

Commonwealth of Kentucky

Before the Public Service Commission

**RECEIVED**

SEP 19 2013

PUBLIC SERVICE  
COMMISSION

In the matter of:

Frank McAninch  
Complainant

V.

Case NO.  
2013-000165

Taylor County RECC  
Defendant

RESPONSE TO PUBLIC SERVICE COMMISSION ORDER:

The attached documents per Commission order are as follows,

1. Response to Commission Staff's Initial Request for Information.
2. Response to Taylor RECC's First Data Request,
3. Request for information from Taylor RECC
4. Response to Taylor RECC Motion to dismiss.
5. Verified written documentation attesting to the legal owner of 3202 Poplar Hill, Liberty, Ky. 42539.
6. Verified written documentation attesting to the right of Frank McAninch to occupy 3202 Poplar Hill Road, Liberty, Ky. 42539 and Marshall and Vivien McAninch the legal owners of 3202 Poplar Hill Road, Liberty, Ky. 42539, granting an easement to install utility services.

All papers will be signed, verified by oath, copied to all parties in accordance with 807 KAR 5:001, Section 4.

9-9-2013

Frank McAninch  
Complainant  
1341 Iven Godbey Rd.  
Liberty, Ky. 42539

Case 2013-00165

9-9-2013

FIVE

SEP 19 2013

Frank McAninch

PUBLIC SERVICE  
COMMISSION

V.

Taylor County RECC

Response to Questions asked by Public Service Commission:

I, Frank McAninch have Taylor County RECC services in my name at the following locations:

1341 Iven Godbey Road, Liberty, Ky. 42539,

3206 Poplar Hill Road, Liberty, KY 42539,

114 Carlos Wesley Road, Liberty, KY 42539,

3202 Poplar Hill Road, Liberty, Ky. 42539

and had less than a year ago a 5<sup>th</sup> service in my name at 194 Carlos Wesley Road, Liberty, KY 42539.

2. All services were initiated in my personal name, Frank McAninch.
3. The barn/building and small kiln building have no address. The property/farm has the address 3202 Poplar Hill Road, Liberty, KY 42539. This is where my grand Mother lived before she passed away. It is a one hundred and fifty acre farm/tract owned by Marshall and Vivien McAninch, my parents, who also own the 40 acre farm/tract where I live. The attorney for the RECC was incorrect by assuming the farm service site in question was at my address 1341 Iven Godbey Road, but that would be the billing address for the requested farm service and is the billing address for all the services in my name, Frank McAninch.
4. The service request was made by me, Frank McAninch, as an individual and has nothing to do with Marshall and Vivien McAninch. The name Rich Hill is a geographic location, the Rich Hill Knob, Rich Hill Church of Christ, Rich Hill Christian Church, Rich Hill Cemetery and is the name I have given my farm.
5. Marshall and Vivien McAninch are the owners of the property where I am asking for a general farm service.
6. Marshall and Vivien McAninch own the barn/buildings where the farm service is being requested.
7. The trust does not own the property. Marshall and Vivien McAninch own the property and created the trust. They are the trustees and I, Frank McAninch, am the sole beneficiary to the trust upon the death of my parents. I become the trustee. The trust is revocable.
8. Marshall and Vivien McAninch own the barn/building. They own the Rich Hill Knob and other adjoining properties/farms. It is a sole proprietorship, not an LLC, not a corporation, not a partnership, just our family farm.
9. I needed the legal definition of commercially, so, I looked it in the American Heritage Dictionary: Commercial 1. a. Of or pertaining to commerce: a

commercial loan. b. Engaged in commerce: a commercial trucker. c. Involved in work that is intended for the mass market: a commercial artist. 2. Designating goods, often unrefined, produced and distributed in large quantities for use in industry. 3. Having profit as a chief aim: too scholarly too be a commercial book. 4. Sponsored by an advertiser or supported by advertising: commercial television. Now, let's look at the definition of Commerce. 1. The buying and selling of goods, esp. on a large scale, as between nations.

So, no, the lumber, burls and craftwork wood I sell or hope to sell is not commercially sold. I do not sell in large quantity for industrial use, my chief aim is not profit, but to sell a beautiful value added farm product that will fill a niche market. I will sell my products for money but if I wanted to get rich I would not be a farmer in Appalachia.

Further more, the issue of commerce is not mentioned in the tariff concerning a request for a general purpose on farm service or under the section dealing with mobile homes where we find sawmills mentioned.

10. In 2012 I sold very little lumber and do not have an exact amount. The amount is added with all other farm income. My 2012 net farm income was \$13,872. My adjusted gross income for 2012 was \$13,508. The lumber I sawed was used to build hay sheds, a kiln building, a shed on the building where I requested a farm service and other projects such as fence post and brace poles. Several thousand feet of lumber/wood were used. In 2012 I built several mile of fence and developed several springs for livestock water tanks. It was done in conjunction with the Federal Governments, Natural Resources and Conservation Service as an Environmental Quality Incentive Program (EQIP). The project was for prescribed grazing to implement a rotational grazing program on our farm. In the last few weeks, I have sold some Cherry and Walnut lumber. Both crafts men bought around 200 board feet.
11. I sold very little lumber in 2012 and do not have an exact amount. The amount is added with all other farm income. My 2012 net farm income was \$13,872. My adjusted gross income for 2012 was \$13,508.
12. The barn/building was built for curing and processing tobacco. After the Federal Government Tobacco buyout and end of the price support system, I quit growing tobacco. The building was then used as an equipment and storage facility. I put my band mill in the building, where it is now and use the building for storage. My goats use the shed on the building to get out of the weather. Lumber is more valuable when it is dried, so last year, with the help of University of Kentucky timber and wood specialist Carol Facklur, I built a small kiln building next to the building where I requested the farm service. I need electric for the dehumidification kiln to operate. If I am going to have electric service I want to plan for the future and some day as I can afford it use an electric motor on my band mill instead of a diesel engine. The diesel engine is too loud and inefficient. Later I would like an edger and maybe a planer some day. My father in law helped me create a load sheet that was turned into the TC-RECC. The total amount of load for the motors would never be used all at the same time. For example I will not be planing boards when sawing. My father in-law, a licensed Ky. Electrical

out on my farm. I don't know what you will decide but I won't be intimidated. I trust you will teach them a lesson and charge me the fair rate set by South Kentucky RECC.

Respectfully,

Frank Mcaninch  
1341 Iven Godbey Rd.  
Liberty, Ky. 42539

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Case NO. 2013-00165

9-9-2013

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Taylor County RECC

Answers to defendant's Questions requesting Information

Request NO 1. I do not think this question has any relevance to the issue at hand, which is a request for a general purpose on farm electric service.

Self employed farmer for last five years.

1. Graduate of Berea College B.S. Political Science,
2. Graduate of Eastern Kentucky University Teacher Education Program,
3. Graduate of The Philip Morris Ag. Leadership Program,
4. Serve on the Kentucky Ag. Finance Corporation Board of Directors,
5. Served as past member and chairman of the Casey County Ag. Development Council,
6. Served on the Casey County cooperative Extension Council,
7. Served on the Casey County Democratic Party Executive Committee,
8. Served on the University of Kentucky Area Advancement Council,
9. Graduate of the Casey County, Liberty Leadership Program,
10. Served on Community Farm Alliance Board Of Directors,
11. Served as Casey County High School Golf Booster President,
12. Served on the National Family Farm Coalition Board of Directors,
13. Represented Kentucky Farm Families and spoke at Farm Aid,
14. Graduate of the University of Kentucky Master Cattleman Program,
15. Graduate of The Kentucky Forestry Department Master Logger Program,
16. Graduate of ABS Artificial Insemination Program,
17. Certified in Beef Quality Assurance Program,
18. Kentucky FFA State Land Judging Champion,
19. Kentucky FFA Fruit and Vegetable Production Champion,
20. Certified Kentucky Farm Pesticide Applicator,
21. AAU Basketball Coach,
22. Casey County Jr. Pro Basketball Coach,
23. Past member of the Casey County Historical Society,
24. Kentucky Colonel,
25. Member of the Hickory Hill Country Club,
26. Internship for The Legislative Research Commission,
27. I have it in writing from my daughters that I am the Worlds Best Dad,
28. I once filled in as the Assistant Casey County High School Girls Golf Coach at the

Eagles Nest Golf Tournament in Somerset, Kentucky.

I am sure I could come up with more information at your request. I however will not ask the same irrelevant questions.

Request NO.2:

I (Frank McAninch) am not the custodian of the deed and therefore am not obliged to produce deed. To assist Mr. Sprgens, I will inform him the information can be found in the Casey County Clerks Office.

Marshall and Vivien McAninch are the owners of the property where an on farm service has been requested. Their address is 122 Longview Drive, Richmond, KY 40475.

Mr. Spragens, in your first response to this case you misinformed the Public Service Commission by stating the location for the requested service as a forty acre tract located at 1341 Iven Godbey Road, Liberty, KY 42539. The location for the on farm service request is a one hundred and fifty acre tract located on Kentucky State High Way 1649.

I find nowhere in the tariff asking members to submit deeds. You do not have to own the property to request and receive an electric service according to the tariff. The Taylor County RECC has been to the service request location and has drawn a map locating poles, lines, buildings and roads. Taylor County RECC also has an easement for the requested service from George Baker, where the main line is on his property.

Request NO 3. NA, see answer for request NO. 2.

Request NO. 4

The question is not relevant. The Taylor County RECC Tariff does not require a member to submit tax records for an electric service.

Respectfully,

Frank McAninch  
1341 Iven Godbey Rd.  
Liberty, Ky. 42539

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Complainant Supplemental Request for Information

1. What is the KRS definition of a farmer?
2. What is the KRS definition of a farm product?
3. Is lumber a farm product?
4. Is Frank McAninch a farmer?
5. Why do you want to see Frank McAninch's State and Federal Income Tax returns for the last three years?
6. What was the Master Settlement between the States and the Major Tobacco Companies?
7. What did the Commonwealth of Kentucky do with half of their Master Settlement money?
8. What is the intent of HB 611, which created The Governors Department of Agriculture Policy and The Agriculture Development Board?
9. Did the creation of the State Ag. Development Board and County Ag Development County Councils have a mission?
10. What was that Mission?
11. Did the State Ag. Development Board create programs to help farmers?
12. What type of farmers?
13. What type of programs?
14. Were any of the programs created to help farmers diversify their farm operations from tobacco?
15. What are County Agriculture Incentive Programs?
16. What incentive did the programs give farmers?
17. Was Silva Culture (on farm timber and lumber production) mentioned in the diversification program?
18. What can a farmer receive cost share on when participating in the CAIP Diversification program?
19. Was it the intent of Commonwealth of Kentucky to help tobacco farmers like Frank McAninch diversify their farming operations away from tobacco?
20. How does the United States Department of Agriculture keep tract of farms?
21. Does Marshall and Vivien McAninch have a Farm number, if so what is it?
22. Does Frank McAninch have a FSA Farm Number, If yes what is it, if not why not?
23. Where in the Taylor County RECC Tariff does it state you must own property to receive an electric service?

24. How many services does Frank McAninch have with the TC-RECC and where are they located?
25. How long has Frank McAninch been a member of the TC-RECC?
26. How many services do Marshall and Vivien McAninch have with TC-RECC and where are they located?
27. The Taylor County RECC tariff under the section dealing with Mobile homes list saw mills, billboards, and oil wells as questionably permanent, when was this section of the tariff written?
28. Was this an amendment to the tariff? If so, when?
29. What was the reason for the amendment?
30. Did the Taylor County RECC Board of Directors vote on the tariff amendment?
31. Please send me a copy of the minutes from the meeting when the tariff concerning line removal charges was voted on and any discussion from the meeting?
32. The tariff states the line removal charge may subject to be but not limited to saw mills, billboards, and oil wells. What other business or types of services may the removal charge be applied to? Give me some other examples?
33. What is the written policy in determining who pays the removal charge?
34. Who and how was it determined that Frank McAninch should pay removal charge?
35. Send me minutes from the meeting when this decision was made.
36. How many sawmills does the Taylor county RECC serve and what are their addresses?
37. How many of these sawmills have been charged a removal fee?
38. Were these asked to show three years of tax returns? If not why not?
39. Were these applicants asked to submit a copy of the deed where the service was to be located? If not why not?
40. How many lines poles services have been removed, please provide names of member and addresses?
41. How many billboards does Taylor County RECC serve, please provide member names, addresses and locations?
42. Were these members asked to submit tax returns? If not why not?
43. Were these applicants asked to submit a copy of the deed where the billboard was located? If not why not?
44. How many billboard services paid a removal charge?
45. How many services to billboards have been physically removed?
46. How many oil wells do the Taylor County RECC provide service to? Please provide member names, addresses and location.
47. Were these members asked to submit tax returns? If not why not?
48. Were these members asked to submit deeds where oil wells were located? If not why not?
49. How many oil wells have been charged a removal service?
50. How many services have been removed? Give Member name, address and location.
51. List all services where the member was asked to submit tax records and deeds to properties where services were located?



52. How many General Purpose services does the TC-RECC provide? How many of these are farm services?
53. How many of these services have been removed? Please provide member name, address, and location.
54. How many residential services does the TC-RECC provide?
55. How many residential services were terminated by the Taylor County RECC last year?
56. Why were they terminated?
57. How many had their service lines removed?
58. How many Taylor County RECC services were canceled, abandoned or destroyed?
59. How many of those services were removed? Not just the meter pulled but actually removed?
60. What was the net income of Taylor County RECC for each of the last three years?
61. What is the contract rate the Taylor County RECC pays for legal counsel to Spragens & Higdon, P.S.C. Attorneys at Law?
62. Please submit a copy of the easement signed by George Baker, for the service request by Frank McAninch.

Frank McAninch  
1341 Iven Godbey Rd.  
Liberty, Ky. 42539

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Case NO. 2013-00165

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Taylor County RECC

The Public service Commission is a Court of Record.

The Taylor County RECC has asked for a motion to dismiss my complaint because I, Frank McAninch, am not an attorney. You do not have to be an attorney to file a complaint with the Public Service Commission.

The Taylor County RECC for some reason continues to site, the organic farm web site, Local Harvest, where I placed an ad for my farm products. They refer to my use of the words custom sawing as making me a big commercial entity. When I say I will do custom sawing, it simply means, I will saw whatever dimension wood product you need. The whole line of argument is not relevant. They are really grasping. The complaint is about price of the service. Two adjoining electric monopolies cannot have such a huge price difference. Member customers have the right to be treated fairly.

The Taylor County RECC has again submitted incorrect information to the Public Service Commission. Firstly, The TCRECC omitted the kiln building where my service request is located. Look at the Line Extension schematic. See photos attached.

Second, the RECC, states there is no pallet or cabinet shop as if that would make a difference in the service, but there is a Kiln. The kiln is the first place I need electric. Third, the RECC states that my building is an open sided pavilion. It is not and the photos provided prove the building has sides with windows to let in light because I have no electric.

None of this has to do with the fact Taylor County RECC wants \$15,000 for a service and South KY ask only \$3,000. When I first asked TCRECC about a service, Gerald Clements, an employee of TCRECC, came to visit the same service request location and told me, "The Taylor County RECC would run up to 1,000 ft. for free." This was right before Gerald Clements retired. He remembers.

A few other things to consider; the tariff gives mobile homes three hundred feet for free and billboards do not require a three phase service. The photos will help you see the issue more clearly, but come visit me here on the farm if you can.

Respectfully

Frank McAninch

1341 Iven Godbey Rd.  
Liberty, Ky. 42539

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Response to Taylor County RECC request to dismiss:

The Taylor County RECC has asked for a motion to dismiss my complaint because I, Frank McAninch, am not an attorney. You do not have to be an attorney to file a complaint with the Public Service Commission. The Public service Commission is a Court of Record. The Taylor County RECC is outside the bounds of what is fair and reasonable. The misclassification of the service and removal fee are wrong.

The Taylor County RECC for some reason continues to site, the organic farm web site, Local Harvest, where I placed an ad for my farm products. They refer to my use of the words custom sawing as making me a big commercial entity. When I say I will do custom sawing, it simply means, I will saw whatever dimension wood product you need. The whole line of argument is not relevant. They are really grasping. The complaint is about price of the service. Two adjoining electric monopolies cannot have such a huge price difference. Member customers have the right to be treated fairly.

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Second, the RECC, states there is no pallet or cabinet shop as if that would make a difference in the service, but there is a Kiln. The kiln is a value added process. The kiln is the first place I need electric.

Third, the RECC states that my building is an open sided pavilion. It is not and the photos provided prove the building has sides with windows to let in light because I have no electric.

None of this has to do with the fact Taylor County RECC wants \$15,000 for a service and South KY ask only \$3,000. When I first asked TCRECC about a service, Gerald Clements, an employee of TCRECC, came to visit the same service request location and told me, "The Taylor County RECC would run up to 1,000 ft. for free." This was right before Gerald Clements retired. He remembers.

A few other things to consider; the tariff gives mobile homes three hundred feet for free and billboards do not require a three phase service. The photos will help you see the issue more clearly, but come visit me here on the farm if you can.

The motion to dismiss by the Taylor County RECC is merely a tactic to harass a member and avoid the question of their unfair and unreasonable actions. The issue of the land ownership was not in question before the complaint. The Taylor County RECC was more than happy to provide service for \$15,000. As proof of this, Doug White, the Taylor County RECC employee, who did the site visit, asked and did receive an easement for the line extension from my neighbor George Baker. I would like The Taylor County RECC to submit this easement document to the commission.

During the month of August, 2013, the Taylor County RECC Gave me, Frank McAninch, another electric service at 3202 Poplar Hill Road, Liberty, Ky. 42539. This is the fourth service in my name on the property owned by Marshall and Vivien McAninch. In not one of these instances of receiving service was it asked, for verification of property ownership, or statement of occupancy permission for service given.

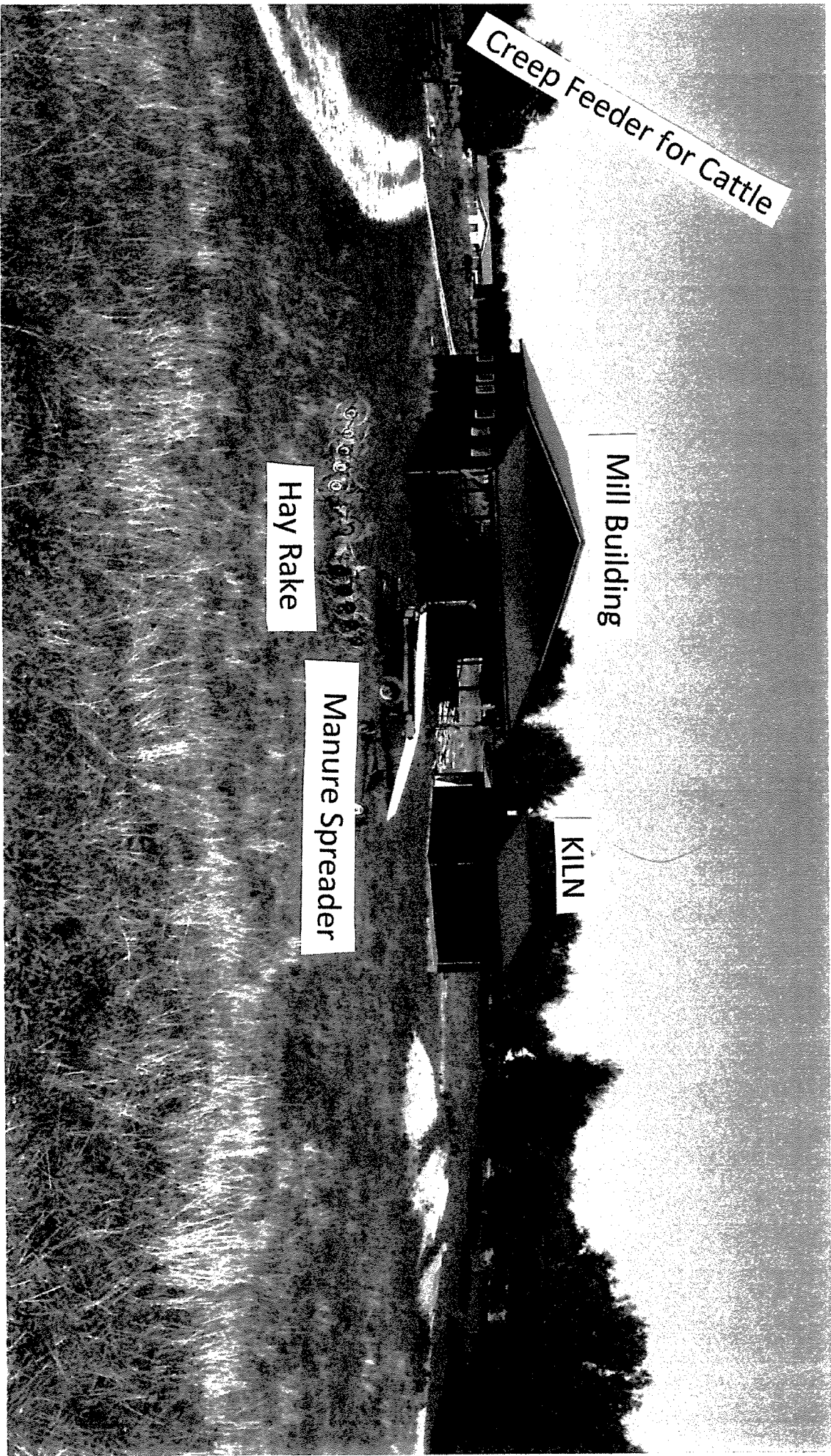
respectfully,

Frank McAninch

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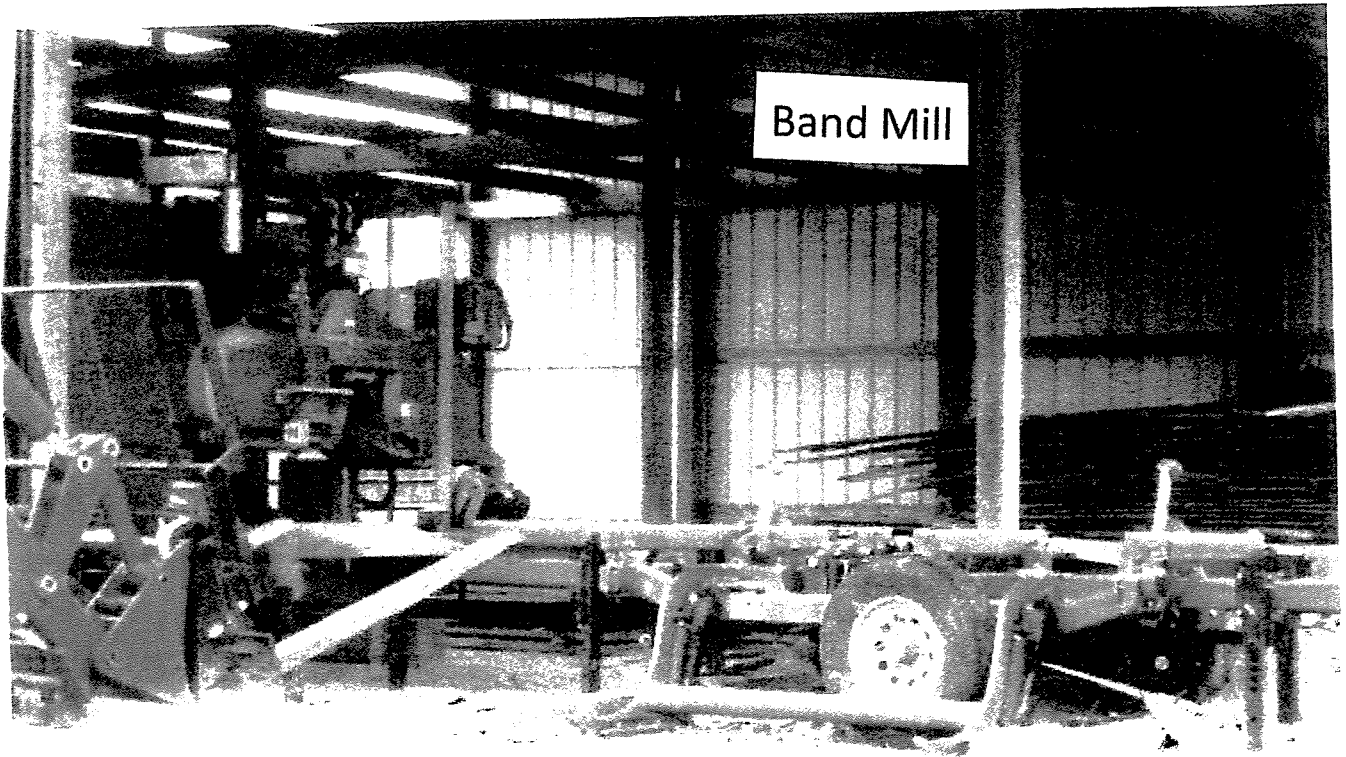
Creep Feeder for Cattle

Mill Building

KILN

Manure Spreader

Hay Rake



September 16, 2013

Public Service Commission, Frankfort, KY

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COMMISSION

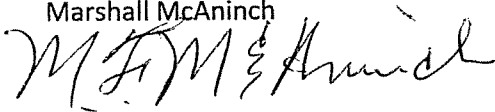
This letter serves as verification that we, Marshall McAninch and Vivien McAninch, are the owners of farm property located at 3202 Poplar Hill Road, Liberty, KY, Casey County. (see deed attached)

This letter serves as verification that we, Marshall McAninch and Vivien McAninch, do grant to our son, Frank McAninch, the right to occupy property at 3202 Poplar Hill Road and we grant an easement to install a service at 3202 Poplar Hill Road, Liberty, KY, Casey County.

We do wish to inform the Commission that our son, Frank McAninch, currently has 4 services and has had 5 services on property that we own and we currently have two services in our name. We have never been asked to provide the above information or grant an easement and neither has he. We find the request for additional documentation to be extremely interesting since it is not in the tariff and has only surfaced after a complaint has been filed with the commission. Our families have had service ever since it became available in the county and we consider this to be harassment, pure and simple. We see this as just one more obstacle in offering service, at a fair and reasonable rate, to the members of Taylor County RECC, which is their mission. Yes, we are co-op members.

Sincerely,

Marshall McAninch



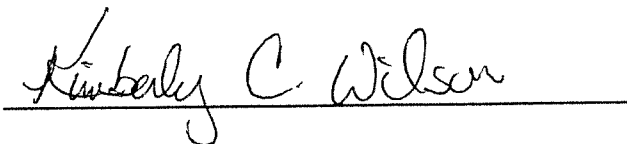
Vivien McAninch



STATE OF:

COUNTY OF:

I, Kimberly C. Wilson, Notary Public in and for the state and county aforesaid, do certify that the above signatures produced to me in said county and state and acknowledged and sworn to me by MARSHALL MCANINCH and VIVIEN MCANINCH to be their true and official signatures on this 16<sup>th</sup> day of September, 2013.



Notary Public

My Commission Expires: 08/04/14

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## Deed of Conveyance

THIS DEED OF CONVEYANCE is made and entered into this 10 day of April, 2004, by and between MARSHALL MCANINCH and VIVIEN MCANINCH, his wife, 122 Longview Drive, Richmond, Kentucky 40475; JOHNNIE MCANINCH and WANDA MCANINCH, his wife, 7511 Fruitwood Ave., West Chester, Ohio 45609; BRENDA BROCKMAN and DENNIS BROCKMAN, her husband, 8939 Old Maynardville Pk., Knoxville, Tennessee 37938 and MARY OPAL MCANINCH, single, 122 Longview Drive, Richmond, Kentucky, first parties; and MARSHALL MCANINCH, 122 Longview Drive, Richmond, Kentucky 40475, second party.

### *Witnesseth:*

That for and in consideration of the LOVE AND AFFECTION first parties have fore second party, the receipt and sufficiency of which is hereby acknowledged, first parties having bargained and sold, do hereby grant, sell, and convey unto the second party, his heirs and assigns forever, the following described real estate, to wit:

#### TRACT ONE

A certain tract of land lying in Casey County, Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone at the County Road; thence S. 3 E. 23 7/10 rods to a stone; thence S. 86 E. 18 7/10 rods to a stone in a division line and corner of 2 1/5 acre tract; thence with the division line and fence S. 1 1/2 W. 119 rods to a stone in the wire fence and in the outside line; thence with the fence and outside line, S. 69 W. 26 9/10 rods to a stone; thence with the wire fence N. 14 E. 11 3/5 rods to a stone and two sugartrees; thence with fence N. 15 E. 21 rods to a forked whiteoak; thence N. 4 E. 6 rods to a stone; thence N. 9 W. 14 2/5 rods to two small Redbuds; thence N. 25 W. 30 2/5 rods to a stone and small walnut; thence N. 10 1/2 W. 75 2/5 rods to a stone; thence N. 8 1/4 W. 12 1/2 rods to a stone and ash; thence N. 88 1/4 E. 7 3/10 rods to a stake at corner of Roscoe Hatter's yard and where old call is a blackoak; thence along the road S. 63 3/4 E. 27 9/10 rods to the beginning, containing 29 acres, more or less.

SOURCE OF TITLE: Being the same land conveyed from Willie McAninch and Opal McAninch, his wife, to Lawrence McAninch by deed dated August 4, 1948, and being of record in Deed Book 64, Page 36. The said Lawrence McAninch having died testate and having devised this property to Willie McAninch and Opal McAninch as evidence by his Last Will and Testament of record in Will Book 5, Page 575. All records being in the office of the Casey County Court Clerk, Liberty, Kentucky.



## TRACT TWO

A certain tract of land lying in Casey County Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone at the County Road and a corner of a 2 1/5 acre lot, also a corner of the division line; thence with the fence and division line S. 1 1/2 W. 138 7/10 rods to a stone in the wire fence and in line of outside boundary and a corner of the division line; thence with the wire fence and outside line N. 69 E. 4 3/10 rods to a stone; thence N. 69 E. 76 1/5 rods to a stone and post of fence; thence with wire fence N. 8 E. 77 1/5 rods to edge of Liberty and Somerset Road; thence along the Road N. 64 W. 23 9/10 rods; N. 72 1/2 W. 10 rods; N. 68 1/2 W 12 1/2 rods; N. 61 W. 16 rods; N. 72 W. 16 4/5 rods N. 78 1/2 W. 10 7/10 rods to the beginning, containing 55 acres, more or less.

SOURCE OF TITLE: Being the same land conveyed from Lawrence McAninch, single, to Willie McAninch by deed dated August 4, 1948, and being of record in Deed Book 60, Page 530, in the office of the Casey County Court Clerk, Liberty, Kentucky.

## TRACT THREE

A certain tract of land lying in Casey County, Kentucky on the headwaters of Knob Lick Creek and bounded as follows: Beginning at a stone, corner of the division line and at the road; thence N. 78 1/2 W. 14 1/5 rods to a stone; thence N. 63 3/4 W. 6 7/10 rods to a stone; thence S. 3 E. 23 7/10 rods to a stone; thence S. 8 6 E. 18 7/10 rods to a stone in the division line; thence with said line N. 1 1/2 E. 19 7/10 to the beginning, containing 2 1/5 acres, more or less.

SOURCE OF TITLE: Being the same land conveyed from Lawrence McAninch, single, to Willie McAninch by deed dated August 4, 1948, and being of record in Deed Book 64, Page 32, in the office of the Casey County Court Clerk, Liberty, Kentucky.

## TRACT FOUR

Beginning at poplar McAninch heirs corner; thence East with Somerset Liberty Road to Y of new road; thence Southern direction with new road to corner in Judd line; thence Western direction to McAninch heir corner on Knob; thence Northern direction to the beginning.

SOURCE OF TITLE: Being the same land conveyed from Hershel Brown and Ruby Brown, his wife, to Willie McAninch by deed dated January 24, 1948, and being of record in Deed Book 61, Page 140, in the office of the Casey County Court Clerk, Liberty, Kentucky.

## TRACT FIVE

Beginning at a stone in Dockry line; and corner to Lot #4; thence with a line of same N 15 W 48 1/2 poles to a stone in the old McAninch line; thence with said line S 69 W 36 1/5 poles to a stone and walnut Hatter corner; thence with

---

Hatters line S 26  $\frac{1}{2}$  E 44 3 5 poles to a stone in Dockery line thence with said line N 75  $\frac{1}{2}$  E 26 2 5 poles to the beginning. being Lot #5.

SOURCE OF TITLE: Being the same land conveyed from Flonnie Roberts, et al., to Willie McAninch by deed dated November 20, 1935, and of record in Deed Book 54, Page 153, in the office of the Casey County Court Clerk, Liberty, Kentucky.

#### TRACT SIX

A certain tract of land lying and being in Casey County, KY on the headwaters of Hatter Creek Beginning at white walnut and Horn beam near spring in JW Dockery line N 75  $\frac{1}{2}$  E 74  $\frac{4}{5}$  poles to a stone thence N 73 E 28  $\frac{4}{5}$  poles to a stone in bend of road thence N 9  $\frac{3}{4}$  W 24  $\frac{4}{5}$  poles to a stone, thence N 39 W 14  $\frac{4}{5}$  poles to stone A.G. Judds corner, thence S 81  $\frac{1}{4}$  W 8 poles & 23 links to a willow above road thence N 31  $\frac{1}{4}$  W 15 poles and 23 links to a stone, thence N 9  $\frac{3}{4}$  W 9 poles to a stone in McAninch line, thence S 69 W 86  $\frac{2}{5}$  poles to a stone in McAninch line, thence S 45 E 51  $\frac{2}{5}$  poles to beginning containing 33  $\frac{3}{4}$  acres.

SOURCE OF TITLE: Being the same lands conveyed from Otis Brackett and Gertie Brackett, his wife, to Willie McAninch by Deed dated March 7, 1935, and of record in Deed Book 52, Page 599, in the Casey County Clerk's Office.

#### TRACT SEVEN

Lot No. 4: Beginning at a stone in Dockery line; thence with white walnut and hornbeam as pointer, a corner to Lot No. 3; thence with line of same N 15 W 51  $\frac{2}{5}$  poles to a stone in the old McAninch line; thence with said line S 69 W 28  $\frac{2}{5}$  poles to a stone in said line; thence S 15 E 48  $\frac{1}{2}$  poles to a stone; thence same N 75  $\frac{1}{2}$  E 28  $\frac{2}{5}$  poles to the beginning.

SOURCE OF TITLE: Being the same lands conveyed from Ernest Ross and Ethel Ross, his wife, to Willie McAninch by Deed dated February 2, 1940, and of record in Deed Book 55, Page 42, in the Casey County Clerk's Office.

#### TRACT EIGHT

Beginning on a stone in Sterling Buis line with his line North 29 poles to a stone in J. R. McAninch line, thence with his line West 21 poles to a stone in J. R. McAninch and G. S. Putteet line, thence South 25 poles to a buch of willows near a branch; thence East 9 poles to the beginning containing 2 acres and 80 poles.

EXCLUSION: A certain tract or boundary of land located and situated in Casey County, Kentucky, and on the headwaters of Knob Lick Creek in said County and State and being more particularly bounded and described as follows:

BEGINNING at a stone corner to J. A. Buis and Johnnie Morgan;

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thence N 2-7/8 W 18 rods to a stone in old McAninch line: thence with said line S 68-3/4 W 9-1/5 rods to a point in center of road; thence with said road S 1-5/8 E 25-3/5 rods to a point near center of road; N 81-1/4 E 8 rods and 23 links to the beginning, containing one acre, more or less, according to survey made by E. T. Cooper, dated November 22, 1957.

EXCLUSION SOURCE OF TITLE: Being the same lands conveyed from Willie McAninch and Opal McAninch, his wife, to James S. Goforth and Evelyn Goforth, his wife, by Deed dated November 22, 1957, and of record in Deed Book 68, Page 357, in the Casey County Clerk's Office.

SOURCE OF TITLE: Being the same lands conveyed from R. C. Richardson and Agnes Richardson, his wife, to Willie McAninch by Deed dated April 8, 1941, and of record in Deed Book 55, Page 505, in the Casey County Clerk's Office.

ADDITIONAL SOURCE OF TITLE: The said Willie McAninch having died testate as evidenced by his Last Will and Testament of record in Will Book 6, Page 463, in the Casey County Clerk's Office.

THIS CONVEYANCE IS CONDITIONED AS FOLLOWS:

1. This property is subject to any and all right-of-ways and easements, real or apparent, whether recorded or unrecorded and whether acquired by deed, prescription, or otherwise.
2. That the tobacco income is reserved from Mary Opal McAninch for her lifetime.

TO HAVE AND TO HOLD the same unto second party, his heirs and assigns forever.

AND FIRST PARTIES do hereby release unto second party, his heirs and assigns, all the right, title, and interest of theirs in said property, including dower, curtesy, and Homestead Exemption allowed by law and here covenant to and with second party and his heirs and assigns that they are lawfully seised in fee simple of said property and have good right to sell and convey the same as herein done, and that the title to said property is clear, perfect and unencumbered and that they will Warrant Generally the said title.

#### CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that full fair cash value of the property herein conveyed is \$75,000.00.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Marshall McAninch  
MARSHALL MCANINCH

Vivien McAninch  
VIVIEN MCANINCH

Johnnie McAninch  
JOHNNIE MCANINCH

Wanda McAninch  
WANDA MCANINCH

Brenda Brockman  
BRENDA BROCKMAN

Dennis Brockman  
DENNIS BROCKMAN

Mary Opal McAninch  
MARY OPAL MCANINCH

STATE OF KENTUCKY  
COUNTY OF Madison

I, Just L. Herbst, Notary Public in and for the state and county aforesaid, do hereby certify that the above and foregoing Deed of Conveyance was this day produced to me in said county and state and acknowledged and sworn to before me by MARSHALL MCANINCH and VIVIEN MCANINCH, her husband, to be their free act and deed, this 10 day of April, 2004.



JESSICA KNOEPFLE  
Notary Public, State of Ohio  
My Commission Expires  
August 17, 2008

Just L. Herbst  
Notary Public  
My Commission Expires: 02/06

STATE OF Ohio  
COUNTY OF Butler

I, Jessica Knoep, Notary Public in and for the state and county aforesaid, do hereby certify that the above and foregoing Deed of Conveyance was this day produced to me in said county and state and acknowledged and sworn to before me by JOHNNIE MCANINCH and WANDA MCANINCH, his wife, to be their free act and deed, this 10 day of April, 2004.



JESSICA KNOEPFLE  
Notary Public, State of Ohio  
My Commission Expires  
August 17, 2008

Jessica Knoepfle  
Notary Public  
My Commission Expires: Aug 17, 2008

STATE OF Tennessee  
COUNTY OF Madison

I, Scott L. Herbert, Notary Public in and for the state and county aforesaid, do hereby certify that the above and foregoing Deed of Conveyance was this day produced to me in said county and state and acknowledged and sworn to before me by BRENDA BROCKMAN and DENNIS BROCKMAN, her husband, to be their free act and deed, this 10 day of April, 2004.

Scott L. Herbert  
Notary Public  
My Commission Expires: 12/06

STATE OF KENTUCKY  
COUNTY OF Madison

I, Scott L. Herbert, Notary Public in and for the state and county aforesaid, do hereby certify that the above and foregoing Deed of Conveyance was this day produced to me in said county and state and acknowledged and sworn to before me by MARY OPAL MCANINCH, single, to be her free act and deed, this 10 day of April, 2004.

Scott L. Herbert  
Notary Public  
My Commission Expires: 12/06

This Instrument Prepared Without  
Benefit of Title Examination By:

Donald A. Thomas  
DONALD A. THOMAS  
Attorney at Law  
P.O. Box 928  
Liberty, Kentucky 42539  
PHONE: (606) 787-5555

2004 JUL 2 pm 9 10  
EVA S. MILLER

STATE OF KENTUCKY/COUNTY OF CASEY/SCT.  
I, EVA S. MILLER, CLERK IN AND FOR CASEY COUNTY,  
DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT  
OF WRITING WAS THIS 2 DAY OF July  
2004 AT 9:10 A.M. LODGED FOR RECORD  
WHEREUPON THE SAME WITH THE FOREGOING AND  
THIS CERTIFICATE HAVE BEEN RECORDED IN MY OFFICE  
IN Deed BOOK 228 PAGE 601 GIVEN UNDER MY  
HAND THIS 2 DAY OF July 20 04  
EVA S. MILLER, CLERK Eva S. Miller

September 16, 2013

Public Service Commission, Frankfort, KY

This letter serves as verification that we, Marshall McAninch and Vivien McAninch, are the owners of farm property located at 3202 Poplar Hill Road, Liberty, KY, Casey County. (see deed attached)

This letter serves as verification that we, Marshall McAninch and Vivien McAninch , do grant to our son, Frank McAninch, the right to occupy property at 3202 Poplar Hill Road and we grant an easement to install a service at 3202 Poplar Hill Road, Liberty, KY, Casey County.

We do wish to inform the Commission that our son, Frank McAninch, currently has 4 services and has had 5 services on property that we own and we currently have two services in our name. We have never been asked to provide the above information or grant an easement and neither has he. We find the request for additional documentation to be extremely interesting since it is not in the tariff and has only surfaced after a complaint has been filed with the commission. Our families have had service ever since it became available in the county and we consider this to be harassment, pure and simple. We see this as just one more obstacle in offering service, at a fair and reasonable rate, to the members of Taylor County RECC, which is their mission. Yes, we are co-op members.

Sincerely,

Marshall McAninch

Vivien McAninch



STATE OF:

COUNTY OF:

I, \_\_\_\_\_, Notary Public in and for the state and county aforesaid, do certify that the above signatures produced to me in said county and state and acknowledged and sworn to me by MARSHALL MCANINCH and VIVIEN MCANINCH to be their true and official signatures on this \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Frank McAninch  
1341 Iven Godbey Road  
Liberty, Kentucky 42539  
Telephone: 606 787-0120  
RichHillFarm@windstream.net

Complainant, Case NO. 2013-000165

CERTIFICATE OF SERVICE


I certify and affirm that a true and accurate copy of the forgoing was served by first class mail, postage prepaid, upon:

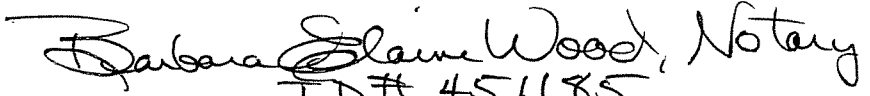
Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Barry L Myers  
Manager  
Taylor County R.E.C.C.  
625 West Main Street  
P.O. Box 100  
Campbellsville, KY 42719

Honorable Robert Spragens, Jr.  
Attorney at Law  
Spragens, Smith & Higdon, P.S.C.  
15 Court Square  
P.O. Box 681  
Lebanon, KY 40033

On this the 17 day of September 2013.

  
Frank McAninch

  
ID# 451185  
Date: Sept. 17 2013