

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY)
COOPERATIVE, INC. FOR AN) CASE NO.
ADJUSTMENT OF RATES) 2009-00314

O R D E R

On January 4, 2010, Clark Energy Cooperative, Inc. ("Clark Energy") filed with the Commission affidavits from various publishers verifying that notice to customers of Clark Energy's rate application had been filed. Clark Energy noted in its filing that "unintended and minor publication errors occurred with the publication in the *Clay City Times* and *The Winchester Sun*." The *Clay City Times* published notice of Clark Energy's rate application on November 19, 2009 and November 26, 2009. Although Clark Energy requested that its notice be published on December 3, 2009, the *Clay City Times* failed to schedule the notice to be printed on that date. The notice was subsequently published in the December 10, 2009 edition of the *Clay City Times*.

Regarding the publication of notice in *The Winchester Sun*, the publisher's affidavit indicated as follows:

An error was made in *The Winchester Sun* when the information was retyped by the newspaper staff, see Exhibit A attached. The demand charge for "Schedule L – General Power Service" was printed as \$16 instead of \$6.25 as proposed in the rate application. The incorrect notice was printed on November 18 and November 25 which was within the time required by PSC regulations for public notices. *The Winchester Sun* has since printed a corrected notice, see Exhibit B attached, on December 2. The corrected notice

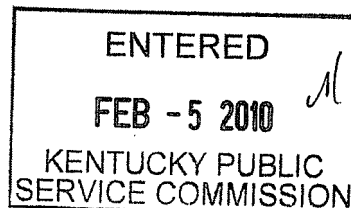
was also printed on December 9 and 16 to meet the three week notice requirement.

Clark Energy is of the belief that it has fully complied with the notice regulation, 807 KAR 5:001, Section 10(4)(c), except for the two aforementioned errors. Clark Energy, however, asserts that those "errors were properly rectified such that substantial compliance with the notice regulation was ultimately accomplished." In the alternative, Clark Energy requests, pursuant to 807 KAR 5:001, Section 14, permission to deviate from the notice requirements with regard to the *Clay City Times* and *The Winchester Sun* publications.


Having reviewed the notice and being otherwise sufficiently advised, the Commission finds that Clark Energy has established good cause to allow it to deviate from the requirements of 807 KAR 5:001, Section 10(4)(c).

IT IS THEREFORE ORDERED that Clark Energy's request for a deviation from the notice requirements with regard to the *Clay City Times* and *The Winchester Sun* publications is granted.

By the Commission



ATTEST:



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