

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL BISHOP	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2021-00254
	)	
CLARK ENERGY COOPERATIVE, INC.	)	
	)	
DEFENDENT	)	

ORDER

On June 11, 2021, Michael Bishop (Mr. Bishop), an electric customer of Clark Energy Cooperative, Inc. (Clark Energy), filed a formal complaint with the Commission against Clark Energy related to Clark Energy's provision of Mr. Bishop's electric service. Specifically, Mr. Bishop contends that Clark Energy improperly disconnected electric service to his residence. Mr. Bishop further contends that Clark Energy continued to assess a monthly fee for a street lamp located near his residence, after he requested the street lamp be disconnected in 2016.

As a result, Mr. Bishop requests that the Commission compel Clark Energy to take the following actions: (1) restore his electric service; (2) refund the payments of disconnection-related late fees, reconnection fees, and/or deposits he was improperly charged; and (3) reimburse him any remaining amount he is owed as a result of the improper charges for a street lamp that he requested to be disconnected in 2016.

On June 25, 2021, Clark Energy was notified of Mr. Bishop's formal complaint. The Commission directed Clark Energy to satisfy the matters complained of or file a written answer to the complaint within ten days of the date of the Commission's June 25, 2021 Order. Clark Energy filed an answer to Mr. Bishop's complaint on July 2, 2021. Clark Energy's answer notes that it "has no record of a service order requesting a security light be disconnected at the complainant's service address. The only service order that was created in 2016 for the complainant was the service order to transfer his current service location into his name."<sup>1</sup> Clark Energy further contends that the request for disconnection of the security light in question was not received until April 6, 2021, when Mr. Bishop came into Clark Energy's Winchester office.<sup>2</sup> Per the Commission's June 25, 2021 Order, Clark Energy's answer is supported by several exhibits, which include Mr. Bishop's service order history, mapping images of the security light in question, Mr. Bishop's billing statements, and disconnection notices sent to Mr. Bishop.

Clark Energy filed a motion to supplement answer on July 15, 2021. Clark Energy informs the Commission that Mr. Bishop "applied for assistance with his home energy bills from the Low Income Home Energy Assistance Program (LIHEAP), . . . qualified for said assistance, and the complainant having received said assistance. . . ."<sup>3</sup> According to Clark Energy, Mr. Bishop's account was brought current, and his electric service was restored on July 12, 2021.

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<sup>1</sup> Clark Energy's Answer to Complaint at 1-2.

<sup>2</sup> *Id.* at 2

<sup>3</sup> Clark Energy's Motion to Supplement Answer at 1.

With the restoration of Mr. Bishop's electric service, the remaining issue is whether Mr. Bishop has met his burden of proof concerning the disconnection of the street lamp adjacent to his residence. Pursuant to 807 KAR 5:006, Section 13, (1)(c), "[i]f the customer notifies the utility of his request for termination by telephone, the burden of proof shall be on the customer to prove that service termination was requested if a dispute arises."<sup>4</sup> Thus, based upon the facts in the record, Mr. Bishop bears the burden to prove that in 2016 he requested the electric service to the street lamp be terminated.

The Commission finds that Mr. Bishop should respond to this order and explain whether his electric service has been restored and his complaint satisfied. Further, the Commission finds that Mr. Bishop should respond, and if his complaint is not satisfied, provide documentation or other proof that supports his burden to prove that he requested the electric service to the street lamp at issue be terminated in 2016, and he was improperly charged for service to the street lamp.

The Commission directs Mr. Bishop to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>5</sup> regarding filings with the Commission. In the Commission's March 16, 2020 Order in Case No. 2020-00085,<sup>6</sup> the Commission provides instructions for filings in non-electronic cases, insofar that parties of non-electronic cases may file one original document with no copies, or send an electronic mail message with an electronic

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<sup>4</sup> 807 KAR 5:006, Section 13, (1)(c).

<sup>5</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission mandated the use of the electronic filing procedures found in 807 KAR 5:001, Section 8, except for *pro se* formal complaints filed against utilities).

<sup>6</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5-6.

copy of the document to the Commission and to parties to the matter. Any electronic email filed in this manner should be sent to [PSCED@ky.gov](mailto:PSCED@ky.gov), and each message should include the case number in the subject line of the message and a read receipt to ensure the Commission received the message and documents. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

IT IS THEREFORE ORDERED that:

1. Within 20 days of this Order, Mr. Bishop shall respond indicating whether his electric service has been restored and his complaint satisfied.
2. Within 20 days of this Order, Mr. Bishop shall provide any documentation or further proof that he terminated service to the street lamp that is the subject of his complaint.

By the Commission

ENTERED  
AUG 02 2021  
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

 for \_\_\_\_\_  
Executive Director

Case No. 2021-00254

Michael Bishop  
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