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# TAYLOR, KELLER & OSWALD

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September 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

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 a motion to dismiss on behalf of my client, Jackson Energy Cooperative. 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	)	

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**MOTION TO DISMISS**

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Comes now Jackson Energy Cooperative Corporation (“Jackson Energy”), by and through the undersigned counsel, and hereby moves the Commission for an order dismissing this matter.

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and therefore, the appropriate release originally granted by the Kentucky River District Health Department had been revoked.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. That documentation was filed on September 2, 2021, the same day the order was entered.

A review of the record indicates that Ms. Spicer has not complied with the Commission's order of September 2, 2021, and in particular, she has not filed a response to the allegations contained in Jackson Energy's answer, nor has she filed documentation from the Kentucky River District Health Department to indicate that the release for electric service which was originally issued on April 29, 2021 is in force and effect and has not been rescinded.

Given Ms. Spicer's failure to prosecute this action, and further, given her failure to comply with the Commission's order, Jackson Energy now moves that this matter be dismissed with prejudice.

Respectfully submitted by,

/s/ Clayton O. Oswald  
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*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 September 2021.

/s/ Clayton O. Oswald

Clayton O. Oswald

*Counsel for Defendant*