



to establish electric service to Ms. Spicer's property because the wastewater disposal system that Ms. Spicer's proposes to use does not comply with local regulations for on-site sewage disposal.

Based upon the complaint and answer, the Commission finds that Ms. Spicer should file a response to Jackson Energy's allegation that Kentucky River District Health Department revoked its release for electric service to Ms. Spicer's property to assist the Commission to determine whether the conditions necessary to extend electric service to Ms. Spicer's property have been met. In addition to her response, Ms. Spicer should also file documentation from Kentucky River District Health Department affirming that the release for electric service issued on April 29, 2021 remains in full force and effect. Ms. Spicer should file her response by electronic mail (e-mail) at [PSCED@ky.gov](mailto:PSCED@ky.gov) or by U.S. mail at P.O. Box 615, Frankfort, Kentucky 40602-0615.

The Commission further finds that Jackson Energy should file documentation in support of its allegation that Kentucky River District Health Department revoked its release for electric service issued on April 29, 2021.

IT IS THEREFORE ORDERED that:

1. On or before September 22, 2021, Rosemary Spicer shall file a response to the allegations in Jackson Energy's answer.
2. On or before September 22, 2021, Rosemary Spicer shall file documentation from Kentucky River District Health Department that the release for electric service issued on April 29, 2021, remains in full force and effect.

3. On or before September 22, 2021, Jackson Energy shall file documentation in support of its allegation that Kentucky River District Health Department revoked the release for electric service issued on April 29, 2021.

4. Documents filed pursuant to ordering paragraphs 1, 2, and 3 shall be filed by e-mail at [PSCED@ky.gov](mailto:PSCED@ky.gov) or by U.S. mail at P.O. Box 615, Frankfort, Kentucky 40602-0615, and include the Case No. 2021-00287.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:

  
Executive Director

ATTACHMENT

ATTACHMENT TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00287 DATED SEP 02 2021

FIVE PAGES TO FOLLOW

# 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](mailto:coswald@tkolegal.com)

July 30, 2021

Via Email: [PSCED@ky.gov](mailto: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.<sup>1</sup> The Rules and Regulations further require the use of a sewer or septic system for a structure to be considered a permanent dwelling.<sup>2</sup> 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.

---

<sup>1</sup> See Sheet 112 of Jackson Energy Cooperative's Rules and Regulations.

<sup>2</sup> 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*

\*Jackson Energy Cooperative Corporation  
115 Jackson Energy Lane  
McKee, KY 40447

\*Rosemary Spicer  
1861 Pinegrove Road  
Beattyville, KENTUCKY 41311