



Steven L. Beshear
Governor

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Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Linda Breathitt
Commissioner

September 4, 2013

Paul G Embs
President & CEO
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

RE: Case No. 2013-00317

The Commission issued an Order in the above-referenced case on August 30, 2013. However, the date that the Order was entered was inadvertently omitted.

Please find enclosed a copy of the Order issued August 30, 2013 containing the date.

If you need further assistance, please contact my staff at 502-564-3940.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL MONROE TIPTON)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2013-00317
CLARK ENERGY COOPERATIVE, INC.)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

Clark Energy Cooperative, Inc. ("Clark Energy") is hereby notified that it has been named as defendant in a formal complaint filed on August 6, 2013, a copy of which is attached hereto.

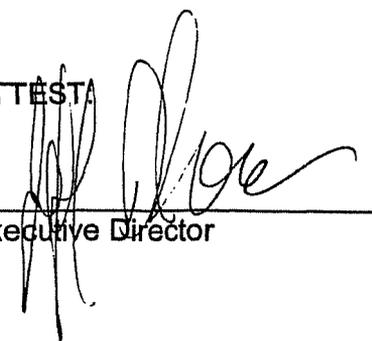
Pursuant to 807 KAR 5:001, Section 19, Clark Energy is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within ten days of the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

By the Commission

ENTERED ²
AUG 30 2013
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST



Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

95

RECEIVED

AUG 6 2013

PUBLIC SERVICE
COMMISSION

In the matter of:

Michael Monroe Tipton
(Your Full Name)
COMPLAINANT

VS.

Clark Energy
(Name of Utility)
DEFENDANT

COMPLAINT

The complaint of Michael Monroe Tipton respectfully shows:
(Your Full Name)

(a) Michael Monroe Tipton
(Your Full Name)

3111 Maysville Rd Mt. Sterling, KY 40353
(Your Address)

(b) Clark Energy
(Name of Utility)

2640 Iron Works Rd Winchester, KY 40391
(Address of Utility)

(c) That: Please see Attached letter
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

Michael Monroe Tipton vs. Clark Energy

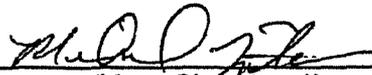
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Wherefore, complainant asks _____
(Specifically state the relief desired.)

Clark Energy To Agree To Let Kentucky Utilities
to serve property owners located west of Hickston
Creek along 5N Lee Lane

Dated at Mt. Sterling, Kentucky, this 4th day
(Your City)

of August, 2013.
(Month)


(Your Signature*)

(Name and address of attorney, if any)

Date

*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.

807 KAR 5:001. Rules of Procedure.

Section 19. Formal Complaints.

- (1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall establish the names of the complainant and the name of the defendant, and shall state:
 - (a) The full name and post office address of the complainant;
 - (b) The full name and post office address of the defendant; and
 - (c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation section and subsection, of which a violation is claimed, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall specifically establish the relief desired.
- (2) **Signature.** The complaint shall be signed by the complainant or his or her attorney, if applicable, and if signed by an attorney, shall show the attorney's post office address. **A complaint by a corporation, association, or another organization with the right to file a complaint, shall be signed by the entity's attorney.**
- (3) **Number of copies required.** When the complainant files his or her original complaint, the complainant shall also file two (2) more copies than the number of persons or corporations to be served.
- (4) **Procedure on filing of complaint.**
 - (a) Upon the filing of a complaint, the commission shall immediately examine the same to ascertain if it establishes a prima facie case and conforms to this administrative regulation.
 1. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, the commission shall notify the complainant or his or her attorney to that effect, and opportunity shall be given to amend the complaint within a specified time.
 2. If the complaint is not amended within the time or the extension as the commission, for good cause shown, shall grant, the complaint shall be dismissed.
 - (b) If the complaint, either as originally filed or as amended, establishes a prima facie case and conforms to this administrative regulation, the commission shall serve an order upon the person complained of, accompanied by a copy of the complaint, directed to the person complained of and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of the order, provided that the commission may, in particular cases, require the answer to be filed within a shorter or longer period.
- (5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he or she shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which the defendant is willing to give. Upon the acceptance of this offer by the complainant and with the approval of the commission, further proceedings shall not be taken.
- (6) **Answer to complaint.** If the complainant is not satisfied with the relief offered, the person complained of shall file an answer to the complaint, with certificate of service on other endorsed parties, within the time specified in the order or the extension as the commission, for good cause shown, shall grant.
 - (a) The answer shall contain a specific denial of the material allegations of the complaint as controverted by the defendant and also a statement of new matter constituting a defense.
 - (b) If the answering party does not have information sufficient to enable him or her to answer an allegation of the complaint, the answering party may so state in the answer and place the denial upon that ground.

This formal complaint follows an informal complaint with Clark Energy through our State Representative Richard Henderson. After talking with several people with Clark Energy, the State and Kentucky Utilities we have been unable to work out an agreement with Clark Energy and feel we have made the problem worse. Paul Embs (President Clark Energy) and Scott Sidwell (Sr.VP of Engineering and Operations Clark Energy) have made it very clear to all involved that they have never and will not release any customers for any reason to another utility company. They are concerned that if they allow one customer to switch companies, others will want to follow. They have reminded me several times that they are protected by law and no one can switch electric providers. With this the Public Service Committee office and Kentucky Utilities have told us it is possible if both sides agree to do so. Kentucky Utilities also advised us they have done this for the Co-op's in similar situations. Our situation would be most logical for Kentucky Utilities to extend an existing line along a permanent access road to serve the customers listed in this complaint, in place of the existing Clark Energy line brought through a remote limited access area. Kentucky Utilities (Sr. Engineer George Argo) has reviewed our situation and has offered to extend the line upon agreement with Clark Energy. Our intentions are not to cause Clark Energy any harm, but to solve a proven problem that could be prevented in the future. Attached are copies that were originally sent to Paul Embs (Clark Energy), George Argo (Kentucky Utilities) and our State Representative Richard Henderson. Thank you for your time with this matter.

Sincerely,



Michael Tipton

This petition is for changing the existing territorial public electric service boundary in order to better serve its customers. We propose the existing electric boundary to be relocated on Long Drive Farm (J N Lee Lane) 3 miles north of Mt. Sterling off of KY state hwy 11, from approximate .75 mile west of Hinkston Creek to Hinkston Creek. Allowing property owners located on the west side of Hinkston Creek to be serviced by Kentucky Utilities (KU).

The current electric company, Clark Energy has been unable and at times found it to be impossible or low priority to repair downed power lines crossing from east side of Hinkston Creek to west side. Clark Energy reported to customers this was because of limited access and only three residents were without power west of Hinkston Creek (7-9 days without power). During these times KU was able to restore power in a timely manner (1-2 days) to a close neighbor (Mr. and Mrs. William Gilvin) because of existing and permanent access roads that extend only to residents west of Hinkston Creek.

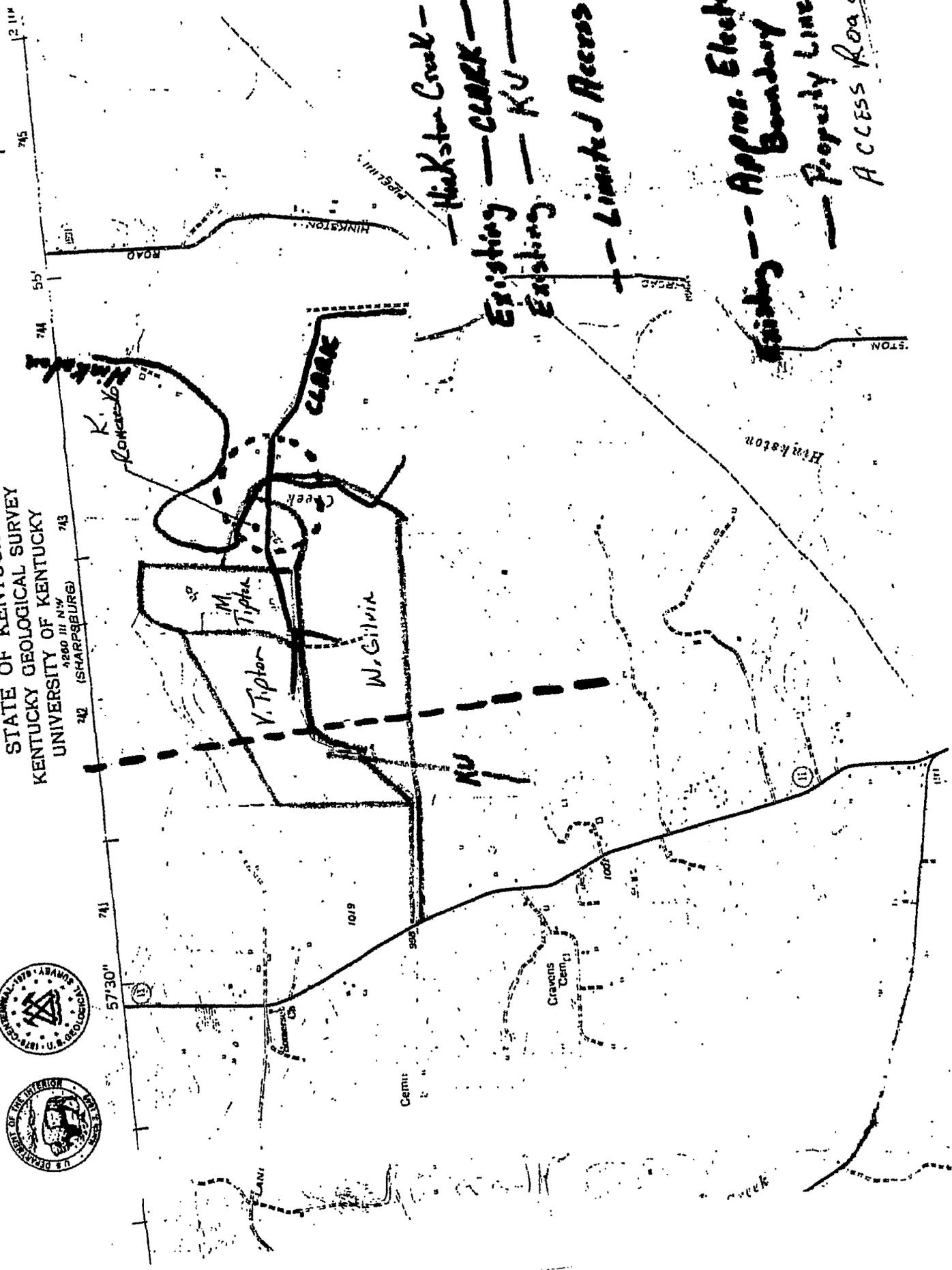
This petition is for solving a more logical and most cost efficient problem. Clark Energy is planning to replace an outdated existing long span (approx. 1.5-2 mile back across Hinkston Creek) limited access power line that only serves two residents, as opposed to continuing an existing KU short span (approx. .5 mile) power line running along side an existing permanent road to these same two residents.

This petition is signed by all property owners west of Hinkston Creek who would be affected in the event that the electric boundary is relocated.

Sign <u>[Signature]</u>	Date <u>6-10-13</u>
Sign <u>[Signature]</u>	Date <u>6-16-13</u>
Sign <u>[Signature]</u>	Date <u>June 21 13</u>
Sign _____	Date _____

North

STATE OF KENTUCKY
KENTUCKY GEOLOGICAL SURVEY
UNIVERSITY OF KENTUCKY
1940 III NW
142 (SHARPSBURG) 743



Hickston Creek -

Existing - CLARK -

Existing - KU -

Limited Access -

Existing - Apprx. Electric Boundary -

Property Lines -

ACCESS ROAD