

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RUSSELL MURPHY, JR.)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2014-00106
INTER-COUNTY ENERGY COOPERATIVE)	
CORPORATION)	
)	
DEFENDANT)	

ORDER

On March 17, 2014, Complainant, Russell Murphy, Jr., filed a complaint against Defendant, Inter-County Energy Cooperative Corporation (“Inter-County”). Complainant alleges that he has experienced numerous outages since 2005 and that the electric service provided by Inter-County has been highly unreliable. Complainant requested that his electric service be transferred from Inter-County to Kentucky Utilities Company, a neighboring electric utility provider. As we noted in the April 24, 2014 Order, the Commission is without statutory authority to change an electric customer’s retail electric supplier unless: (1) the change is agreed to by the two affected retail electric suppliers pursuant to KRS 278.018(6); or (2) a finding is made pursuant to KRS 278.018(3) that a retail electric supplier is not providing adequate service, and that the supplier subsequently fails to correct the service inadequacy. Because the allegations contained in the complaint touch solely upon the reliability of service being provided by Inter-County and not upon any agreement for the provision of electric service to Complainant,

the Commission set forth a procedural schedule for the processing of this matter to investigate whether Inter-County is rendering adequate service to Complainant. The procedural schedule established a discovery period and a deadline for requesting an evidentiary hearing. Commission Staff propounded two rounds of discovery to Inter-County and one round of discovery to Complainant. Neither Inter-County nor Complainant issued any discovery requests.

Complainant filed a letter on July 28, 2014, requesting the Commission to have Kentucky Utilities Company ("KU") provide a list of outages over the past ten years for two KU customers who live in close proximity to Complainant's residence. Complainant states that this outage data would support why Complainant is requesting to be served by KU rather than Inter-County.

After the period for discovery had expired, and in response to a "service report" that had been produced by Inter-County, Complainant filed a letter again seeking information regarding outages for two nearby neighbors who are served by KU in order to compare the quality of Inter-County's provision of electric service to that of KU and in order to provide support for the request to have his electric service be provided by KU.

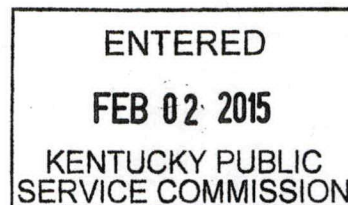
Having reviewed Complainant's requests and being otherwise sufficiently advised, the Commission finds that Complainant has not established good cause to permit an inquiry into outage information for the two neighboring customers who are served by KU. As we noted in our April 4, 2014 Order directing Inter-County to respond to the complaint, the central issue in this matter relates only to an investigation as to whether Inter-County has been providing adequate and reliable electric service to Complainant. In Administrative Case No. 2011-00450, the Commission noted that it

was not practical to use reliability indices on a system wide basis or individual-circuit basis to compare one system to another or one circuit to another.¹ Thus, the outage data for customers of KU would not be relevant in our determination of Inter-County's ability to provide adequate and reliable service to Complainant in light of our findings in Administrative Case No. 2011-00450, and particularly so in this instance, where Inter-County, a non-profit distribution rural electric cooperative, is a vastly different business entity from KU, an investor-owned, fully vertically integrated electric company.


On a procedural matter, the Commission notes that the deadline for request of a formal hearing in this matter was July 7, 2014, and neither Complainant nor Inter-County has requested a formal hearing. Accordingly, the Commission will issue a final order addressing the merits of the complaint within a few weeks from the date of this Order.

IT IS THEREFORE ORDERED that Complainant's request for outage information for his neighbors who are served by KU is denied.

By the Commission



ATTEST:



Executive Director

¹ Administrative Case No. 2011-00450, *An Investigation of the Reliability Measures of Kentucky's Jurisdictional Electric Distribution Utilities* (Ky. PSC May 30, 2013) at 6.

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