayson alleges are within its service territory but are receiving electric service from Kentucky Power.

c. A copy of any survey conducted by Grayson that demonstrates that the 11 residences in the Valley View Subdivision, Carter County, Kentucky, are within Grayson's certified service territory.

d. Any other aerial maps based upon a survey or based upon the certified territory map signed by Grayson and Kentucky that show the boundary line delineating the service territories of Grayson and Kentucky Power, and clearly identify the 11 residences in the Valley View Subdivision that Grayson asserts lie within Grayson's service territory.

2. Failure by Grayson to file responsive documents within 14 days from the date of this order shall be grounds for this matter to stand submitted on Kentucky Power's motion to dismiss.

By the Commission



ATTEST:

  
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Executive Director

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