

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

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

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APR 20 2011

PUBLIC SERVICE  
COMMISSION

COMPLAINT

The complaint of Charles Mitchell – Superintendent respectfully shows:

(a) Meniffee 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 Meniffee 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 Meniffee that Clark Energy is required by Commission Regulations to refund for incorrectly billing service to Meniffee County High School (Account Number [REDACTED])

Meniffee 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 ( [REDACTED] ) 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).

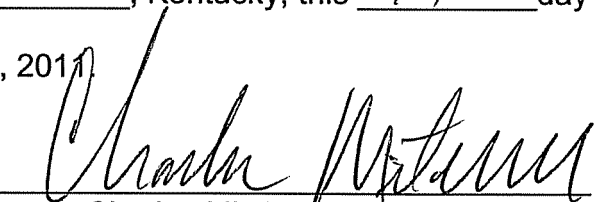
Wherefore, complainant asks the Public Service Commission to convene an informal conference to facilitate resolution of this matter and, if necessary, determine the time period and applicable rate schedule to base the refund to the Menifee County Board of Education for the incorrect billing by Clark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

Formal Complaint

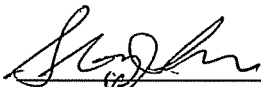
Menifee County Board of Education vs. Clark Energy

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 14<sup>th</sup> day  
of April, 2011  
(Month)

  
Charles Mitchell, Superintendent

Hon. Stephen R. Johnson / P.O. Box 669 - Campton Ky  
(Name and address of attorney) 41301  
606-608-3293

  
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.