

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 24 2016

PUBLIC SERVICE
COMMISSION

In the Matter of:

Johnny D. Pennington)	
)	
)	
Complainant)	
v.)	Case No. 2015-00260
)	
Kentucky Power Company)	
)	
)	
Defendant)	

Kentucky Power Company's Requests For Information To Johnny D. Pennington

Pursuant to the February 18, 2016 Order in this proceeding, Kentucky Power Company propounds the following requests for information to the Complainant, Johnny D. Pennington, to be answered in writing under oath in accordance with the February 18, 2016 Order and 807 KAR 5:001, Section 12.

1. With respect to the residence and building(s) located at 736 Hager Branch, East Point, Kentucky, please provide the following information and documents:
 - (a) The date(s) you physically occupied 736 Hager Branch, East Point, Kentucky. For each such occupancy please identify the nature of your occupancy of 736 Hager Branch, East Point, Kentucky (owner, guest, landlord, tenant, or other);
 - (b) Do you still physically occupy the residence located at 736 Hager Branch, East Point, Kentucky?
 - (i) If the answer is no, please provide the date(s) you vacated 736 Hager Branch, East Point, Kentucky;
 - (ii) If you do not currently physically occupy the residence located at 736 Hager Branch, East Point, Kentucky as of the date of the answers to these

requests for information, please provide the name(s) of the person(s), if any, currently occupying the premises.

- (c) Please provide the name(s) of all person(s) physically occupying the residence located at 736 Hager Branch, East Point, Kentucky beginning December 5, 2014 through the date this request for information is answered. For each such person listed in response to this request for information please provide the following additional information:
 - (i) Their relation, if any, to you (tenant, landlord, friend, family member, spouse, or other); and
 - (ii) The dates they physically resided at 736 Hager Branch, East Point, Kentucky.

- (d) For the period December 5, 2014 through the date this request for information is answered, did you at any time own by yourself, or with one or more other persons, the residence located at 736 Hager Branch, East Point, Kentucky? If the answer to this request for information is yes, please provide the following information or document:
 - (i) The name(s) and addresses of any other person or entity who co-owned the residence located at 736 Hager Branch, East Point, Kentucky during the period December 5, 2014 through the date this request for information is answered;
 - (ii) A copy of the deed, contract to purchase, land contract, or other written evidence of your ownership interest in the residence located at 736 Hager Branch, East Point, Kentucky; and
 - (iii) The date you acquired your ownership interest in the residence located at 736 Hager Branch, East Point, Kentucky.

- (e) For the period December 5, 2014 through the date this request for information is answered, did you at any time rent or lease from another party the residence located at 736 Hager Branch, East Point, Kentucky? If the answer to this request for information is yes, please provide the following information or document:
 - (i) The name(s) and addresses of the landlord or person from whom you rented or leased the premises and their relation, if any, to you;
 - (ii) If the person listed above in response to request (1)(e)(i) immediately above is not the owner of the premises, please provide the names(s) of the owner(s) of the residence located at 736 Hager Branch, East Point, Kentucky;

- (iii) The name(s) of any person or entity, excluding yourself and the landlord, who is a party to the rental agreement or lease for the residence located at 736 Hager Branch, East Point, Kentucky during the applicable period;
- (iv) A copy of any lease, rental agreement, or any other written document evidencing your right to occupy the residence located at 736 Hager Branch, East Point, Kentucky during the whole or any part of the period of December 5, 2014 to the date this request for information is answered; and
- (v) If there is no written evidence of the lease or rental agreement evidencing your status as a tenant of the residence located at 736 Hager Branch, East Point, Kentucky during the whole or any part of the period of December 5, 2014 to the date this request for information is answered, please provide the following information concerning any oral agreement of tenancy:
 - (1) The length or applicable dates of the oral agreement for you to be a tenant;
 - (2) The rental term; i.e., daily, weekly, monthly, or some other period; and
 - (3) The applicable rent.
- (f) If at any time during the period December 5, 2014 through the date of the answer to these requests for information you did not have a written or oral lease, rental agreement or contract to occupy the residence located at 736 Hager Branch, East Point, Kentucky, but nevertheless you resided there by the consent, sufferance, or agreement of someone else, please provide:
 - (i) the name and address of the person(s), and their relation, if any, to you, who agreed, consented, or allowed you to reside at, or occupy, the residence located at 736 Hager Branch, East Point, Kentucky during the applicable period; and
 - (ii) the name and address of the owner of the residence located at 736 Hager Branch, East Point, Kentucky if other than the person listed in response to request 1(f)(i).
- (g) If you contend that you did not occupy the residence or building(s) located at 736 Hager Branch, East Point, Kentucky at any time between December 5, 2014 and the date you answer this data request, please provide the date(s) you were on the premises of located at 736 Hager Branch, East Point, Kentucky and the reason you were on the premises.
- (h) If you contend that you did not occupy the residence or building(s) located at 736 Hager Branch, East Point, Kentucky at any time between December 5, 2014 and the date you answer this data request, please explain in detail the reason you

requested on February 9, 2015 that electrical service be established at Hager Branch, East Point, Kentucky.

2. Are you acquainted with or otherwise know John Wayne Fairchild? If the answer to this data request is yes, please provide the following information:
 - (a) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and John Wayne Fairchild concerning the identity of the person(s) occupying 736 Hager Branch, East Point, Kentucky between December 4, 2014 and the date of your response to these data requests. For each such communication please provide the date of the communication, manner of communication, substance of the communication, and persons party to the communication. If the communication is in a form that can be reproduced please provide a true, accurate, and complete copy of the reproduction;
 - (b) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and John Wayne Fairchild concerning the establishment, termination, or reconnection by persons other than employees of Kentucky Power of electrical service to 736 Hager Branch, East Point, Kentucky between December 4, 2014 and the date of your response to these data requests.
 - (c) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and John Wayne Fairchild concerning the facts alleged in your complaint in this matter. For each such communication please provide the date of the communication, manner of communication, substance of the communication, and persons party to the communication. If the communication is in a form that can be reproduced please provide a true, accurate, and complete copy of the reproduction.

3. Are you acquainted with or otherwise know Lisa Fairchild or some other spouse (either current or former) of John Wayne Fairchild? If the answer to this data request is yes, please provide the following information:
 - (a) The name and current address of each current or former spouse of John Wayne Fairchild including Lisa Fairchild.
 - (b) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and Lisa Fairchild or any spouse (either current or former) of John Wayne Fairchild concerning the identity of the person(s) occupying 736 Hager Branch, East Point, Kentucky between December 4, 2014 and the date of your response to these data requests. For each such communication please provide the date of the communication, manner of communication, substance of the communication, and persons party to the communication. If the communication is in a form that can be reproduced please provide a true, accurate, and complete copy of the reproduction;
 - (c) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and Lisa Fairchild or any spouse (either current

or former) of John Wayne Fairchild concerning the establishment, termination, or reconnection by persons other than employees of Kentucky Power of electrical service to 736 Hager Branch, East Point, Kentucky between December 4, 2014 and the date of your response to these data requests.

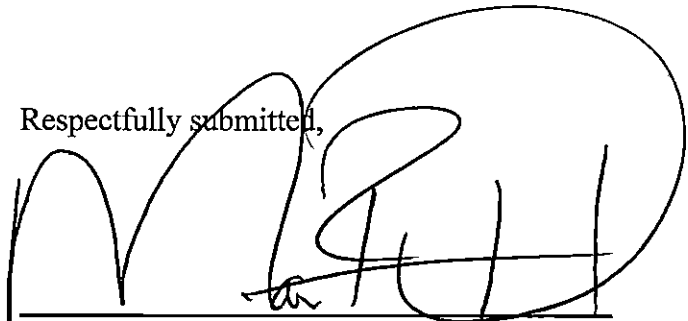
- (d) Please detail each communication of any sort (written, e-mail, telephonic, in person or otherwise) between you and Lisa Fairchild or any spouse (either current or former) of John Wayne Fairchild concerning the facts alleged in your complaint in this matter. For each such communication please provide the date of the communication, manner of communication, substance of the communication, and persons party to the communication. If the communication is in a form that can be reproduced please provide a true, accurate, and complete copy of the reproduction.
4. For the period December 5, 2014 through the date you answer these requests for information please provide:
 - (a) The address or addresses of the residence you considered to be your primary or principal personal residence during the applicable period;
 - (b) If you had more than one primary or principal personal residence during the applicable period please provide for each such residence the dates you considered it your primary or principal personal residence.
5. Please provide the distance by road between the residence located at 875 Buffalo Trace, Meally, Kentucky and the residence located at 736 Hager Branch, East Point, Kentucky.
6. Please refer to the allegations concerning your health appearing at page two of the complaint you filed July 16, 2015 with the Public Service Commission. With respect to the "heart machine" that you allege requires electricity please provide a complete description of the "heart machine," including:
 - (a) Its name or type of "heart machine," (e.g., defibrillator, etc.) ;
 - (b) Its manufacturer;
 - (c) Its model number and name, if any;
 - (d) The purpose of the "heart machine"; and
 - (e) The name and business address of the physician or health care provider who prescribed or recommended the "heart machine."
 - (f) During the period February 19, 2015 through July 27, 2015 did you have a certificate of need issued by the Cabinet for Health and Family Services or medical certificate, as those terms are used in 807 KAR 5:006. If the answer is yes please provide a copy.

7. Please refer to the following allegation set forth on page one of the complaint you filed July 16, 2015 with the Public Service Commission: "AEP is trying to make me pay the prior residents bill, before they agree to hook up my power. That bill exceeds \$1000.00...." Please provide all facts, including documents such as billing notices and correspondence, that you rely upon to support your allegation that the debt for the service provided the "prior residents" at 736 Hager Branch, East Point, Kentucky that you allege you were required to assume exceeded \$1,000.
8. Please refer to the following allegation set forth on page one of the complaint you filed July 16, 2015 with the Public Service Commission: "AEP is trying to make me pay the prior residents bill, before they agree to hook up my power."
 - (a) Please provide all facts, including documents such as billing notices and correspondence, that you rely upon to support your allegation that Kentucky Power or AEP required, demanded, or otherwise made you assume liability for the debt for the service provided by Kentucky Power to the "prior residents" at 736 Hager Branch, East Point prior to establishing service in your name upon your February 9, 2015 request.
 - (b) In connection with each such requirement or demand please provide the following additional information:
 - (i) The date of each such requirement or demand;
 - (ii) The manner (written, e-mail, telephonic, in person or otherwise) of the request or demand;
 - (iii) The substance (verbatim or otherwise) of the requirement or demand;
 - (iv) The identity of the person(s) making the requirement or demand;
 - (v) Your response to the requirement or demand; and
 - (vi) Any recording, transcription, or other record of the request or demand.
9. Please confirm the following statements. If you disagree or otherwise cannot confirm any of the following statements in whole or part, please provide all facts, documents, records, communications, and other evidence you rely upon in connection with your disagreement or inability to confirm:
 - (a) That on or about February 9, 2015 you contacted the Kentucky Power Company/AEP Customer Service Center by telephone and requested that residential electrical service be established in your name for the residence located 736 Hager Branch, East Point, Kentucky;
 - (b) That during the February 9, 2015 telephone call you made to the Kentucky Power Company/AEP Customer Operations Center you indicated you were the landlord or owner of the residence located 736 Hager Branch, East Point, Kentucky;

- (c) That in connection with the establishment in February 2015 of residential electrical service to the residence located at 736 Hager Branch, East Point, Kentucky you were not required by Kentucky Power to produce a photo id. or lease or other evidence of your right to occupy the premises;
- (d) That on or about February 19, 2015 you paid a total deposit of \$586 to establish residential electrical service in your name for the residence located at 736 Hager Branch, East Point, Kentucky;
- (e) That between February 19, 2015 and July 27, 2015 you never requested that Kentucky Power terminate electrical service to the residence located at 736 Hager Branch, East Point, Kentucky;
- (f) That between February 19, 2015 and July 27, 2015 Kentucky Power provided electrical service to the residence located 736 Hager Branch, East Point, Kentucky;
- (g) That the letter dated April 24, 2015 from Kentucky Power Company to you and attached as Exhibit 1 to the Company's answer to your complaint, and as Exhibit A to these requests for information, represents the terms of the extended payment plan you agreed to with Kentucky Power Company on or about April 23, 2015;
- (h) That on or about May 5, 2015 you made the first payment, of \$250.00, required under the extended payment plan documented in the April 24, 2014 letter;
- (i) That you failed to make any of the remaining five payments required under the extended payment plan;
- (j) That on July 14, 2015 you made a payment of \$117.78 on your account for electrical service at the residence located at 736 Hager Branch, East Point, Kentucky;
- (k) That beginning February 19, 2015 through and including July 27, 2015 you incurred charges totaling \$1,203.69 for electrical service rendered by Kentucky Power Company to the residence located at 736 Hager Branch, East Point, Kentucky;
- (l) That beginning February 19, 2015 through and including July 27, 2015 you made payments (including payment of a deposit) \$954.10 on account for electrical service rendered by Kentucky Power Company to the residence located at 736 Hager Branch, East Point, Kentucky;
- (m) That between February 19, 2015 and July 27, 2015 you never presented a certificate of need issued by the Cabinet for Health and Family Services or medical certificate, as those terms are used in 807 KAR 5:006, to Kentucky Power;

- (n) That you have failed to pay in full the charges for electrical service, beginning February 19, 2015 through and including July 27, 2015, rendered by Kentucky Power Company to the residence located at 736 Hager Branch, East Point, Kentucky; and
 - (o) The outstanding balance on the account for electrical service, beginning February 19, 2015 through and including July 27, 2015, rendered by Kentucky Power Company to the residence located at 736 Hager Branch, East Point, Kentucky is \$249.59.
10. Please refer to the following statement included in the September 28, 2015 affidavit of John A. Rogness III:
- 5. ... Electrical service to 736 Hager Branch, East Point, Kentucky was then physically disconnected at the meter on January 9, 2015.
 - 6. On February 9, 2015 the Tariff R.S. meter for 736 Hager Branch, East Point, Kentucky was again read and Company service personnel discovered that service had been reconnected without authorization of Kentucky Power.
11. Please provide all information or knowledge you may have, if any, concerning the identity of the person(s) who may have reconnected service to meter for 736 Hager Branch, East Point, Kentucky between January 9, 2015 and February 9, 2015.

Respectfully submitted,



Mark R. Overstreet
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477

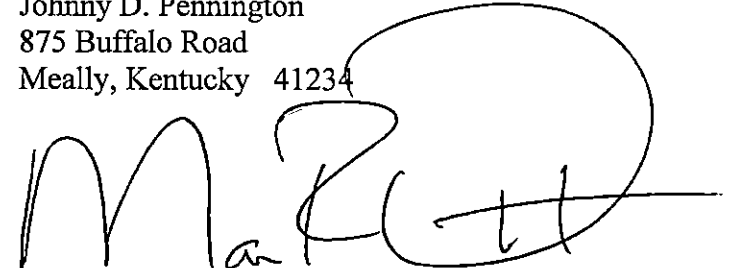
COUNSEL FOR KENTUCKY POWER
COMPANY

Certificate of Service

I hereby certify that a copy of the foregoing request for information was mailed United States First Class Mail, postage prepaid, this 24th day of February, 2016 to:

Johnny D. Pennington
736 Hager Branch
East Point, Kentucky 41216

Johnny D. Pennington
875 Buffalo Road
Meally, Kentucky 41234

A handwritten signature in black ink, appearing to read "Mark R. Overstreet". The signature is written in a cursive style with a large, circular flourish at the end.

Mark R. Overstreet