

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF CLARK)	CASE NO.
ENERGY COOPERATIVE, INC. TO COMPLY)	2023-00005
WITH KRS 278.160(2))	

ORDER

On March 15, 2023, the Commission issued Commission Staff's First Request for Information to Clark Energy Cooperative, Inc. (Staff's First Request) pursuant to an Order establishing a procedural schedule dated February 16, 2023, which required Clark Energy Cooperative, Inc (Clark Energy) to file its response to Staff's First Request no later than March 31, 2023.¹ On March 17, 2023, Clark Energy filed a motion for a 60-day extension of time. Clark Energy stated that Staff's First Request requested the response cover a time period as far back as records permit.² Clark Energy stated that it is able to cover a period of time as far back as 1999 but conducting an evaluation of the billing system reports can take hours to review and compile. This would date back 23 years, and while it has completed portions of the most recent three-year period, Clark Energy stated it would not be able to complete the review of the additional 20 years by March 31, 2023. Clark Energy further stated that the work would need to be completed outside of staff's normal work hours as not to disrupt normal day-to-day business job duties.

¹ Order (Ky. PSC February 16, 2023), Appendix.

² Commission Staff's First Request (filed Mar. 15, 2023), Item 1.

LEGAL STANDARD

KRS 413.120(2) states that “an action upon a liability created by statute, when no other time is fixed by the statute creating the liability” has a five-year statute of limitations.

DISCUSSION

Since KRS 413.120(2) creates a five-year statute of limitation, any balance transfers that are found to be in violation of KRS 278.160(2) that occurred prior to the five-year limitation may not be eligible to be returned to customers. Therefore, the Commission finds that Clark Energy’s response to Staff’s First Request, Item 1, may be limited to information from the five-year period preceding the issuance of the Order initiating this case.

The Commission further finds that Clark Energy’s motion for an extension of time should be granted as to an extension but only for an additional 14 days. The Commission also finds that an amended procedural schedule should be established. The amended procedural schedule is attached as an Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. Clark Energy’s motion for an extension of time is granted for an additional 14 days.
2. Clark Energy shall file its responses to Commission Staff’s First Request for Information no later than April 14, 2023.
3. The amended procedural schedule set forth in the Appendix to this Order shall be followed.

4. The Commission does not look favorably upon motions for continuance. Accordingly, future motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
APR 11 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00005 DATED APR 11 2023

Clark Energy shall file responses to Commission Staff's
First Request for Information no later than.....04/14/2023

All supplemental requests for information to
Clark Energy shall be filed no later than 04/28/2023

Clark Energy shall file responses to supplemental
requests for information no later than 05/11/2023

Last day for Parties to request a Public Hearing or submit a request
for the matter to be decided based upon the written record 05/25/2023

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