

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

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

J. Warren Keller
Clayton O. Oswald

Boyd F. Taylor
(1924 – 2012)

Ashley P. Hoover

Writer's Email: coswald@tkolegal.com

September 2, 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

SEP 02 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 response of my client, Jackson Energy Cooperative, to the Commission's order dated September 2, 2021. I have mailed a copy of the response 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)	

**RESPONSE OF JACKSON ENERGY COOPERATIVE CORPORATION
TO COMMISSION’S ORDER DATED SEPTEMBER 2, 2021**

Comes now Jackson Energy Cooperative Corporation (“Jackson Energy”), by and through the undersigned counsel, and hereby submits this response to the Commission’s order in this matter entered on September 2, 2021.

This matter arises from a complaint filed by Rosemary Spicer against Jackson Energy alleging, in sum, that Jackson Energy has refused to provide electric service to a structure on her property. Jackson Energy responded to the complaint in a timely manner and noted that it was unable to provide the service inasmuch as Ms. Spicer’s wastewater disposal system did not comply with local regulations and therefore, the appropriate release originally granted by the Kentucky River District Health Department had been revoked.

On September 2, 2021, the Commission entered an order directing Ms. Spicer to file a response to Jackson Energy’s answer and further directing her to provide documentation from the Kentucky River District Health Department documenting that the

release for electric service remains in full force and effect. That order also directed Jackson Energy to file documentation in support of the revocation of the release. Jackson Energy now files with this response a copy of an email received on July 14, 2021 from James E. Whisman, the Environmental Program Manager with the Kentucky River District Health Department, which rescinded the release dated April 29, 2021.

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 2nd day of September 2021.

/s/ Clayton O. Oswald
Clayton O. Oswald
Counsel for Defendant

Clayton O Oswald

From: Carol Wright [REDACTED]
Sent: Thursday, September 2, 2021 12:16 PM
To: Clayton O Oswald
Cc: Ryan Henderson; Derrick Dean; Rick Caudill
Subject: Fwd: Rosemary Spicer

See email below.....

Sent from my iPad

Begin forwarded message:

From: Seth Jones [REDACTED]
Date: September 2, 2021 at 11:38:19 AM EDT
To: Carol Wright [REDACTED], Ryan Henderson
[REDACTED], Derrick Dean [REDACTED]
Subject: FW: Rosemary Spicer

Carol,

Here is the email that I received from Mr. Whisman regarding the rescindment of Ms. Spicer's release for permanent service from the Lee County Health Department.

If you need anything else, please let me know.

Thanks,

Seth

From: Whisman, James E (LHD-Kentucky River Dist) <JamesE.Whisman@ky.gov>
Sent: Wednesday, July 14, 2021 2:27 PM
To: Seth Jones <sethjones@jacksonenergy.com>
Subject: Rosemary Spicer

Seth,

Thanks for contacting this office in regards to a proposed electrical hookup for a residential structure located near 1861 Pine Grove Road in Lee County. It has been brought to this office's attention that a release had been given for permanent power by the Lee County Health Department. After speaking with the owner, Ms. Rosemary Spicer, this office wishes to rescind the release for permanent power dated for April 29, 2021. The reason for this being that Ms. Spicer has an intent to use a wastewater disposal system that is not in accordance with KRS statutes relating to the KY Onsite Sewage Regulations. Also, in accordance with KY Division of Plumbing basic principles all dwellings must have minimum fixture requirements that must be connected to an approved wastewater disposal system.

If you have any questions regarding this correspondence please contact this office.

Sincerely,

James E. Whisman, RS
Environmental Program Manager
KY River District Health Department

Serving: Knott, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe Counties
Wolfe Co. Health Department
P.O. Box 98
Campton, KY 41301
606-668-3185

Email: jamese.whisman@ky.gov

