Ernie Fletcher Governor

Teresa J. Hill, Secretary Environmental and Public Protection Cabinet

Timothy J. LeDonne Commissioner Department of Public Protection



Commonwealth of Kentucky

Public Service Commission
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November 21, 2007

Chairman John W. Clay Vice Chairman

**Mark David Goss** 

Caroline Pitt Clark Commissioner

Mr. Donald Schaefer President and CEO Jackson Energy Cooperative Corporation 115 Jackson Energy Lane McKee, Kentucky 40447

> Re: Case No. 2007-00333 Filing Deficiencies

Dear Mr. Schaefer:

Commission Staff has reviewed your Application in the above case. This filing is rejected for the reasons set out below. These two items are required to be filed with the Application.

Pursuant to 807 KAR 5:001, Section 10(1)(b)(8), an application requesting a general adjustment in existing rates shall include: The utility's proposed tariff changes, identified in compliance with 807 KAR 5:011, shown either by: (a) Providing the present and proposed tariffs in comparative form on the same sheet side by side or on facing sheets side by side; or (b) Providing a copy of the present tariff indicating proposed additions by italicized inserts or underscoring and striking over proposed deletions.

The proposed tariff changes set forth in Exhibit C do not present the present and proposed tariff changes in either (a) comparative form on the same sheet side by side or facing sheets side by side; or (b) a copy of the present tariff indicating the proposed additions by italicized inserts or underscoring and striking over proposed deletions.

Pursuant to 807 KAR 5:001, Section 10(4)(c), a utility must notify its customers that it is filing an application requesting a general adjustment in existing rates. The manner of notification must be by either: (1) A typewritten notice mailed to all customers no later than the date the application is filed with the commission; (2) Publishing the notice in a trade publication or newsletter which is mailed to all customers no later than the date on which the application is filed with the commission; or (3) Publishing the notice once a week for three (3) consecutive weeks in a



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prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made within seven (7) days of the filing of the application with the commission. If the notice is published, an affidavit from the publisher verifying the notice was published, including the dates of the publication with an attached copy of the published notice, shall be filed with the commission no later than forty-five (45) days of the filed date of the application.

The Application, at paragraph 11, states that customers have been given notice, but does not state the manner in which the notice was given nor does it state the dates that the notice was given.

In addition, we note that the proposed tariff, set forth in Exhibit B and filed in compliance with Commission regulation 807 KAR 5:001, Section 10(1)(b)(7), does not contain an effective date. If you decide to implement your proposed tariff prior to the conclusion of the Commission's review thereof, you will have to refile your tariff with an effective date in accordance with KRS 278.180.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. If your filing contains a proposed effective date, the rejection of your filing for reasons of deficiencies voids that proposed effective date. When you file the required information to correct the deficiencies, you may refile your proposed tariff with a new proposed effective date that is at least 30 days from the date you file the required information. You are requested to file 10 copies of this information within 15 days of the date of this letter.

If you need further assistance, please contact Jeff Shaw at 502/564-3940.

Sincerely,

Michael F. Burford  $\, \ell \,$ 

Director, Division of Filings

RGR:v

cc: Hon. J. Warren Keller

Taylor, Keller, Dunaway & Tooms, PLLC 1306 West Fifth Street

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