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OF COUNSEL
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RETIRED
JAMES G. SHEEHAN, JR.

RECEIVED

SEP 02 2011

PUBLIC SERVICE
COMMISSION

September 1, 2011

Mr. Jeff Derouen
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
Frankfort, KY 40602

In The Matter Of: Inter-County Energy Cooperative Corporation
Alleged Failure to Comply with KRS 278.042, Case No. 2011-00280

Dear Mr. Derouen:

Enclosed is a Motion for an Informal Conference in this matter.

I have a personal conflict with the formal hearing date set in this matter for November 22, 2011 at 10 am. One of my children has an event that will take my family out of the state the week of Thanksgiving. I have also requested that hearing date be removed from the calendar subject to it being reset if no resolution of this matter is reached at the informal conference. I hope you and the Commission will understand that we certainly do not wish to delay this matter for any reason but I simply cannot guarantee my presence at that time.

The following dates are available for me and the pertinent staff at Inter-County Energy to attend an informal conference on this matter:

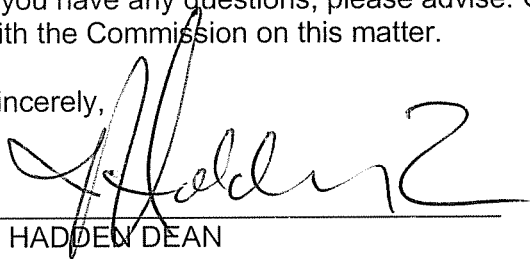
September 13, 14 (in the afternoon)
September 19 (morning or afternoon)
September 26, (in the afternoon)
September 27(morning or afternoon)
October 3 (in the afternoon)
October 4 (morning or afternoon).

Derouen letter
September 1, 2011
Page 2

Find enclosed also a Response as required under the Order entered in this matter.

If you have any questions, please advise. On behalf of Inter-County, I look forward to working with the Commission on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hadden Dean", written over a horizontal line.

J. HADDEN DEAN

JHD/ebs

Enclosures

Cc: Jim Jacobus
Marvin Graham

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

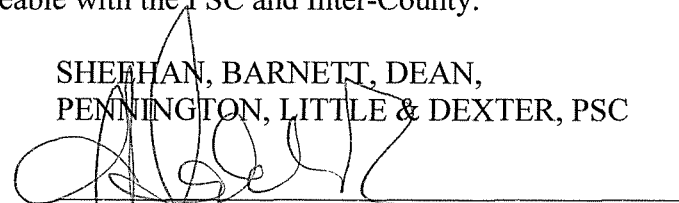
INTER-COUNTY ENERGY)
COOPERATIVE CORPORATION)
) CASE NO. 2011-00280
_____)
)
ALLEGED FAILURE TO COMPLY)
WITH KRS 278.042)

REQUEST FOR INFORMAL CONFERENCE

Comes now the Applicant, Inter-County Energy Cooperative, Inc, by counsel, and moves the Commission as follows:

1. To request the Public Service Commission of Kentucky (hereinafter "PSC") to conduct an informal conference with the parties and their counsel.
2. The Applicant also moves the PSC to remove from the docket the currently scheduled hearing set for the 22nd day of November, 2011 at 10:00 a.m. EST. Counsel for Inter-County Energy cannot be available at that time. Should a formal hearing be required Inter-County requests the date be set upon the conclusion of the Informal Conference on a date and time that is agreeable with the PSC and Inter-County.

SHEEHAN, BARNETT, DEAN,
PENNINGTON, LITTLE & DEXTER, PSC

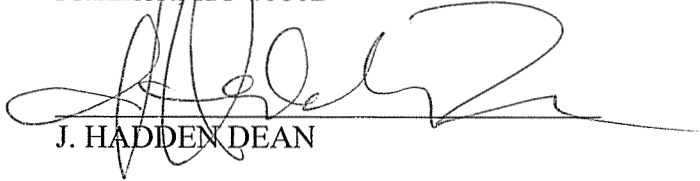


J. HADDEN DEAN, ESQ.
114 South Fourth Street
P. O. Box 1517
Danville, KY 40423-1517
Telephone: (859) 236-2641
ATTORNEYS FOR INTER-COUNTY ENERGY
COOPERATIVE CORPORATION

CERTIFICATE OF SERVICE:

This is to certify that a true and correct copy the foregoing Request for Informal Conference was mailed postage pre-paid on this the 1st day of September, 2011 to:

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602



J. HADDEN DEAN

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INTER-COUNTY ENERGY)
COOPERATIVE CORPORATION)
) CASE NO. 2011-00280
)
_____)
)
ALLEGED FAILURE TO COMPLY)
WITH KRS 278.042)

RESPONSE TO ORDER

Comes now Inter-County Energy Cooperative Corporation (hereinafter “Inter-County”), and in response to the Order entered by the Public Service Commission (hereinafter “PSC”) does hereby file the following Response.

FACTS

On April 6, 2011, Justin Hubbard, an employee of Bluegrass Ag Distributors (hereinafter “Bluegrass Ag”) moved a portable grain auger into a power line of Inter-County. Mr. Hubbard reportedly received some injuries but was able to transport himself to the hospital for treatment. To the best of the knowledge of Inter-County he has been able to return to work.

Thereafter, an investigation of the site and measurements of the service lines of Inter-County was performed. It appears that the lines where contact was made were installed prior to the construction of the grain bin adjacent thereto. That is, the grain bin was installed after the initial placement of the line where the contact occurred. The PSC’s investigation found that to meet 2007 NESC Section 23, Rule 234.F.2.(a & b) the line would need to have been either an additional 4.5 feet horizontal distance from the bin or an additional 8 feet of vertical distance from the location of the power line.

REVIEW AND REPLY

Inter-County immediately began a review of the site and the facts. Inter-County filed two reports. The initial report referenced 2007 NESC, Sections 23, Rule 234.F.2.(a & b) and 234.C.1(a) and the table associated therewith in Section 234-1. The PSC staff reviewed Inter-County's report and directed the company to Rule 234.F.2 (a) (Exceptions) for its interpretation of clearances relating to grain bins under the 2007 code. A visit was scheduled and held on May 5, 2011 with Inter-County and the PSC investigator.

It was found that in order to meet the clearances of 2007 NESC Section 23, Rule 234.F.2 the line would need to have been either an additional 4.5 feet horizontal of distance from the bin or an additional 8 feet of vertical distance from the location of the power line and thus the line was not in within the clearances recognized by 2007 NESC Section 23, Rule 234.F.2. Within 24 hours of that meeting, on May 6, 2011, Inter-County did have the line in question de-energized. To the extent needed, Inter-County disputes any suggestion of willful conduct in this matter.

After review of this matter, Inter-County has learned that the grain bin in question was installed well after the initial placement of the line where the contact occurred.

Since that contact, Inter-County has taken immediate steps to rectify that situation and has begun a process of reviewing and educating its staff as to identifying these types of conditions.

Inter-County has also added an agenda item to its next safety meeting to further discuss in more detail the clearance envelope at issue.

WHEREFORE, Inter-County prays for the resolution and dismissal of this matter through an informal conference, and all other relief to which it may be entitled either in equity or under the law.

SHEEHAN, BARNETT, DEAN,
PENNINGTON, LITTLE & DEXTER, PSC

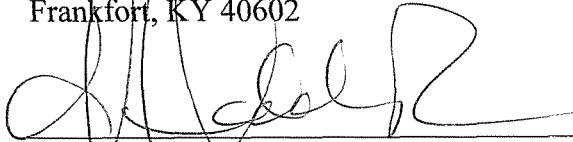


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