

COMMONWEALTH OF KENTUCKY
BEFORE THE ENERGY REGULATORY COMMISSION

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In the Matter of

MARION KILBURN,)
MARTIN, KENTUCKY)
VS.) CASE NO. 7715
BIG SANDY RURAL ELECTRIC)
COOPERATIVE CORPORATION)

ORDER TO DISMISS

Mr. Marion Kilburn, of Martin, Kentucky, filed a complaint against Big Sandy Rural Electric Cooperative Corporation (Big Sandy) on January 24, 1980, in which he alleged that Big Sandy had intentionally, willfully, and unlawfully disconnected utility services to Mr. Marion Kilburn on January 16, 1980. The matter was set for hearing on February 28, 1980, at 2:00 p.m., Eastern Standard Time, in the Commission offices at Frankfort, Kentucky.

The hearing was convened as scheduled but the counsel for the complainant announced that he had been unable to persuade the complainant or any other witness to appear at the hearing and give testimony.

The Commission therefore finds that:

1. There was reasonable notice given of the hearing.
2. The complainant is a part-time employee of a city and there is nothing in the record to indicate any difficulty in being present at the hearing on the scheduled date and there was no effort made by the complainant to communicate with his attorney advising him of any difficulty in being present at the hearing.


IT IS THEREFORE ORDERED that this complaint be dismissed solely because of the failure of the complainant to pursue the complaint or to give any kind of notice either to the Commission or to his attorney that he could not be present at the hearing.

Done at Frankfort, Kentucky, this 24th day of June, 1980.

ENERGY REGULATORY COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST: