

B.D.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JAN 29 1998
PUBLIC SERVICE
COMMISSION

HENDERSON UNION ELECTRIC)
COOPERATIVE CORP.)
COMPLAINANT)

VS.

) CASE NO. 98-049

KENTUCKY UTILITIES COMPANY,)
DEFENDANT)

C O M P L A I N T

The complaint of HENDERSON UNION ELECTRIC COOPERA-
TIVE CORP. respectfully shows:

(a) Henderson Union Electric Cooperative Corp.
("Henderson Union") is a corporation duly created under KRS 279.010
et seq. Its mailing address is Post Office Box 18, Henderson,
Kentucky 42419-0018.

(b) Kentucky Utilities Company ("KU") is a Kentucky
corporation with mailing address of One Quality Street, Lexington,
Kentucky 40507. KU's resident agent for service of process at this
address is George S. Brooks, II.

(c) Henderson Union and KU are both retail electric
suppliers as defined under KRS 278.010(4).

(d) Henderson Union and KU have adjacent service
territories in Hopkins County, Kentucky, certified under KRS
278.016 et seq.

(e) On information and belief complainant states and alleges that KU has entered into an electric service agreement with a corporation named Black Diamond Resources, Inc. for the retail sale of electrical power at a mine opening known as Shamrock No. 9 Mine Opening located in Hopkins County, Kentucky. This mine opening is located in Henderson Union's service territory by a considerable distance (approximately 3/4 of a mile) and the reasonable use of the power will be for facilities located exclusively within said service territory.

(f) Under KRS 278.016 to .018 and all other applicable law Henderson Union has the exclusive right to furnish electric consuming facilities located within its certified territory which includes the above mentioned mine opening and the related facilities. An order should be entered granting Henderson Union this service right and the defendant should be enjoined from furnishing service to Black Diamond Resources, Inc., or any other customer, at the Shamrock No. 9 Mine Opening.

WHEREFORE, Henderson Union requests:

1. That order be entered granting Henderson Union the exclusive right to provide electric service to Black Diamond Resources, Inc. or the appropriate customer at the Shamrock No. 9 Mine Opening in Hopkins County, Kentucky.
2. That defendant KU be enjoined from furnishing service to any customer at this mine opening.

3. That Henderson Union be afforded all proper relief.

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