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MAY 29 2014

PUBLIC SERVICE COMMISSION  
COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE NO. 2013-00052

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MAY 29 2014  
GENERAL COUNSEL

**In the Matter of:**

**ROY G. COLLINS,**

**COMPLAINANT**

**V.**

**JACKSON PURCHASE ENERGY CORPORATION,**

**DEFENDANT**


**PLAINTIFF'S BRIEF**

This matter is before the Public Service Commission to determine if the Complainant is entitled to a refund of \$6,065.94 paid to Jackson Purchase Energy Corporation (hereinafter "JPEC") for installation of a single phase extension to a residence located at 1400 Carrsville Road, Hampton, Kentucky. When the initial request for power was made in August 2012, the Complainant described the building as a barn with living quarters. JPEC representative, Angie Chittenden noted on August 8, 2012 that this would be "serv for a home . . . will have living qtrs." See page 6 of Exhibit I to JPEC's Response to Commission Staff's First Request for Information Dated March 13, 2013. As construction began, the project evolved into a second home for the Complainant and his family. JPEC chose to classify the premise as "commercial" even though the Complainant never represented to JPEC that the structure would be used for commercial purposes. After months of attempts to have JPEC correctly classify the property as residential, the Complainant was forced to pay the installation charge so that construction could be completed. The line was energized on or about January 16, 2013.

JPEC has charged the Complainant in violation of its tariff. Section 34 "Distribution Line Extension" states in pertinent part: "A single phase extension to a permanent premises of one thousand (1,000) feet or less shall be made by JPEC to its existing distribution line without

charge...” Testimony at the hearing verified that the structure was permanent and that the line was less than 1,000 feet. JPEC abandoned its initial contention that the structure was not permanent, but has attempted to support its charge by relying upon Section 33 of the tariff entitled “New Service to Barns, Camps, Pumps and Miscellaneous Services not Considered Permanent Premises” and by claiming that the structure is not the Complainant’s “primary residence”. JPEC’s admission that the structure is “permanent” makes Section 33 of the tariff inapplicable. The tariff drafted by JPEC’s President and CEO contains no language requiring that a structure be an applicant’s “primary residence” to qualify for the 1,000 foot extension. JPEC’s argument that Section 33 is applicable because the amount of consumption cannot be reasonably assured fails to recognize that the section only applies to “services not considered permanent premises.” This section also is not appropriate for this structure because JPEC has noted in its responses that it does not classify its accounts according to kWh usage but rather by adherence to the tariff description. See JPEC’s Response to Commission Staff’s First Request for Information Dated March 12, 2013, responses 9 and 13 a.

Wherefore, the Complainant requests that that Public Service Commission order that the JPEC refund the charge of \$6,065.94.

  
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CERTIFICATE

This is to certify that I have served a true and correct copy of the foregoing by mailing  
the same to the following:

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This 27<sup>th</sup> day of May, 2014.

  
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ROY G. COLLINS