

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PLEAS DAVIS	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 99-018
	)	
JACKSON COUNTY RURAL ELECTRIC	)	
COOPERATIVE CORPORATION	)	
	)	
DEFENDANT	)	

O R D E R

Pleas Davis ( Complainant ) filed a formal complaint against Jackson County Rural Electric Cooperative Corporation ( Jackson County RECC ). The Complainant claims that Jackson County RECC wrongfully located its facilities on his property and outside of the utility's right-of-way. The Complainant requests that the Commission order Jackson County RECC to remove its facilities from his property.

Commission regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint sets forth sufficient facts to establish a prima facie case. A prima facie case exists when, taking the facts set forth in the complaint as true, the Complainant is entitled to the relief requested. If a complaint fails to establish a prima facie case, the Commission must notify the Complainant and provide a reasonable opportunity to amend the complaint.

The Davis complaint fails to establish a prima facie case. It contains no allegations that Jackson County RECC has violated any statute or Commission

regulation. Moreover, the allegations appear to involve issues of private property law beyond the jurisdiction of the Commission.

Based on the failure of the Davis complaint to state a prima facie case, the complaint will be dismissed. In the event that there are additional facts not set forth in the complaint for which relief can be granted, a new complaint should be filed.

IT IS THEREFORE ORDERED that the Davis complaint is dismissed for failure to state a prima facie case.

Done at Frankfort, Kentucky, this 27<sup>th</sup> day of January, 1999.

By the Commission

ATTEST:

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Executive Director