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September 2, 2026

Via Electronic Filing

Linda C. Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

RECEIVED

SEP 2 2026

**PUBLIC SERVICE
COMMISSION**

**Re: Joseph and Melissa Mahan v. Cumberland Valley Electric, Inc.,
Case No. 2026-00236**

Dear Executive Director Bridwell,

Enclosed for electronic filing is Cumberland Valley Electric, Inc.'s Verified Answer and Motion to Transfer Service Connection. The certificate of service below certifies that the enclosed was filed electronically today. The filing may be accessed at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

Thank you, and if you have any questions with respect to this matter, please call me.

Sincerely yours,

DINSMORE & SHOHL LLP

/s/ Edward T. Depp

Edward T. Depp

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Certification

I hereby certify that a copy of this filing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Edward T. Depp

*Counsel to Defendant, Cumberland Valley
Electric, Inc.*

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

JOSEPH AND MELISSA MAHAN

COMPLAINANT

v.

**CUMBERLAND VALLEY
ELECTRIC, INC.**

DEFENDANT

Case No. 2026-00236

**CUMBERLAND VALLEY ELECTRIC, INC.’S VERIFIED ANSWER
AND MOTION TO TRANSFER SERVICE CONNECTION**

Defendant Cumberland Valley Electric, Inc. (“Cumberland Valley”), by counsel, hereby respectfully tenders its Verified Answer to the March 15, 2026 Complaint (the “Complaint”) of Joseph and Melissa Mahan (“Complainants”) and moves the Commission to transfer the service connection of Complainants’ residence to Cumberland Valley.¹

INTRODUCTION

Complainants allege that a territorial dispute between Cumberland Valley and Kentucky Utilities Company (“KU”) has rendered them unable to obtain electrical service for their residence.² According to the Complaint, while both companies previously stated that KU would

¹ Cumberland Valley recognizes that the Commission has not yet issued an order pursuant to 807 KAR 5:001, Section 20(4)(b) directing that the Complaint be answered. However, Complainants have now filed an action concerning the same subject matter in Knox Circuit Court (Civil Action No. 26-CI-00311). In light of this development, Cumberland Valley wishes to promptly inform the Commission of the factual basis for its opposition to the Complaint and respectfully requests that the Commission permit this deviation from its standard procedure. *See* 807 KAR 5:001, Section 22 (providing that “for good cause shown, the commission may permit deviations from these rules.”).

² PSC Complaint No. 2026-00236 at 2.

serve the home, Cumberland Valley “now will not let KU hook up” Complainants’ electric.³ Complainants thus ask the Commission to “[a]llow KU to hook up [their] electric while [the companies] work out their differences.”⁴

Contrary to these allegations, however, there is no territorial dispute between Cumberland and KU. Rather, based on its communications with KU, it is Cumberland Valley’s understanding that KU agrees that Complainants’ residence is located within Cumberland Valley’s certified territory and that, pursuant to KRS § 278.018, Cumberland Valley has the exclusive right to serve the residence. It is further Cumberland Valley’s understanding that KU intends to seek intervention to support a prompt transition of Complainants’ service to Cumberland Valley. Accordingly, the Commission should dismiss the Complaint and issue an order transferring the service connection of Complainants’ residence to Cumberland Valley.

ANSWER TO THE COMPLAINT

Cumberland Valley states as follows for its Answer to the Complaint:

1. Cumberland Valley admits the names and addresses set forth in paragraphs (a) and (b) of the Complaint.

2. In response to the averments set forth in narrative form in paragraph (c) of the Complaint, Cumberland Valley specifically denies that there is any “turf dispute” between Cumberland Valley and KU and affirmatively states that Cumberland Valley and KU are in agreement as to Cumberland Valley’s exclusive right to serve Complainants’ residence. Further, Cumberland Valley specifically denies that it represented to Complainants that KU would service the residence. Cumberland Valley is without knowledge or information sufficient to form a belief

³ *Id.* at 1-2.

⁴ *Id.* at 2.

as to the truth of the remaining averments set forth in narrative form in paragraph (c) of the Complaint and, therefore, denies the same.

3. In response to the “Wherefore” paragraph of the Complaint, Cumberland Valley denies that Complainants are entitled to any relief. Cumberland Valley specifically denies that there is any dispute between Cumberland Valley and KU regarding Cumberland Valley’s exclusive right to serve Complainants’ residence, to the extent such is averred by the “Wherefore” paragraph of the Complaint.

4. All averments in the Complaint not expressly and affirmatively admitted herein are hereby expressly denied.

MOTION TO TRANSFER SERVICE CONNECTION

In addition to the foregoing Answer, Cumberland Valley moves the Commission to issue an order effectuating the immediate transfer of service to Complainants’ residence to Cumberland Valley. KRS § 278.018 provides that “each retail electric supplier shall have the exclusive right to furnish retail electric service to all electric-consuming facilities located within its certified territory, and shall not furnish, make available, render or extend its retail electric service to a consumer for use in electric-consuming facilities located within the certified territory of another retail electric supplier[.]” Here, the residence at issue is located within Cumberland Valley’s certified territory.⁵ Pursuant to KRS § 278.018, then, Cumberland Valley’s service of that residence is mandatory. The Commission should therefore (i) declare that Cumberland Valley has the exclusive right to service Complainants’ residence under the Certified Territory Act, KRS §§ 278.016-018; and (ii) direct Complainants to make any necessary arrangements for the transfer of

⁵ See Affidavit of Mark Abner, attached as Exhibit A. KU has, furthermore, indicated in communications with Cumberland Valley that it agrees with Cumberland Valley’s position and is planning to seek intervention in this matter forthwith.

service connection of the residence to Cumberland Valley or, if Complainants do not timely do so, permit service to the residence to be disconnected.

CONCLUSION

Having answered the Complaint in this manner, Defendant Cumberland Valley respectfully requests the following:

1. That the Complaint be dismissed in its entirety;
2. That the Commission declare that Cumberland Valley has the exclusive right to service Complainants' residence located at 688 Lynn Camp Church Rd, Corbin, KY 40701 under KRS §§ 278.016-018;
3. That the Commission issue an order directing Complainants to make any necessary arrangements for the transfer of service connection of the residence located at 688 Lynn Camp Church Rd, Corbin, KY 40701 to Cumberland Valley within fifteen (15) days of the entry of such order, or, if Complainants do not timely do so, permit service to the residence to be disconnected;
4. That this matter be removed from the Commission's active docket; and
5. Any and all other relief to which Cumberland Valley may be entitled.

This 2nd day of September, 2026.

Respectfully submitted,

/s/ Edward T. Depp

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*Counsel for Defendant, Cumberland Valley
Electric, Inc.*

Certification

I hereby certify that a copy of this filing and its exhibits has been served electronically on the Kentucky Public Service Commission by the use of the Commission's electronic filing system. Additionally, a true and accurate copy of the foregoing was placed in the U.S. Mail, postage prepaid, on September 2, 2026 to the following:

Joseph and Melissa Mahan
688 Lynn Camp Church Rd.
Corbin, KY 40701

Adam Towe
303 S. Main Street
London, KY 40741

/s/ Edward T. Depp

Counsel for Defendant, Cumberland Valley Electric, Inc.

Exhibit A

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

JOSEPH AND MELISSA MAHAN

COMPLAINANT

v.

**CUMBERLAND VALLEY
ELECTRIC, INC.**

DEFENDANT

Case No. 2026-00236

AFFIDAVIT OF MARK ABNER

Comes the Affiant, MARK ABNER, who is over the age of 18 and of sound mind, and after first being duly sworn, hereby states as follows.

1. I am ENGINEERING MANAGER for Cumberland Valley Electric, Inc. (“Cumberland Valley”).
2. As ENGINEERING MANAGER, I have personal knowledge of the matters stated herein.
3. Cumberland Valley is a retail electric supplier pursuant to KRS 278.010.
4. Complainants’ residence at 688 Lynn Camp Church Rd, Corbin, KY 40701 is an electric-consuming facility located within Cumberland Valley’s certified territory.
5. To the best of my knowledge, no other electric retail supplier (including Kentucky Utilities) disputes that Complainants’ residence at 688 Lynn Camp Church Rd, Corbin, KY 40701 is located within Cumberland Valley’s certified territory.

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