

WOMACK LAW OFFICE, LLC

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November 16, 2015

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PUBLIC SERVICE
COMMISSION

Ms. Jennie Smith
Director of Consumer Services
Public Service Commission
P. O. Box 615
Frankfort, KY 40602-0615

Case No. 2015-00417

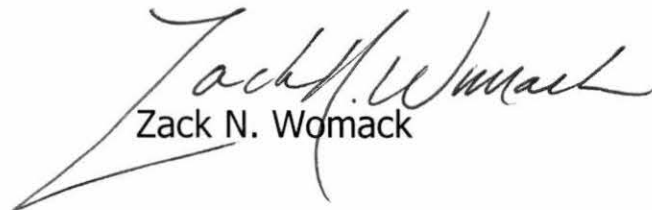
Re: David Shouse, et al vs. KU a PPL Company

Dear Ms. Smith:

Please find enclosed an original and one copy of our Verified Complaint, as captioned above. I would appreciate your returning to me a date filed stamped copy at your earliest convenience.

Respectfully,

WOMACK LAW OFFICE, LLC


Zack N. Womack

ZNW:csn
encs

PUBLIC SERVICE COMMISSION
211 Sower Blvd.
P. O. Box 615
Frankfort, Kentucky 40602-0615
Case No. 2015-00417

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COMMISSION

DAVID SHOUSE AND BRIAN SHOUSE,
d/b/a SHOUSE FARMS, AND
BRYAN HENDRICKSON, d/b/a
HENDRICKSON GRAIN AND LIVESTOCK, LLP **PLAINTIFFS**
VS. **VERIFIED COMPLAINT**
KU, A PPL COMPANY **DEFENDANT**

Come now Plaintiffs, by counsel, and for their Complaint against the Defendant, state as follows:

PARTIES

1. Plaintiffs, Brian and David Shouse, d/b/a Shouse Farms, for all times herein mentioned, are residents/citizens of the State of Kentucky, with their principal place of business located at Morganfield, Kentucky. The customer account in question is located at 235 State Route 3393, Morganfield, Kentucky, Account # 3000-3066-5537.

2. Plaintiff, Bryan Hendrickson, d/b/a Hendrickson Grain and Livestock, LLP, for all times herein mentioned, is a resident/citizen of the

State of Kentucky, with its principal place of business located at 14788 U.S. Highway 60 W, Sullivan, Kentucky. The customer account in question is 3000-3062-5473.

3. Defendant, Kentucky Utilities, for all times herein mentioned is a PPL company, subject to the rules and regulations of the Public Service Commission and various other statutes and regulations, with its principal place of business concerning billing located at P. O. Box 9001954, Louisville, Kentucky 40290-1954.

JURISDICTION/VENUE

4. Jurisdiction and venue is appropriate in the Public Service Commission inasmuch as the matters concerned and/or alleged herein fall within the purview of the Public Service Commission, as granted under statute and/or regulation.

FACTS

5. Plaintiffs, and each of them, are engaged in farming operations, including the grain drying operations..

6. Plaintiffs, in expanding their farming operations, have gone to great lengths in constructing grain bins, as well as establishing a grain drying system for their respective farming operations.

7. Plaintiffs, and each of them, expended substantial sums of money with Defendant, KU, for purposes of running electrical services to Plaintiffs' respective properties to enable for the grain bin drying operations to take place.

8. Plaintiffs, and each of them, paid for these expenses.

9. The respective grain drying operations are seasonal in nature and each of the Plaintiffs operate the grain bin drying equipment on a two to three month basis.

10. Defendant, in calculating their utility services, charged the Plaintiffs a demand rate that includes a 50 percent minimum, and what would appear to be a charge for recovering of installation costs.

11. The demand rate, whether in whole or in part, is believed to be calculated premised on the fact that Defendant is recovering the costs of the initial installation of the power and/or utilities to the property of Plaintiffs.

12. Additionally, on opinion and belief, the 50 percent minimum demand rate equates to a sum substantially greater over the course of the year than the utilities that are actually used if paid for directly; therefore, resulting in a windfall for Defendant and/or otherwise unjustly enriching the Defendant, and/or contrary to the intent and spirit of the statutes and regulations.

WHEREFORE, Plaintiffs, and each of them, request that the Public Service Commission enter an Order requiring Defendant to refund to Plaintiffs, with interest, those monies unjustly received since the installation of the utility services paid for by Plaintiffs, and any other monies that the Public Service Commission deems appropriate under the circumstances on utility charges that exceed the actual cost of the production of the utilities over the course of the year or billing cycle; attorney fees, if authorized; and any and all other relief to which the Plaintiffs may be entitled.

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By


Zack N. Womack

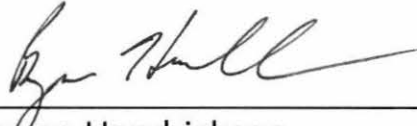
Plaintiffs, Brian Shouse, David Shouse, and Bryan Hendrickson, state they have read the foregoing Verified Complaint and that the statements contained therein are true and correct to the best of their knowledge, information and belief.



Brian Shouse



David Shouse

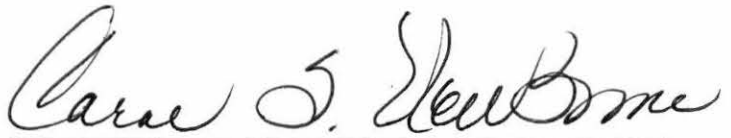


Bryan Hendrickson

STATE OF KENTUCKY)

COUNTY OF HENDERSON)

Subscribed and sworn to before me on this the 16 day of November, 2015, by Brian Shouse, David Shouse, and Bryan Hendrickson.



Notary Public

My Commission Expires 3/17/18