

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MENIFEE COUNTY BOARD OF EDUCATION)	
)	
COMPLAINANT)	CASE NO.
)	2011-00076
V.)	
)	
CLARK ENERGY COOPERATIVE, INC.)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

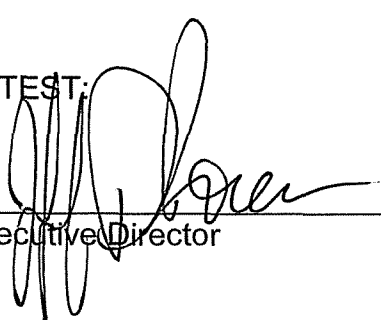
Clark Energy Cooperative, Inc. ("Clark Energy") is hereby notified that it has been named as defendant in a formal complaint filed on April 20, 2011, a copy of which is attached hereto.

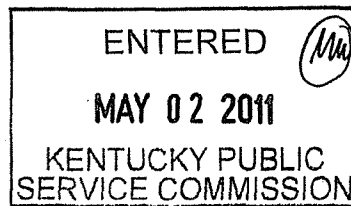
Pursuant to 807 KAR 5:001, Section 12, Clark Energy is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days of the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

)
<u>Menifee County Board of Education</u>)
)
COMPLAINANT)
)
VS.)
)
<u>Clark Energy</u>)
)
DEFENDANT)

RECEIVED

APR 20 2011

PUBLIC SERVICE
COMMISSION

COMPLAINT

The complaint of Charles Mitchell – Superintendent respectfully shows:

- (a) Menifee County Board of Education
P.O. Box 110, 202 Back Street
Frenchburg, KY 40322

- (b) Clark Energy
2640 Iron Works Road, PO Box 748
Winchester, KY 40392-0748

The Menifee County Board of Education seeks the assistance of the Commission to resolve an incorrect billing matter for electric service received from Clark Energy.

It is the belief of Menifee that Clark Energy is required by Commission Regulations to refund for incorrectly billing service to Menifee County High School (Account Number)

Menifee and Clark have determined that the incorrect billing began about November 2003 when an addition to the school required that a new underground padmount transformer be installed. This new transformer serves a second separate metered account from that of the old high school account in question.

At this time it was noted by Clark Energy that electric load was being removed from the existing high school account and was being added to this new underground transformer, thus decreasing the KW demand of the existing overhead transformer system serving the old high school account.

The overhead transformer system serving the high school account has a capacity of 45 KVA (3 transformers @ 15 KVA each) with an average metered demand of 37 KW.

From about November 2003 to December 2009 the high school account (#) was billed on Schedule L with a minimum based on 135 KW.

This incorrect billing was found upon a request from Menifee County Schools for an energy audit of their facilities by Clark Energy in December 2009. After the error was found, Clark Energy changed the minimum KW charge to be based on 50 KW and continued to incorrectly bill the account on Schedule L (available to all commercial and industrial customers with demands of 50 KW or greater)

In May 2010, Clark Energy changed the billing rate to Schedule C3 (available for all non-residential general power requirements with demands less than 50 KW).

It is the belief of Menifee County Board of Education that Clark Energy should refund the charges for the incorrect billing back to November 2003 according to PSC General Rules 807 KAR 5:006 Section 10 (2).

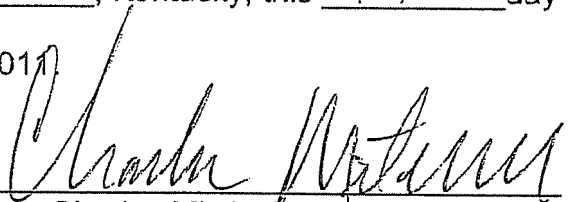
Wherefore, complainant asks the Public Service Commission to convene an informal conference to facilitate resolution of this matter and, if necessary, determine the time period and applicable rate schedule to base the refund to the Menifee County Board of Education for the incorrect billing by Clark Energy.

Formal Complaint

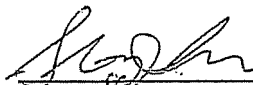
Menifee County Board of Education vs. Clark Energy

Wherefore, complainant asks the Public Service Commission to determine the time period and applicable rate schedule to base the refund to the Menifee County Board of Education for the incorrect billing by Clark Energy.

Dated at Campton, Kentucky, this 14th day
of April, 2011
(Month)


Charles Mitchell, Superintendent

Hon. Stephen R. Johnson / P.O. Box 669 - Campton Ky
(Name and address of attorney) ⁴¹³⁰¹
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Steve Johnson, Menifee Board Attorney

Date 4-14-11

(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.

Paul G Embs
President & CEO
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

Stephen R Johnson
Hon.
P.O. Box 669
Campton, KENTUCKY 41301

Charles Mitchell
Superintendent
Menifee County Board of Education
P.O. Box 110
202 Black Street
Frenchburg, KENTUCKY 40322