COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Robert Keith Campbell
(Your Full Name)
COMPLAINANT

VS.

Fleming-Mason Energy
(Name of Utility)
DEFENDANT

RECEIVED
FEB 17 2004
PUBLIC SERVICE COMMISSION

2004-00054

COMPLAINT

The complaint of Robert Keith Campbell respectfully shows:
(Your Full Name)

(a) Robert Keith Campbell
(Your Full Name)

1036 Sugar Creek Rd. Carlisle KY. 40311
(Your Address)

(b) Fleming-Mason Energy
(Name of Utility)

PO Box #328 Flemingsburg KY. 41041
(Address of Utility)

(c) That: Please see Ancillary attachment for
(Describe here, attaching additional sheets if necessary,

full details explaining the basis for
the specific act, fully and clearly, or facts that are the reason

This Complaint.
and basis for the complaint.)

Continued on Next Page

Formal Complaint

Robert Keith Campbell vs. Fleming-Mason Energy

Wherefore, complainant asks Clean up all Brush, Limbs, Trees
(Specifically state the relief desired.)

debris from my property. Do not just push them into a pile, remove them and leave my property in as good of condition as you found it. Pleas see ancillary attachment for full details of relief desired.

Dated at Carlisle, Kentucky, this 12th day
(Your City)

of February, 2004
(Month)

Robert Keith Campbell
(Your Signature)

NOT AT This Time.
(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) **Procedure on filing of complaint.**

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see **Section 15(2)** of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

(a) Formal complaint.

(b) Answer.

(c) Application.

(d) Notice of adjustment of rates.

(2) Forms of formal complaint.
(3) Form of answer to formal complaint.
(4) Form of application.
(5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant) Complainant	)	
	)	No. _____
vs.	)	(To be inserted by the secretary)
(Insert name of each defendant) Defendant	)	

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of_____, 19 _____.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

To: Commonwealth of Kentucky
Public Service Commission
Basis for Complaint

2/12/2004

Subject, Trees, Brush, Trash, Fences and Creek left in an unacceptable condition.

Some time in late 2003 or early 2004 Fleming-Mason Energy either by use of their own employees or by contract employees cut approximately 100 plus trees on property I own. The property is located at 1036 Sugar Creek RD. Carlisle KY. 40311, Nicholas County. Cutting of the trees in and of it's self is not the problem or basis of this complaint. I do believe it could have been handled in a more professional/compliant manner.
There should have been some communications with myself from Fleming-Mason Energy. This would have allowed me the opportunity to meet with the crews to discuss the cutting of trees on my property. I could have also been given advance notice that fences were going to be taken down, just in case I were to open those fields up to cattle.

Basis for complaint,

In speaking with Fleming-Mason Energy they determined the trees they cut down were a threat to the integrity of their power lines. I can accept that decision but cannot accept the statement Kurt (last name unknown) with Fleming-Mason Energy made on the phone to me the first time I called questioning when they would finish cleaning up all of the debris. Fleming-Mason Energy "Kurt" made the statement, " I'm responsible to cut the trees down so they don't damage the lines. It grows on your property you're responsible to clean it up". My property has been left in a manner that I can only relate to if I were trying to explain tornado damage. Trees were cut down with no regard to where they would fall. Trees were allowed to smash my fence in several places; they were allowed to remain hanging in other trees. Tree limbs with diameters in excess of 18" were left hanging in trees 20 to 30 feet high. This was very dangerous, a tremendous amount of liability for them and quite a challenge for me to keep my children as well as neighboring children out of that area. This still exists today! Sugar Creek East and West border my property I have been forced to cleanout numerous limbs and debris from the creeks. If you drive past my property you will find that Fleming-Mason Energy utilized the creeks as a dumping site for hundreds if not thousands of branches, limbs and trees (debris) this debris continues to wash downstream to my property clogging the creek and collecting on my East driveway. Something of little consequence but worth mentioning at this time would be the lunch trash indiscriminately thrown down while the tree cutting crews were working. They obviously enjoy Mountain Dew, 12 oz. Cans. I tried to resolve this situation with Fleming-Mason Energy "Kurt" on January 20th I took the day off to cleanout the creek and clear the East drive. After spending several hours at this I decided to call Fleming-Mason Energy and see what their schedule was to finish up. I was transferred to Kurt's office and for the next 6 hours Kurt and I had 5 different phone conversations. After each I was to wait for a representative of the power company to meet with me. On the 6th call Kurt was explaining to me how someone's truck broke down. I didn't care about the truck, when could I expect someone here? CLICK he hung-up, that's when I called Susan Dunn, PSC.

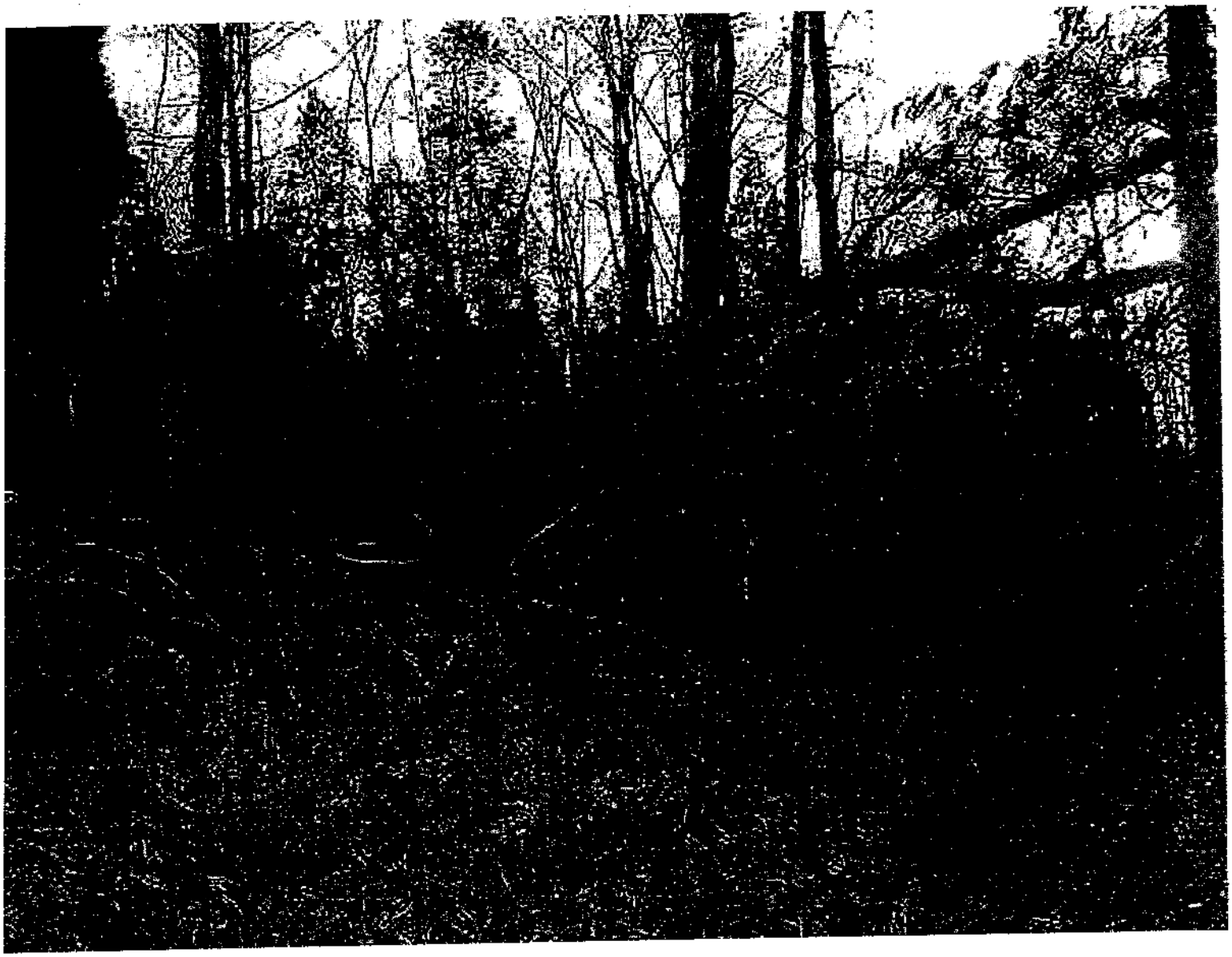
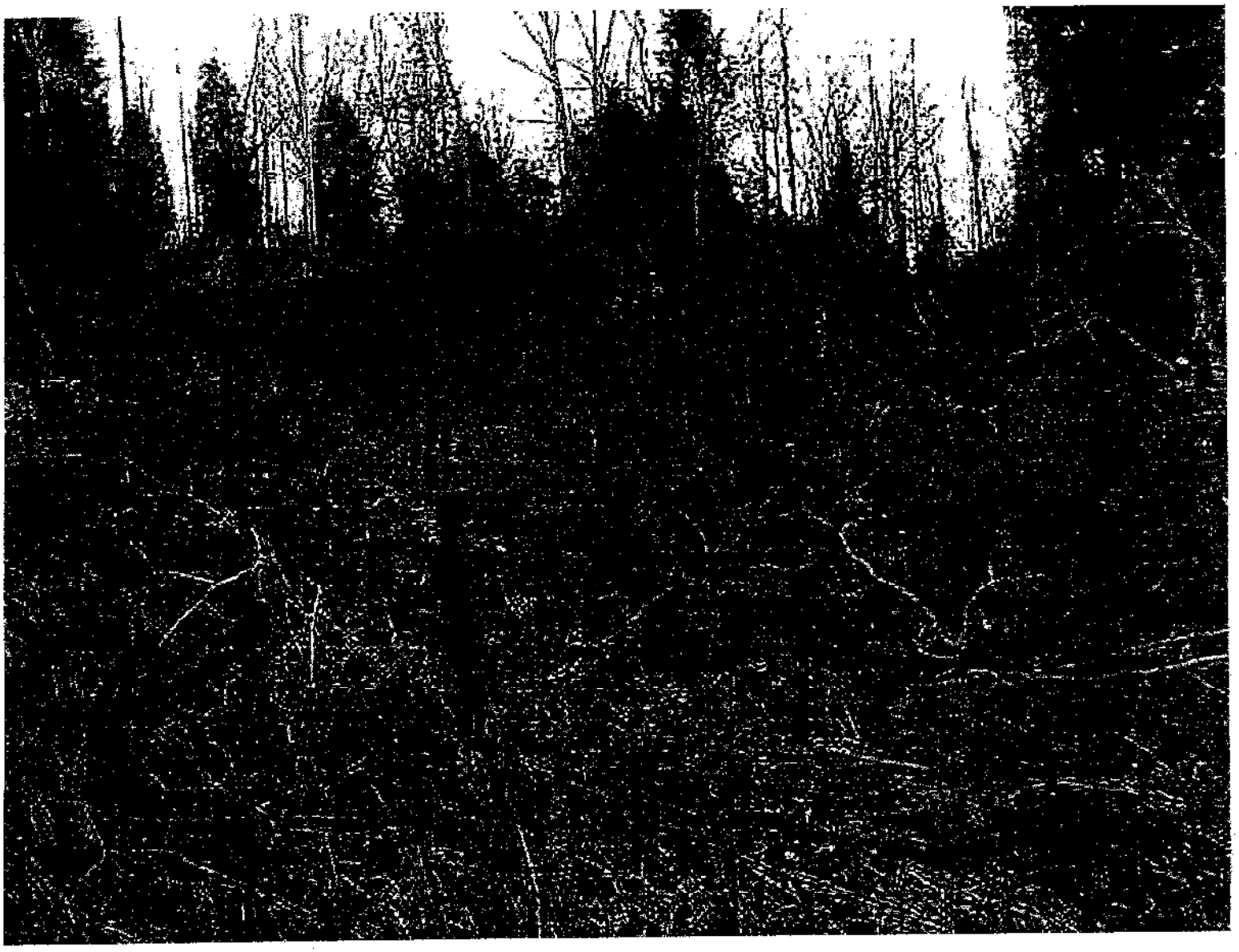
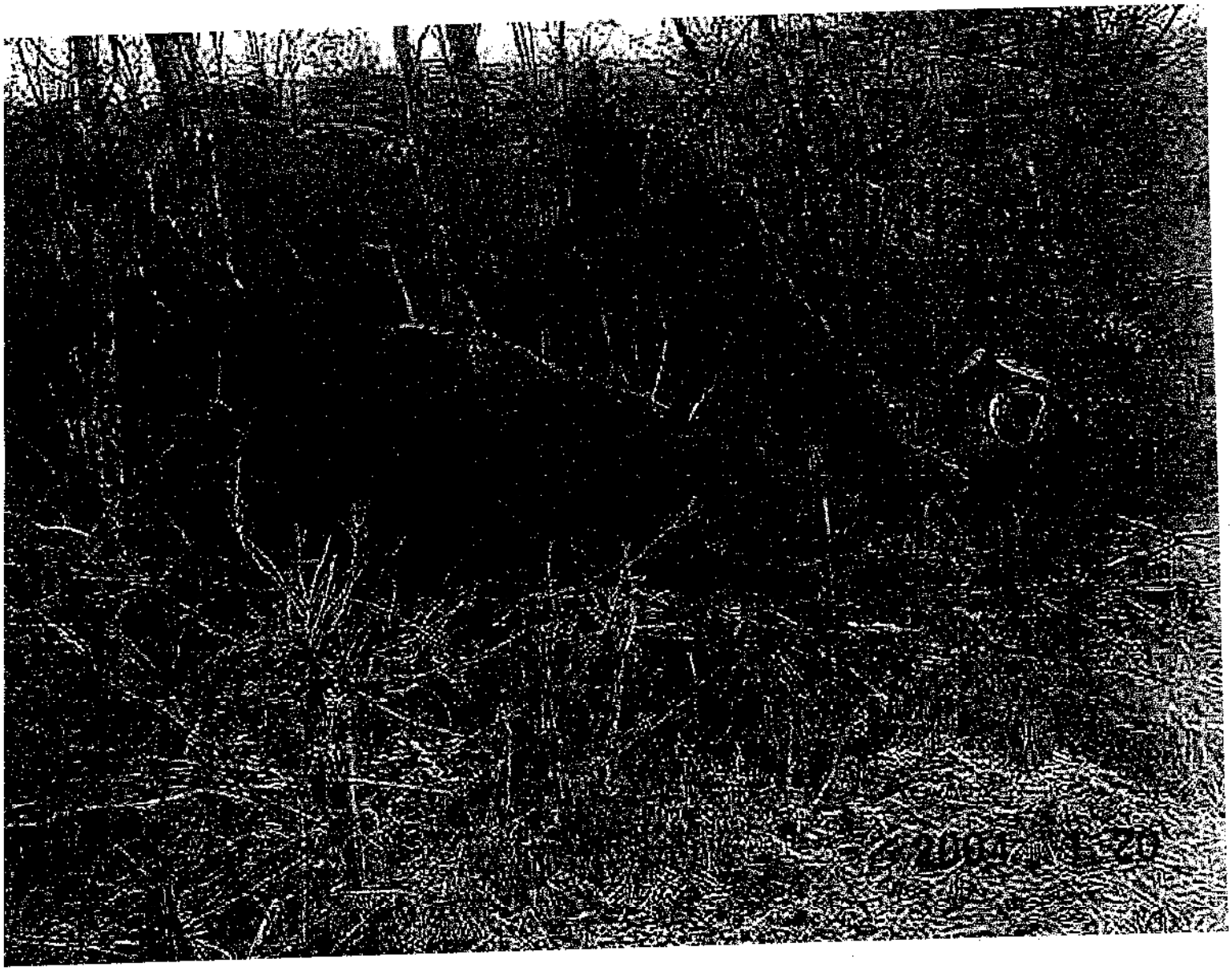
Ruth Campbell 2-12-04

To: Commonwealth of Kentucky
Public Service Commission
Relief Desired

2/12/2004

Subject, Trees, Brush, Trash, Fences and Creek left in an unacceptable condition.

To resolve this issue I'm requesting Fleming-Mason Energy restore my property to a condition equal to the way they found it. I want all of the debris cleaned up and removed from my property, not just piled up to the edge of the right-of-way. I want the limbs that were from trees cut down removed from where they are hanging in other trees and cleaned up. I want my fences repaired where the trees were allowed to smash them to the ground. I want the debris cleaned out of the creeks that border my property as well as the debris from creeks up stream. *I do believe they should be responsible to remove all of their debris form waterways not just the one's affecting my property. If this is something the PSC has no jurisdiction over I'm willing to contact the State Highway dept. or Kentucky Core of Engineers to see who has jurisdiction on such matters.* I would appreciate them picking up their lunch trash.

In closing, if Fleming-Mason Energy made the decision to cut the trees down, clean up your mess, all of the mess, do not leave it piled up on my property.

Keith Cayhurst 2-12-04