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**PUBLIC SERVICE
COMMISSION**

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2008-00488**

IN THE MATTER OF:

GERALD E. BRIFFA)	
)	CASE NO.
COMPLAINANT)	2008-00488
)	
V.)	
)	
BLUE GRASS ENERGY COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

**AMENDMENT TO DEFENDANT’S REPLY TO RESPONSE OF
COMPLAINANT**

Comes now the Defendant, Blue Grass Energy, through counsel, and tenders this Amendment to its Reply filed with the Commission on February 16, 2009. In the original Reply, this Defendant, through counsel, requested an additional seven (7) days to tender for the Commission’s consideration an Amendment to the Reply, for grounds as stated in the Reply. That request is repeated, and the Commission is respectfully asked to grant the request and consider this Amendment.

1) This Defendant relies upon its Answer filed in this case, as refutation of the allegations contained in the original Complaint.

2) As to the Response filed by the Complainant, Blue Grass Energy relies upon its Reply, and would further respectfully point out to the Commission:

a) The Complainant alleges that there is no correlation between his “alleged” usage, the temperature at the time of the respective usage, and a third factor, which counsel for Defendant is unable to read and understand. Complainant states that

this lack of correlation “can be seen from the usage receipts submitted by the (presumably) Defendant.” In response, this Defendant would state that if the Complainant feels it can be plainly seen from the “usage receipts” that there is no evidence of correlation, as alleged by him, then it is incumbent upon Complainant to study the usage records submitted by Blue Grass Energy, and point out to the Commission specific instances of where he feels that there is this supposed lack of correlation.

b) With regard to the supposed “wild fluctuations” suggested by the Complainant, again, it is incumbent upon him to give sufficient attention to the records submitted by Blue Grass Energy and enlighten the Commission, and Blue Grass Energy, as to specific instances of where these fluctuations exist.

c) Complainant states in his Response that his complaints against Blue Grass Energy go back to June, 2004, yet Blue Grass Energy continues to fail to provide weather/usage data for any period prior to 2007. In response to this, Blue Grass Energy would respectfully point out to the Commission that, in Exhibit C to its Answer, Blue Grass Energy provided copies of the Complainant’s Kilowatt usage from June 8, 2004 to the present. For example, on the last page of Exhibit C to the Answer, at the bottom, right hand corner of the page, the Complainant would have noted, had he read the Answer, that on Wednesday, September 8, 2004 at 12:06 p.m. a meter reader was at his home and could not get a reading due to a car blocking the driveway.

d) In his Response, the Complainant states that his house is energy efficient. The reason he knows this is that an Energy Advisor provided by Blue Grass Energy conducted an energy audit and blower door test at his home, on May 8, 2008, and a copy of that report was provided to him, and the Commission. A copy of that audit report is attached to the Answer as Exhibit B. The fact that his home is energy efficient

does not mean that he has not used the power provided by Blue Grass Energy, which power has been properly measured and priced.

3) Blue Grass Energy recognizes its responsibility to respond to the Complainant's concerns as to service from the Cooperative, and Blue Grass has met and exceeded its responsibility to respond in all reasonable fashion to Mr. Briffa's complaints. On the other hand, Blue Grass Energy has a responsibility to its other members not to expend its resources in responding to continued, unreasonable complaints. The Commission is respectfully requested to consider the following, as to whether or not this Complainant is acting in good faith in expressing his complaints, or whether this matter, as to the Complainant, has risen to the level of harassment:

a) In the original Complaint, the Complainant states that he wants, as his remedy for the alleged transgressions of Blue Grass Energy "to be reimbursed for all payments to Blue Grass Energy plus punitive (illegible to counsel for Defendant) treble damages..."

b) After Blue Grass Energy, in its Answer, refuted in detail the allegations of the Complaint, with the provision by Blue Grass Energy of extensive data in support of its refutation, the Complainant was given the opportunity, in his Response, to point out to the Commission where Blue Grass Energy had gone wrong. Instead, he submitted a Response replete with inaccuracies, and which clearly revealed that he had not taken the time or effort to study the material submitted by Blue Grass Energy.


c) The Rules of Procedure of the Commission, at Section 3, Subsection 3, require that all pleadings filed in a formal proceeding shall be printed or typewritten. The Complainant has not, in his Complaint or Response, bothered to comply with this Rule, therefore rendering very difficult the task of counsel for Blue Grass Energy in formulating an Answer, Reply and tendered Amended Reply.

d) Complainant ignored, by failing to provide Blue Grass Energy with a copy of his Response, the admonition of the Commission in its Order dated December 8, 2008.

e) In the cover letter to his original Complaint, Mr. Briffa indicated that he is an attorney, licensed in New York, Connecticut and Washington D.C. As a lawyer, it would appear reasonable to expect closer attention on his part to the Rules of Procedure and general tenets of due process, if he is serious about his Complaint.

As stated in Blue Grass Energy's Answer, it will continue to work with Mr. Briffa as to any reasonable concerns, but Blue Grass Energy affirmatively contends that this Complaint should be dismissed.

COMBS & HOFFMAN



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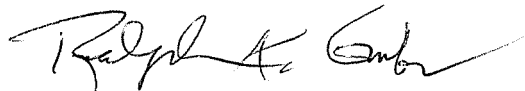
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ATTORNEYS FOR BLUE GRASS ENERGY
COOPERATIVE CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Amended Reply was served on Gerald E. Briffa, Esq., 4301 Ravens Crest Lane, Lexington, Kentucky 40515, by the United States First Class Mail.

All this the 18th day of February, 2009.



CASSIE G. WELLS

RALPH K. COMBS