

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHNNY D. PENNINGTON	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2015-00260
	)	
KENTUCKY POWER COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On July 16, 2015, Johnny D. Pennington filed a Complaint against Kentucky Power Company ("Kentucky Power") in which he alleges that Kentucky Power wrongfully refused to establish electric service at his residence at 736 Hager Branch Road, East Point, Kentucky, unless he agreed to pay the balance due on a prior resident's account, and that Kentucky Power in fact added the balance from the prior resident's account to his bill. On July 22, 2015, the Commission ordered Kentucky Power to satisfy or answer the Complaint. On July 29, 2015, Kentucky Power filed an Answer in which it denies that Mr. Pennington is entitled to the relief sought in his Complaint.

Pursuant to Staff's Notice of Informal Conference issued September 11, 2015, an informal conference was held on September 17, 2015, to discuss the status of and issues in this case. Mr. Pennington was served with a copy of the notice but did not attend the conference in person or participate telephonically.

Because it appears that there are material issues of fact in dispute, the Commission finds that the record in this proceeding is not adequate, and that a procedural schedule should be established in order for the Commission to investigate the claims set forth in the Complaint and to afford the parties the opportunity to conduct discovery. The Commission notes that Mr. Pennington as the complainant bears the burden of proof in matters before an administrative agency.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.

2. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed, and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and an original and seven copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

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<sup>1</sup> See *Energy Regulatory Comm'n v. Kentucky Power Co.*, 605 S.W.2d 46, 50 (Ky. App. 1980).

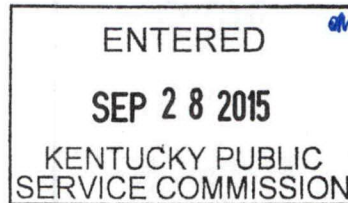
d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. A party filing a document containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the document so that personal information cannot be read.

3. The Commission does not look favorably upon motions for continuance. Consequently, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2015-00260 **SEP 28 2015**

All requests for information shall be filed no later than ..... 10/14/15

All responses to requests for information  
shall be filed no later than ..... 10/28/15

The Commission may schedule a Public Hearing  
if determined to be necessary to the disposition of this case .....TBD

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