

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FRANK MCANINCH)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2013-00165
)	
TAYLOR COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

ORDER

On April 29, 2013, the Commission accepted the complaint of Frank McAninch (“Complainant”) in which he alleged that Taylor County Rural Electric Cooperative Corporation (“Taylor County”) was impermissibly attempting to assess improper charges in relation to his request for service at his property. Complainant specifically asserted that Taylor County improperly classified the building to which three-phase service was requested as a sawmill, which, pursuant to Taylor County’s tariff, is a questionable permanent service, and therefore, both installation and removal costs would be assessed at the time of installation. Complainant stated that his facility was not temporary, was not a commercial sawmill, and therefore, should not be subject to the questionable permanent service tariff provision. Taylor County denied the allegations and argued that Complainant’s operation appeared to be a commercial sawmill, and if he maintained service, he would eventually recoup the removal costs.

Thereafter, Taylor County moved to dismiss the Complaint due to alleged procedural deficiencies. The Commission staff denied Taylor County's motion to dismiss on September 3, 2013.

The parties and the Commission staff put forward requests for information and participated in an informal conference on February 26, 2014, at the Commission's offices. As a result of discussions held during the February 26, 2014 informal conference, Taylor County agreed to reexamine Complainant's service request based upon the premise that the facility was not, in fact, a sawmill and thus would not be a questionable permanent facility. It indicated that the case should be held in abeyance pending the reevaluation. Taylor County then moved, and the Commission granted, its request to hold this matter in abeyance for a period of 30 days.

On May 12, 2014, Taylor County advised the Commission that it had met with Complainant and reached a preliminary understanding regarding the requested service extension, and that it would notify the Commission upon final agreement. On May 27, 2014, Taylor County filed notice that it had completed the requested service extension to Complainant's facility. It noted that in consideration of Mr. McAninch's revised proposal and pursuant to the terms of its tariff, it did not assess any fee for the extension of service.¹ It stated that the only costs would be for the metered service.² Therefore, Taylor County requested that this matter be dismissed.

The Commission ordered Complainant to submit a response by June 19, 2014, indicating whether the matter complained of has or has not been resolved. Complainant has failed to file any response.

¹ Taylor RECC's Supplemental Response to Commission Order at 2.

² *Id.*

Having reviewed Taylor County's motion to dismiss and the absence of any response pleading by Complainant, the Commission finds that Taylor County has installed the electrical service as requested by Complainant and done so at no extra charge pursuant to its tariff. Accordingly, the Commission finds that the complaint has been resolved and Taylor County's motion to dismiss should be granted.

IT IS THEREFORE ORDERED that Taylor County's motion to dismiss is granted, and this case shall be dismissed with prejudice and removed from the Commission's docket.

By the Commission

ENTERED
JUL 21 2014
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00165

Frank McAninch
1341 Iven Godbey Road
Liberty, KENTUCKY 42539

Barry L Myers
Manager
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

Honorable Robert Spragens, Jr.
Attorney at Law
Spragens, Smith & Higdon, P.S.C.
15 Court Square
P.O. Box 681
Lebanon, KENTUCKY 40033