

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY)	
COOPERATIVE, INC. FOR AUTHORIZATION)	CASE NO. 2000-529
TO INCREASE CATV ATTACHMENT RATES)	

ORDER

On November 29, 2000, Clark Energy Cooperative, Inc. ("Clark") submitted an application seeking authority to increase its CATV attachment rates. On December 22, 2000, the Commission issued a letter to Clark rejecting the application due to deficiencies in its filing. In response to the Commission's letter, Clark submitted additional information on January 5, 2001. In the application submitted, Clark requests permission to deviate from many of the filing requirements of 807 KAR 5:001, Section 10. Clark states in support of its request that it only seeks to recover pole attachment costs in accordance with the Commission's prescribed methodology and that the proposed rates will not improve its financial position above that authorized in Case No. 92-219.¹

The Commission, having considered the application and the request and being otherwise sufficiently advised, hereby finds that:

1. Kentucky Cable Telecommunications Association has been granted authority to intervene in this action. Therefore, it is possible that this matter will proceed

¹ Case No. 92-219, Notice of Adjustment of the Rates of Clark Rural Electric Cooperative Corporation.

to a hearing. As a result, Clark's request to deviate from 807 KAR 5:001, Section 10(6)(b) and (c), which require the filing of prepared testimony of each witness the utility proposes to use to support its application, should be granted only to the extent it relieves the utility from filing the testimony before the case will be considered filed. Clark should be required, within 15 days of the date of this Order, either to file prepared testimony of each witness it proposes to use to support its application or to file a statement that it does not plan to submit any prepared testimony.

2. Clark has shown good cause to grant its remaining deviation requests.

3. The additional information submitted by Clark on January 5, 2001 cured all remaining filing deficiencies, and the matter should be considered filed as of that date.

4. Pursuant to KRS 278.190, further proceedings are necessary in order to determine the reasonableness of the proposed rates, and such proceedings cannot be completed prior to the proposed effective date of February 5, 2001.

IT IS THEREFORE ORDERED that:

1. Clark's request to deviate from the requirements of 807 KAR 5:001, Section 10, as set forth in its application, is granted with the exception of its request to deviate from 807 KAR 5:001, Section 10(6)(b) and (c), which is granted only to the extent the regulation requires prepared testimony, if any, to be submitted before the case may be considered filed.

2. Within 15 days from the date of this Order, Clark shall file either the prepared testimony of each witness it proposes to use to support its application or a statement that it does not plan to submit any prepared testimony.

3. Clark's application shall be considered filed as of January 5, 2001.

4. Clark's proposed rates are hereby suspended for 5 months from February 5, 2001 to and including July 4, 2001.

Done at Frankfort, Kentucky, this 19th day of January, 2001.

By the Commission

ATTEST:


Executive Director