

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY)
COOPERATIVE, INC. FOR ROUTINE) CASE NO.
REVISION OF EXISTING CATV POLE) 2004-00442
ATTACHMENT TARIFF)

ORDER

Clark Energy Cooperative, Inc. (“Clark Energy”) has applied to the Commission for authority to adjust its cable television pole attachment tariff. In its filing, Clark Energy requested permission to deviate from certain filing requirements of Administrative Regulation 807 KAR 5:001.

Specifically, Clark Energy has requested permission to deviate from Administrative Regulation 807 KAR 5:001, Section 10(2), Section 10 (6)(b)&(c), (6)(e), (6)(g)-(6)(j), (6)(l)-(6)(n), (6)(p)-(6)(u); Section 10 (7)(b)-(7)(e); Section 10(3)(a) and (3)(c); Section 10(6)(n); and Section 10(7)(c).

Administrative Regulation 807 KAR 5:001, Section 14, provides the Commission with the authority to permit deviations from its regulations for good cause shown. Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that the information filed therein is sufficient to enable the Commission to review adequately Clark Energy’s application, with the exception of the requirement of Section 10(6)(n). The Commission finds that the summary of the latest depreciation study with schedules by major plant accounts is critical to its complete

review of Clark Energy's application. Therefore, with the exception of Section 10(6)(n) Clark Energy will be permitted to deviate from the filing requirements set out above. However, Clark Energy will be required to comply with the requirements of Administrative Regulation 807 KAR 5:001, Section 10(6)(n).

Clark Energy's application contains a tariff with an effective date of January 1, 2005. However, the statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission.

IT IS THEREFORE ORDERED that:

1. Clark Energy's request for permission to deviate from the filing requirements of Administrative Regulation 807 KAR 5:001 that are enumerated above, with the exception of Section (6)(n), is granted.

2. Clark Energy's request for permission to deviate from Administrative Regulation 807 KAR 5:001, Section 10(6)(n), is denied.

3. Within 15 days from the date of this Order, Clark Energy shall file the information required by Administrative Regulation 807 KAR 5:001, Section (6)(n).

4. The statutory time period in which the Commission must process this filing will not commence until the information required by Ordering Paragraph 3 is filed with the Commission. When Clark Energy files such information, it may re-file its tariff with a new proposed effective date that is at least 30 days from the date that information is filed.

Done at Frankfort, Kentucky, this 21st day of December, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director

Case No. 2004-00442