

COMMONWEALTH OF KENTUCKY

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BEFORE THE PUBLIC SERVICE COMMISSION

MAY 12 2011

PUBLIC SERVICE
COMMISSION

In the Matter of:

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

ANSWER OF CLARK ENERGY COOPERATIVE, INC.

Comes Clark Energy Cooperative, Inc. ("Clark Energy"), by counsel and pursuant to the Order to Satisfy or Answer entered herein on May 2, 2011 files the following Answer to the Complaint:

Service to the Menifee County Board of Education ("MCBE") campus was established in November 20, 1951. Since then MCBE campus facilities have gone through numerous upgrades, revisions, remodels and additions resulting in the addition of multiple metering points.


MCBE requested a new meter service for the high school. The new meter was set on November 4, 2003. The new service would remove a portion of the load, but Clark Energy could not be aware of when the load was transferred or what the remaining load would be. The overhead transformers that remained at the original location have a name plate rating of 45 KVA however they have a much higher short term load capacity.

Clark Energy denies MCBE's statement that both parties have determined that the incorrect billing began about November 2003. Clark Energy maintains there was not any incorrect billing. The dispute is the demand that MCBE was billed based on an agreed upon demand of 135 kw that had been in place as far back as Clark Energy maintains billing records.

Clark Energy maintains that it had no way to know when load was transferred to the new metering point. This is supported by the fact that third party reviews by contractors hired by MCBE found no prior or existing issues with any of the information provided by Clark Energy for all of MCBE's facilities.

WHEREFORE, the defendant, Clark Energy respectfully requests that the Complaint be dismissed or in the alternative for the Public Service Commission to convene an informal conference should it find that issues remain.

GRANT, ROSE & PUMPHREY
51 South Main Street
Winchester, KY 40391

By: 
Robert L. Rose,
Attorneys for Clark Energy
Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify the foregoing Answer of Clark Energy Cooperative, Inc. to the Public Service Commission's Order entered herein on May 2, 2011 to satisfy or answer has been served upon the Public Service Commission by mailing the original and ten true and accurate copies to the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602 and upon the plaintiff, Menifee County Board of Education by mailing a true copy of same to its attorney of record, Steve Johnson, Esquire, P. O. Box 669, Campton, Kentucky 40301, all on this 11th day of May, 2011.


Of Counsel for Defendant