

COMMONWEALTH OF KENTUCKY
BEFORE THE ENERGY REGULATORY COMMISSION

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In the Matter of

THE COMPLAINT OF PATRICIA SIMPSON,)
FRANKFORT, AGAINST FOX CREEK RURAL) CASE NO. 8015
ELECTRIC COOPERATIVE CORPORATION)

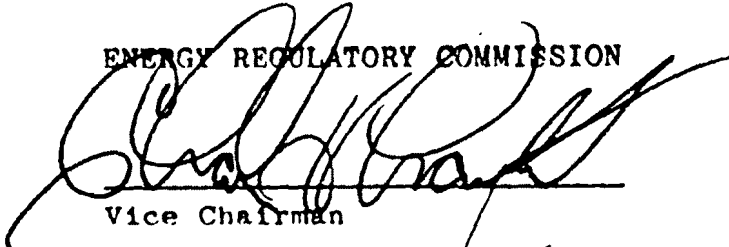
ORDER

This matter having come before the Commission on complaint by Ms. Patricia Simpson of Route 10, Twilight Trail, Frankfort, Kentucky, alleging that she could be more properly served with electricity from the Frankfort Electric and Water Plant Board rather than her present supplier, Fox Creek R.E.C.C. A hearing was held on this matter on December 3, 1980, for the purpose of further investigating Ms. Simpson's contentions.

After the conclusion of the hearing on said date, a mutual agreement was reached by the Fox Creek R.E.C.C. and the Frankfort Electric and Water and Electric Plant Board whereby Ms. Simpson would be allowed to be served by the Plant Board. A copy of said agreement is hereby attached to this order. Based on the settlement as reached by the parties, the Commission hereby dismisses this proceeding.

Done at Frankfort, Kentucky, this 23rd day of January, 1981.

ENERGY REGULATORY COMMISSION


Vice Chairman


Commissioner

ATTEST:

Secretary

APPENDIX

ELECTRIC SERVICE AGREEMENT

This Electric Service Agreement made and entered into as of the 22nd day of January, 1981, by and between Fox Creek Rural Electric Cooperative Corporation a Cooperative Corporation duly organized under Chapter 279 of the Kentucky Revised Statutes (hereinafter referred to as "Cooperative"); and Frankfort Plant Board a Municipal Plant Board operating under the authority of Kentucky Revised Statutes 96.165 through 96.188 (hereinafter referred to as "Plant Board")

W I T N E S S E T H:

- (A) The Cooperative is authorized by Kentucky Revised Statutes 278.016 through 278.018 to provide retail electric to customers in a territory assigned to it by the Energy Regulatory Commission.
- (B) The Plant Board is authorized by Kentucky Revised Statutes 96.165 through 96.188 to operate a retail water and electric system.
- (C) The Cooperative is authorized under Kentucky Revised Statutes 278:018 (6) to contract with another retail electric supplier for the purpose of allocating customers.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISES, AND THE MUTUAL COVENANTS AND UNDERTAKINGS HEREIN DESCRIBED, THE PARTIES HERETO COVENANT AND AGREE EACH WITH THE OTHER AS FOLLOWS:

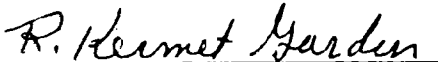
1. The Cooperative covenants and agrees to relinquish their right to provide retail electric service to the premises located at Route 10, Twilight Trail, Frankfort, Kentucky 40601 and owned by Patricia Simpson and Ben Williams being the same property conveyed by Louis H. and Louise Goins by deed on or about June 21, 1980. (Hereinafter referred to as "Premises")
2. The Plant Board covenants and agrees to provide retail electric service to the Premises.
3. Nothing in this agreement shall be construed as denying or precluding the Cooperative from continuing to serve the territory now assigned to it by the Energy Regulatory Commission, and the Cooperative does not by reason of the transfer of the right to serve said Premises waive any right

that they now have at law or equity, including but not by way of limitation their right to rely on KRS 96.186.

4. Nothing in this agreement at the time of annexation of said Premises or surrounding area shall be construed to waive any right that the Cooperative may have at law or equity including but not by the way of limitation the right that the Cooperative may have under KRS 96.045 and KRS 96.538. Further, in the event of annexation the Plant Board covenant and agrees to waive their right to consider the service to said Premise to establish their right to serve new customers nearer to said Premises under KRS 96.538 and agrees that the Cooperative has reserved the right to serve all new customers nearer to said Premises as of the date of annexation.
5. The effectiveness of the Agreement is subject to approval of the Energy Regulatory Commission.

IN WITNESS WHEREOF, the parties hereto have hereunto caused their names to be affixed as hereunto duly authorized.


FOX CREEK RURAL ELECTRIC
COOPERATIVE CORPORATION


By: Kermet Gordon
Chairman of the Board

FRANKFORT PLANT BOARD


By: Rodney R. Ratliff
Chairman of the Board

THIS INSTRUMENT PREPARED BY:


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