

TAYLOR, KELLER & OSWALD

ATTORNEYS AT LAW

A PROFESSIONAL LIMITED LIABILITY COMPANY

1306 W. 5th St., Suite 100
P.O. Box 3440
London, KY 40743-3440
Phone: (606) 878-8844
Fax: (606) 878-5550

J. Warren Keller
Clayton O. Oswald

Ashley P. Hoover

Hamburg Place Office Park
1795 Alysheba Way, Suite 2201
Lexington, KY 40509
Phone: (859) 543-1613

Boyd F. Taylor
(1924 – 2012)

Writer's Email: coswald@tkolegal.com

July 30, 2021

Via Email: PSCED@ky.gov

Linda Bridwell
Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

JUL 30 2021

PUBLIC SERVICE
COMMISSION

RE: Case Number: 2021-00287
Case Style: Rosemary Spicer, Complaint, vs. Jackson Energy
Cooperative, Defendant

Dear Ms. Bridwell:

Pursuant to the Commission's Order in this matter, and further pursuant to the Commission's order in Case No. 2020-00085 with respect to the filing of physical documents, I am emailing the answer of my client, Jackson Energy Cooperative, to the complaint filed by Rosemary Spicer. I have mailed a copy of the answer to the address stated in Ms. Spicer's complaint. Pursuant to the order in Case No. 2020-00085, upon cessation of the existing state of emergency, the original document will be filed with the Commission.

Please feel free to contact me if you have any questions or concerns regarding this matter.

Sincerely,

Clayton O. Oswald

Clayton O. Oswald

cc: Ryan Henderson

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROSEMARY SPICER)	
)	
COMPLAINANT)	CASE NO.
)	2021-00287
V.)	
)	
JACKSON ENERGY COOPERATIVE)	
)	
DEFENDANT)	

**ANSWER ON BEHALF OF
JACKSON ENERGY COOPERATIVE CORPORATION**

Comes now Jackson Energy Cooperative Corporation (“Jackson Energy”), by and through the undersigned counsel, and hereby submits this answer to the complaint filed in this matter by Rosemary Spicer.

1. The Defendant admits the names and addresses of the parties contained in paragraphs (a) and (b) of the complaint.

2. With respect to paragraph (c) of the complaint, the Defendant notes that the allegations contained therein are stated in a narrative form, making it impossible to respond directly to each allegation. The Defendant generally denies the allegations stated in paragraph (c) of the complaint, and states as follows: on or about April 29, 2021, the complainant applied for service with Jackson Energy Cooperative. On or about May 13, 2021, a staking engineer employed by Jackson Energy met with the complainant at her property located at 1861 Pine Grove Road, Beattyville, Kentucky. During that meeting, the complainant reported to Jackson Energy that the structure on the property

would be utilized as a cabin with no septic or sewer service, but rather that an outhouse would be available. The structure is located approximately 975 feet from Jackson Energy's nearest electric pole. The Rules and Regulations of Jackson Energy, on file with the Commission, state that Jackson Energy will provide a line extension of up to 1,000 feet to serve a permanent dwelling, but extensions of 150 feet will be provided to other structures.¹ The Rules and Regulations further require the use of a sewer or septic system for a structure to be considered a permanent dwelling.² Moreover, Jackson Energy cannot establish service to a structure until the owner has received approval from the local health department and the electric inspector. As referenced in the complaint, it appears that the complainant received a release for electrical service from the Kentucky River District Health Department. However, that release was revoked as reported to Jackson Energy via email from James Whisman, Environmental Program Manager with the Kentucky River District Health Department on July 14, 2021. Mr. Whisman reported that the release was being rescinded because the complainant intends to use a waste water disposal system that is not in accordance with regulations for on-site sewage disposal. Jackson Energy believes that the original release was issued in error. Accordingly, Jackson Energy's refusal to provide a 1,000 foot service extension is appropriate and in accordance with Public Service Commission regulations and the Rules and Regulations of Jackson Energy and the complaint should be dismissed.

3. Any allegations that are not specifically admitted in this answer are hereby denied.

¹ See Sheet 112 of Jackson Energy Cooperative's Rules and Regulations.

² See Sheet 111 of Jackson Energy's Rules and Regulations.

FIRST AFFIRMATIVE DEFENSE

The complaint fails to state any facts or causes of action upon which relief may be granted, and therefore, should be dismissed.

SECOND AFFIRMATIVE DEFENSE

The actions of Jackson Energy in this matter are in accordance with Commission regulations, the regulations of other agencies, Kentucky law and Jackson Energy's Rules and Regulations.

Wherefore, having answered the complaint in this matter, the Defendant, Jackson Energy Cooperative, respectfully requests the following:

1. That the complaint be dismissed in its entirety;
2. That this matter be removed from the Court's active docket; and
3. To any other relief to which the Defendant may be entitled.

Respectfully submitted by,

/s/ Clayton O. Oswald
Clayton O. Oswald
Taylor, Keller & Oswald, PLLC
P.O. Box 3440
1306 W. 5th St., Suite 100
London, KY 40743-3440
(606) 878-8844
Fax: (606) 878-8850
E-mail: coswald@tkolegal.com
Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that this pleading was filed via the Commission's electronic mail address pursuant to the Commission's order in Case No. 2020-00085, with a copy via first class mail to:

Rosemary Spicer
1861 Pine Grove Rd.
Beattyville, KY 41311

On this 30th day of July 2021.

/s/ Clayton O. Oswald

Clayton O. Oswald

Counsel for Defendant