

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
CASE NO. _____

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF BLUE GRASS ENERGY
COOPERATIVE CORPORATION FOR AN
ORDER INTERPRETING K.R.S. 278.225

2008-00086

RESPONSE

* * * * *

Comes Charles W. Kuster, Jr., attorney for Phyllis Davis, and files the following Response to the Application herein:

Ms. Davis acknowledges that she received service in October 2003 for a security light. The customer also acknowledges that in June 2004, service was reconnected to the house. Blue Grass Energy was entirely responsible for installation of the meters measuring energy used by the service. Furthermore, Blue Grass Energy monitored and read the meter(s) on a regular basis and sent regular statements to the customer, all of which she paid in full. Ms. Davis is unable to explain or understand how there could have been an error on the billing when the meters were read on a regular basis by the agents or employees of Blue Grass Energy.

Finally, as to the facts, it is certainly true that Ms. Davis has set forth this position through recent letter by counsel and subsequent discussion with the attorney for Blue Grass Energy.

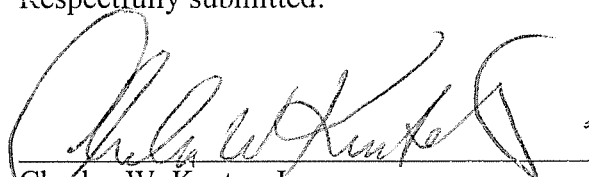
ARGUMENT

K.R.S. 258.225 simply requires that the services billed by utilities “be billed within two years of the service”. The statute goes on to say that the customer is not liable for any service “after two years from the date of service...” The statute, however, does not entitle the

applicant to a “judgment” that is back-dated two years. It is the position of the customer that such a judgment would have to be properly proven in a court of law. It is further the position of the customer, Ms. Davis, that by failing to bill for the services properly, if any there were, the applicant has waived its rights to charge for the same.

In short, Ms. Davis has paid fully for everything she has been billed for to date. If the applicant has made a mistake, that is unfortunate but has yet to be proven.

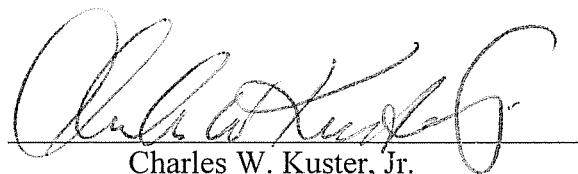
Respectfully submitted:



Charles W. Kuster, Jr.
Keith & Kuster, P.S.C.
130 South Main Street, Suite B
Cynthiana, Kentucky 41031

CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of March, 2008 mailed a true and correct copy of the foregoing Response and Argument to Hon. Ralph K. Combs, 100 United Drive, Suite 4B, Versailles, Kentucky 40383; and have filed the original with the Kentucky Public Service Commission, P. O. Box 615, Frankfort, Kentucky 40602-0615.



Charles W. Kuster, Jr.