



COMMONWEALTH OF KENTUCKY

95

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the matter of:

AUG 6 2013

PUBLIC SERVICE COMMISSION

Michael Monroe Tipton  
(Your Full Name) )  
COMPLAINANT )

VS. )

Clark Energy  
(Name of Utility) )  
DEFENDANT )

COMPLAINT

The complaint of Michael Monroe Tipton respectfully shows:  
(Your Full Name)

(a) Michael Monroe Tipton  
(Your Full Name)

3111 Maysville Rd Mt. Sterling, KY 40353  
(Your Address)

(b) Clark Energy  
(Name of Utility)

2640 Iron Works Rd Winchester, KY 40391  
(Address of Utility)

(c) That: Please see Attached letter  
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

Michael Maurice Tipton vs. Clark Energy

Page 2 of 2

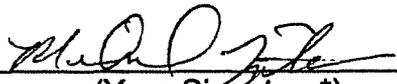
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, complainant asks \_\_\_\_\_  
(Specifically state the relief desired.)

Clark Energy To Agree To let Kentucky Utilities  
to serve property owners located west of Hinkston  
Creek along JN Lee Lane  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Mt. Sterling, Kentucky, this 4<sup>th</sup> day  
(Your City)

of August, 2013.  
(Month)

  
(Your Signature\*)

\_\_\_\_\_  
(Name and address of attorney, if any)

\_\_\_\_\_  
Date

\*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

**Section 19. Formal Complaints.**

- (1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall establish the names of the complainant and the name of the defendant, and shall state:
  - (a) The full name and post office address of the complainant;
  - (b) The full name and post office address of the defendant; and
  - (c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation section and subsection, of which a violation is claimed, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall specifically establish the relief desired.
- (2) **Signature.** The complaint shall be signed by the complainant or his or her attorney, if applicable, and if signed by an attorney, shall show the attorney's post office address. **A complaint by a corporation, association, or another organization with the right to file a complaint, shall be signed by the entity's attorney.**
- (3) **Number of copies required.** When the complainant files his or her original complaint, the complainant shall also file two (2) more copies than the number of persons or corporations to be served.
- (4) **Procedure on filing of complaint.**
  - (a) Upon the filing of a complaint, the commission shall immediately examine the same to ascertain if it establishes a prima facie case and conforms to this administrative regulation.
    1. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, the commission shall notify the complainant or his or her attorney to that effect, and opportunity shall be given to amend the complaint within a specified time.
    2. If the complaint is not amended within the time or the extension as the commission, for good cause shown, shall grant, the complaint shall be dismissed.
  - (b) If the complaint, either as originally filed or as amended, establishes a prima facie case and conforms to this administrative regulation, the commission shall serve an order upon the person complained of, accompanied by a copy of the complaint, directed to the person complained of and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of the order, provided that the commission may, in particular cases, require the answer to be filed within a shorter or longer period.
- (5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he or she shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which the defendant is willing to give. Upon the acceptance of this offer by the complainant and with the approval of the commission, further proceedings shall not be taken.
- (6) **Answer to complaint.** If the complainant is not satisfied with the relief offered, the person complained of shall file an answer to the complaint, with certificate of service on other endorsed parties, within the time specified in the order or the extension as the commission, for good cause shown, shall grant.
  - (a) The answer shall contain a specific denial of the material allegations of the complaint as controverted by the defendant and also a statement of new matter constituting a defense.
  - (b) If the answering party does not have information sufficient to enable him or her to answer an allegation of the complaint, the answering party may so state in the answer and place the denial upon that ground.

This formal complaint follows an informal complaint with Clark Energy through our State Representative Richard Henderson. After talking with several people with Clark Energy, the State and Kentucky Utilities we have been unable to work out an agreement with Clark Energy and feel we have made the problem worse. Paul Embs (President Clark Energy) and Scott Sidwell (Sr. VP of Engineering and Operations Clark Energy) have made it very clear to all involved that they have never and will not release any customers for any reason to another utility company. They are concerned that if they allow one customer to switch companies, others will want to follow. They have reminded me several times that they are protected by law and no one can switch electric providers. With this the Public Service Committee office and Kentucky Utilities have told us it is possible if both sides agree to do so. Kentucky Utilities also advised us they have done this for the Co-op's in similar situations. Our situation would be most logical for Kentucky Utilities to extend an existing line along a permanent access road to serve the customers listed in this complaint, in place of the existing Clark Energy line brought through a remote limited access area. Kentucky Utilities (Sr. Engineer George Argo) has reviewed our situation and has offered to extend the line upon agreement with Clark Energy. Our intentions are not to cause Clark Energy any harm, but to solve a proven problem that could be prevented in the future. Attached are copies that were originally sent to Paul Embs (Clark Energy), George Argo (Kentucky Utilities) and our State Representative Richard Henderson. Thank you for your time with this matter.

Sincerely,



Michael Tipton

This petition is for changing the existing territorial public electric service boundary in order to better serve its customers. We propose the existing electric boundary to be relocated on Long Drive Farm (J N Lee Lane) 3 miles north of Mt. Sterling off of KY state hwy 11, from approximate .75 mile west of Hinkston Creek to Hinkston Creek. Allowing property owners located on the west side of Hinkston Creek to be serviced by Kentucky Utilities (KU).

The current electric company, Clark Energy has been unable and at times found it to be impossible or low priority to repair downed power lines crossing from east side of Hinkston Creek to west side. Clark Energy reported to customers this was because of limited access and only three residents were without power west of Hinkston Creek (7-9 days without power). During these times KU was able to restore power in a timely manner (1-2 days) to a close neighbor (Mr. and Mrs. William Gilvin) because of existing and permanent access roads that extend only to residents west of Hinkston Creek.

This petition is for solving a more logical and most cost efficient problem. Clark Energy is planning to replace an outdated existing long span (approx. 1.5-2 mile back across Hinkston Creek) limited access power line that only serves two residents, as opposed to continuing an existing KU short span (approx. .5 mile) power line running along side an existing permanent road to these same two residents.

This petition is signed by all property owners west of Hinkston Creek who would be affected in the event that the electric boundary is relocated.

Sign [Signature]  
Sign \_\_\_\_\_

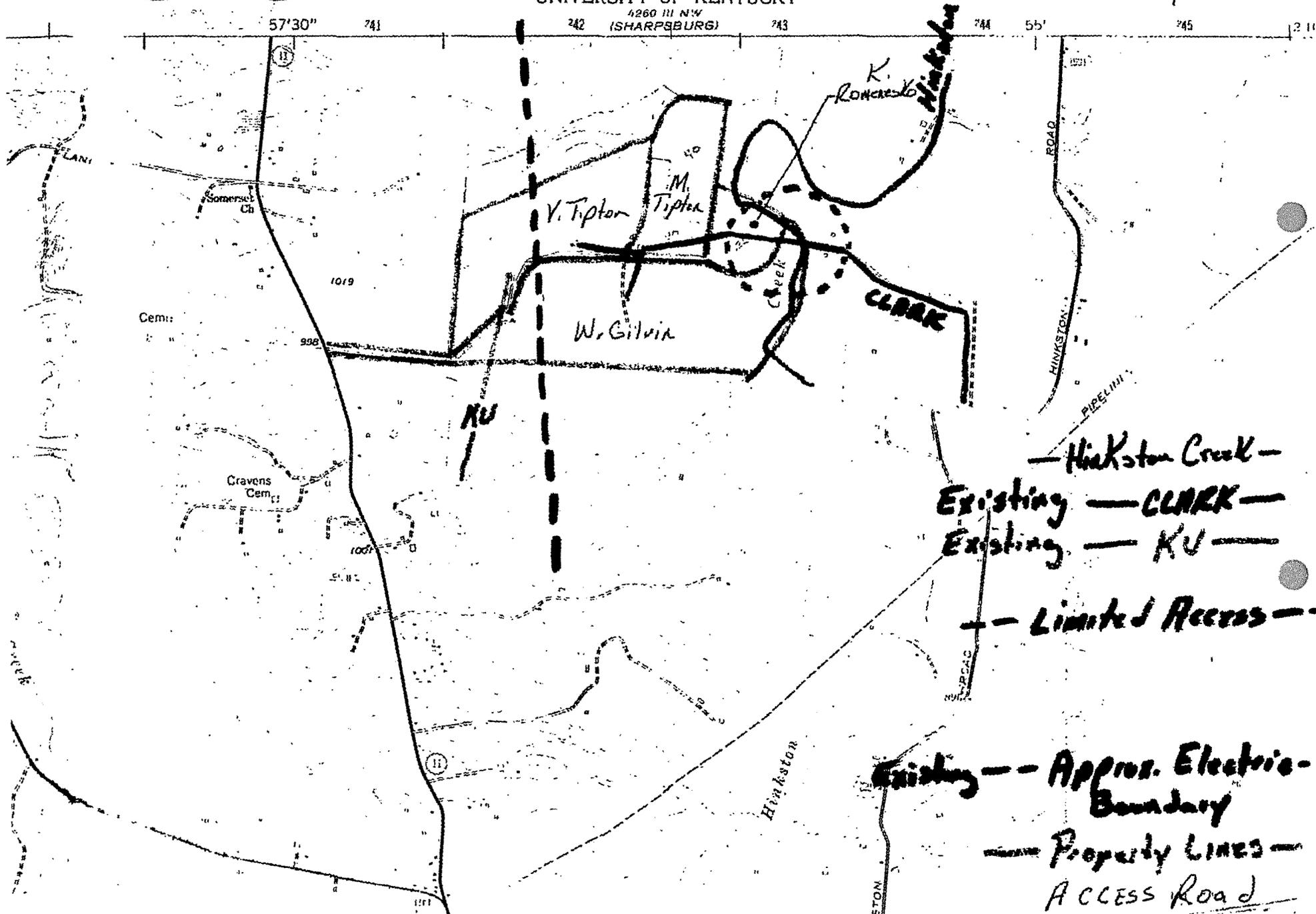
Date 6-10-13  
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Date Jun 26 2013  
Date \_\_\_\_\_



STATE OF KENTUCKY  
 KENTUCKY GEOLOGICAL SURVEY  
 UNIVERSITY OF KENTUCKY

4260 III N.W.  
 (SHARPSBURG)

North



— Hickston Creek —  
 Existing — CLARK —  
 Existing — KU —  
 — Limited Access —

Existing — — Approx. Electric  
 Boundary  
 — Property Lines —  
 ACCESS ROAD

Paul G Embs  
President & CEO  
Clark Energy Cooperative, Inc.  
2640 Ironworks Road  
P. O. Box 748  
Winchester, KY 40392-0748

Michale Monroe Tipton  
3111 Maysville Road  
Mt. Sterling, KENTUCKY 40353

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