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MATHIS, RIGGS & PRATHER, P.S.C.  
ATTORNEYS AT LAW  
500 MAIN STREET, SUITE 5  
SHELBYVILLE, KENTUCKY 40065

AUG 27 2008

PUBLIC SERVICE  
COMMISSION

C. LEWIS MATHIS, JR.  
T. SHERMAN RIGGS  
DONALD T. PRATHER  
NATHAN T. RIGGS

TELEPHONE: (502) 633-5220  
FAX: (502) 633-0667

E-MAIL: [mrp@iglou.com](mailto:mrp@iglou.com)

August 26, 2008

Beth O'Donnell, Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602

**VIA FEDERAL EXPRESS**

Re: Shelby Energy Cooperative, Inc. – Motion  
CASE NO. 2008-00277

Dear Ms. O'Donnell:

Enclosed please find one original and ten (10) copies, plus one additional copy of the first page of Shelby Energy Cooperative, Inc.'s Motion . Please file the original and ten copies with the Commission and return to me the file-stamped copy. For your convenience I have enclosed a self-addressed stamped envelope.

Please do not hesitate to call me if you have any questions or if you require additional information.

Yours truly,

MATHIS, RIGGS & PRATHER, P.S.C.

BY:   
Donald T. Prather

DTP/mew  
Enclosures  
Cc: Debra Martin  
DTP/sec/PSC/Stansbury/psc filing letter

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

BRUCE WILLIAM STANSBURY )

COMPLAINANT )

v. )

SHELBY ENERGY COOPERATIVE, INC. )

DEFENDANT )

CASE NO. 2008-00277

**MOTION**

Comes Shelby Energy Cooperative, Inc. ("Shelby Energy"), by counsel, and moves the Commission to deem the highlighted portions of the records attached hereto as Exhibit A, B, C and D as confidential pursuant to 807 KAR 5:001 Section 7(2)(a) and the applicable provisions of KRS 61.878 as specified in each Exhibit. All of these documents were attached to the Complaint, and several are attached to the Amended Complaint as Exhibits A, B and C thereto.

Respectfully submitted,

Mathis, Riggs & Prather, P.S.C.

By:  \_\_\_\_\_

Donald T. Prather  
500 Main Street, Suite 5  
Shelbyville, Kentucky 40065  
Phone: (502) 633-5220  
Fax: (502) 633-0667  
Attorney for Shelby Energy Cooperative, Inc.

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing was this 26 day of August, 2008 mailed via first class mail to the following:

Vanessa B. Cantley, Esq.  
***Bahe, Cook, Cantley & Jones, PLC***  
Kentucky Home Life Bldg., Ste. 700  
293 South Fifth Street  
Louisville, KY 40202

A handwritten signature in cursive script, appearing to read "D. Prather", written over a horizontal line.

Donald T. Prather

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**EXHIBIT "A"**

Applicable Portions of KRS 61.878 are as follows:

KRS 61.878(1)(a) – Information of a personal nature which is a clearly unwarranted invasion of personal privacy, including but not limited to, personal health information and individual employment matters.

KRS 61.878(1)(c) 1. and 2. – Confidential or proprietary information which would permit an unfair commercial advantage to competitors and/or confidential or proprietary information compiled and maintained in conjunction with the administration of loans from the Cooperative Finance Corporation ("CFC") and Rural Utilities Services (formerly known as Rural Electrification Administration) ("RUS").

KRS 61.878(1)(i) – Preliminary drafts, notes and other matters.

KRS 61.878(1)(j) – Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

KRS 61.878(1)(k) – Disclosure prohibited by federal law including, but not limited to Health Insurance Privacy Act (HIPPA).

MISCELLANEOUS ITEMS

EXHIBIT A

1 OF 6 PAGES

- SEE E-MAIL

- BILLING

fety Manuals:

\_\_\_\_\_ handed them to all employees at \_\_\_\_\_ employee meeting.  
\_\_\_\_\_ required that the first sheet in each manual be signed and dated by each  
employee. The sheet stated that the employee had received and read the  
manual. Time was not given to read but \_\_\_\_\_ wanted sheets signed before  
employees left meeting.

EXHIBIT

A

2 OF 6 PAGES

GAY - RESPONSIBILITIES ?

FOR RECORD OF THE FILE.  
THE INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DENISE - HUME - HAS HAD FULL CONTROL OF BOOIL  
APPROX SEP 07 TO CURRENTLY WITHOUT OVERSIGHT

JOB ASSIGNMENT

---

DEBBIE BURKE - LETTER

MEMO

DATE: April 5, 2007  
TO: Debbie Burke  
General Accountant  
FROM: Debbie Martin  
President & CEO

In November, 2006, I received a letter from you expressing thoughts on your position with the company. The letter was brought about by a conversation we had a few days before, concerning a management position posted at the cooperative that you had decided not to consider because of the salary offered for the job. Your letter was received the day before you were out of the office for knee surgery, and I didn't have an opportunity to read it or speak with you before the work day ended.

After your return to work, I did stop by your office later and shared that I had read the letter and didn't want you to think I was ignoring your comments. I mentioned that I understood that relationships change, but I didn't agree with most items mentioned in the letter such as you being a lowly employee or your value being less because of changes that were made to cross-train other employees. I expressed my wish to work together, be fair to you and to others at the cooperative. I asked that we both take it from that point and work towards a good relationship for us and the cooperative.

Recently, I've discovered that payroll records for the past several years have been destroyed. You have processed payroll for several years and, as usual procedure, retained records from two to four years in your individual work area with additional storage in the downstairs vault. To discover only one year has been retained, versus six years as recommended, was quite a shock to me. I was certain that I had received the wrong information, but this was later confirmed by you as being correct. This was done with no questions asked, no verification with a supervisor, and no review of a retention schedule that was available to you. It appears to have been a conscious decision made by you without consideration of consequences to the organization or consideration to previous procedure.

EXHIBIT     A    

4 OF 6 PAGES



In addition, the employee association committee was selected last month at the employee meeting. After the committee met to appoint officers for the year, concerns were expressed about your behavior in the meeting. Upon making a suggestion that you might meet with the committee and bring ideas and possible changes to the employee meeting for discussion, I received a copy of a letter that included descriptions and comments that weren't part of, or alluded to, in the conversation that was had between you and me.

Because of your work quality and dedication, many of us have made allowances that can no longer continue. Your work relationship with other employees involving cooperation in work situations and daily interaction that affect overall atmosphere, in a negative way, has been an issue for some time. The courtesy, respect and professionalism shown by others to you are often not reciprocated by you.

For system administration, payroll, and human resources, other employees have been serving as backups. Therefore keys relating to these areas, the master key to the building, and any other items not directly related to your work area should be returned to me, effective today.

All of this is a tremendous concern, because I would hate to see the cooperative lose a valuable and qualified employee. I also have a tremendous concern on your behalf. Therefore I'm asking you to contact our Employee Assistance Program for counseling.

EXHIBIT

A

5 OF 6 PAGES

[REDACTED]

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**From:** farrah  
**Sent:** Monday, March 24, 2008 4:58 PM  
**To:** candi; shelley; Pam; Becky; nancy; Nan  
**Subject:** Base Rate Corrections

We do not want to offer or give out PSC's phone number. If they insist on getting the number Becky or I will give them the number.

Thanks,  
Farrah

EXHIBIT

A

6 OF 6 PAGES

[REDACTED]

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EXHIBIT "B"

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Applicable Portions of KRS 61.878 are as follows:

KRS 61.878(1)(a) – Information of a personal nature which is a clearly unwarranted invasion of personal privacy, including but not limited to, personal financial information and information regarding the contents of a customer's home.

KRS 61.878(1)(k) – Disclosure prohibited by federal law including, but not limited to the Federal Fair Credit Reporting Act and Fair Debt Collection Act (personal account numbers and other personal financial matters).

1) WITH NO ADJUSTMENTS  
SLOW METER WERE ADJUSTED

MSDC: BRIMMYPWRH01

File Edit Tools Help

Invoices Posting  Post Elec Invoice  Post Checks  Valid Checks  Inquiry  AP Inquiry  1099 Adjustment  
 General Accounting System  Stock Files  Backup Programs

Invoice Posting | Post Check

Option:  All Checks  Search  Standard List  Display:  Customize

Name: JOHNNY OGBURN  Vendor: 4260  Mailing Address: 1788 MCCORD LANE  Telephone:

Select a vendor for detail.

Vendor: Invoice | Check | Purchase Order

CK Nbr	CK Date	Total Amount	Client Date	Vendor No.	Vendor Name	Tran Co.
44498	06/27/08	1,033.52		544	SIMPLEX ORINNELL LP	5
44497	06/27/08	13.12		2462	RANDY BARMORE	5
44496	06/27/08	570.00		263	QUALITY METER LAB	5
44495	06/27/08	865.00		15	KENTUCKY ASSOCIATION OF	5
44494	06/27/08	472.23		3169	JUSTINE MAHONEY	5
44493	06/27/08	5,229.62		4260	JOHNNY OGBURN	5

Select a check for invoice listing

Invoice Number	Vendor Nbr	Inv Date	CK Nbr	Due Date	Invoice Amt	Check Date	Paid Amt	Vendor Name
CR BALMTR ADJ	4260	06/27/08	44493	06/27/08	5,229.62	06/27/08	5,229.62	JOHNNY OGB

Additional Search Criteria  
 Bank Account: 131.10   
 From Date:   
 Thru Date:  Search

Select an invoice for distribution listing

**Member Separator Notes 15277-02**

Wed 6/18/2008 12:50 PM P B JENNINGS  
ADJUSTED ACCOUNT BY RECOMMENDATION OF JENNIE SMITH AT PUBLIC SERVICE  
COMMISSION OVER METER RUNNING 21.79 FAST - YEARS ADJUSTED ARE JAN  
2000-JUNE 2008.

---

Thu 4/3/2008 2:35 PM T THERESA A  
Jude Canchola energy audit 1/16/08 30 yr old home, 3900 sq ft, 8-10  
SEER heat pump, 2 ETS units, 1500 watt space heater, (2) outdoor fish  
ponds pump 24/7; 80 gal water heater, 2 freezers and pool pump in  
summer 24/7. Suggested using ETS during coldest part of winter,  
spring & fall utilize heat pump.

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EXHIBIT B  
2 OF 3 PAGES

**Member Separator Notes: 15277-01**

**Thu 6/19/2008 7:31 AM P THERESA A**  
Larry Jones (Clark Energy) and Steve Kingsolver (PSC) Jason Ginn followed up on ETS wiring complaint June 4, 2008.

**Tue 5/20/2008 3:37 PM P THERESA A**  
(1) 3.6 KW and (1) 7.2 KW ETS heater installed in Dec. 1994... Time of Use meter installed 4/6/01 by Clarence Haney

**Mon 1/14/2008 4:15 PM T THERESA A**  
called Jude for energy audit-concerned about ETS and house meter usage

EXHIBIT B  
3 OF 3 PAGES

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**EXHIBIT "C"**

Applicable Portions of KRS 61.878 are as follows:

KRS 61.878(1)(c) 1. and 2. – Confidential or proprietary information which would permit an unfair commercial advantage to competitors and/or confidential or proprietary information compiled and maintained in conjunction with the administration of loans from CFC and RUS.

KRS 61.878(1)(i) – Preliminary drafts, notes and other matters.

KRS 61.878(1)(j) – Preliminary internal journal entries, preliminary recommendations and preliminary memoranda used to produce bills and financial reports to CFC and RUS regarding loans

MONTHLY MISCELLANEOUS JOURNAL ENTRIES

ACCT NO.	DETAIL OF ENTRIES	CODE	November, 2007	
			DEBIT	CREDIT
	JE-6735			
131.10	Cash - General	EMDT 04	\$12,534.62	
143.20	Accounts Receivable - Insurance	EMBF 24		\$2,327.19
926.10	Employee Pensions & Benefits - Allocation Acct	EMBF 16		\$10,207.43
143.20	Accounts Receivable - Insurance	EMBF 24	\$10,207.43	
926.10	Employee Pensions & Benefits - Allocation Acct	EMBF 16	\$2,327.19	
131.10	Cash - General	EMDT 04		\$12,534.62
	( To Correct JE - 1300, original entry to 143.20 & 926.10 amounts switched)			
	JE-6736			
143.20	Accounts Receivable - Insurance	EMBF 24		\$4,654.38
599.99	Dummy account for balancing	EMBF 24	\$4,654.38	
926.10	Employee Pensions & Benefits - Allocation Acct	EMBF 16		\$20,414.86
599.99	Dummy account for balancing	EMBF 16	\$20,414.86	
	( To reverse incorrect portion of JE - 6735)			
	JE-6737			
593.00	Maintenance of Overhead Lines	MSEL 11	\$2,082.25	
107.28	Construction Overhead Indirect	MSEL 11		\$2,082.25
	JE-6738			
142.00	Accounts Receivable - Electric consumer	CASH 40	\$918,751.11	
440.11	Residential Sales - Correction 2007	CASH 40		\$414,073.48
442.11	Small Comm & Industrial - Correction 2007	CASH 40		\$147,207.45
442.21	Large Comm & Industrial - Correction 2007	CASH 40		\$357,216.59
444.10	Public Street & Highway Lighting	CASH 40		\$253.59
	( Correction due to base rates for August, 2007 including roll in of fuel cost not posted on system)			



MONTHLY MISCELLANEOUS JOURNAL ENTRIES

			February, 2005	
ACCT NO.	DETAIL OF ENTRIES	CODE	DEBIT	CREDIT
	JE-6281			
593.00	Maintenance Of Overhead Lines	MSEL 11	\$1,287.53	
107.28	Construction Overhead Indirect	MSEL 11		\$1,287.53
	On the new purchase order system, miscellaneous material and supplies can not be divided between accounts 107.28 and 593.00.			
	JE-6282			
440.10	Residential Sales	CASH 40	\$29,009.00	
442.10	Commercial And Industrial Sales - Small	CASH 40	\$7,634.00	
442.20	Commercial And Industrial Sales - Large	CASH 40	\$14,250.00	
142.00	Accounts Receivable - Consumers	CASH 40		\$50,893.00
	To deduct 50% of estimated fuel cost adjustment posted in December, 2004 for correction in September, 2003. <i>(NOT RECOVERED - WRITTEN OFF?)</i>			
	JE-6283			
431.10	Interest Expense - Consumer Deposits	CASH 56	\$17.72	
237.50	Interest Accrued - Consumer Deposits	CASH 56		\$17.72
	Deposit interest accrued - not on JE-100			
	JE-6284			
237.50	Interest Accrued - Consumer Deposits	BIEX 10	\$19.95	
142.00	Accounts Receivable - Consumers	BIEX 10		\$19.95
	Deposit interest paid - not included in JE-104			
	JE-6285			
431.10	Interest Expense - Consumer Deposits	BIEX 10	\$36.84	
237.50	Interest Accrued - Consumer Deposits	BIEX 10		\$36.84
	Deposit interest correction - JE-104			

MONTHLY MISCELLANEOUS JOURNAL ENTRIES

CACTI NO.	DETAIL OF ENTRIES	CODE	March, 2005	
			DEBIT	CREDIT
	JE-6291			
926.10	Employee Pensions & Benefits - Clearing	TAXS 07	\$195.88	
236.40	Accrued State Unemployment Tax	TAXS 07		\$195.88
	To adjust suta tax to reflect tax on 401k. It is excluded on SEDC system.			
	JE-6292			
440.10	Residential Sales	CASH 40	\$29,009.00	
442.10	Commercial And Industrial Sales - Small	CASH 40	\$7,634.00	
442.20	Commercial And Industrial Sales - Large	CASH 40	\$14,250.00	
142.00	Accounts Receivable - Consumers	CASH 40		\$50,893.00
	To deduct 50% of estimated fuel cost adjustment posted in December, 2004 for correction in September, 2003.			
	JE-6293			
586.00	Meter Expense	MSEL 11	\$132.50	
593.00	Maintenance Of Overhead Lines	MSEL 11	\$1,181.82	
107.28	Construction Overhead Indirect	MSEL 11		\$1,314.32
	On the new purchase order system, miscellaneous material and supplies can not be divided between accounts 107.28, 586 and 593.00.			
	JE-6294			
370.00	Meters 0 quantity	99370006	\$68.90	
599.99	Dummy Account For Balancing	MSEL 11	\$68.90	
370.00	Meters -20 quantity	MSEL 11		\$68.90
599.99	Dummy Account For Balancing	99370006		\$68.90
	To place meter hub kit in the correct special equipment itemid.			

\* Rate Change

SYL	SYL	SYL	SYL	SYL			
Jan-01	0.00064	Jan-04	0.00063	Jan-07	0.00179	Jan-10	
Feb-01	0.00217	Feb-04	0.00350	Feb-07	0.00302	Feb-10	
Mar-01	0.00748	Mar-04	0.00354	Mar-07	0.00656	Mar-10	
Apr-01	0.00332	Apr-04	0.00652	Apr-07	0.00729	Apr-10	
May-01	0.00216	May-04	0.00477	May-07	0.01634	May-10	
Jun-01	0.00072	Jun-04	0.00624	Jun-07	0.01020	Jun-10	
Jul-01	0.00143	Jul-04	0.00445	Jul-07	0.02085	Jul-10	
Aug-01	0.00002	Aug-04	0.00255	Aug-07	0.00410	Aug-10	
Sep-01	0.00153	Sep-04	0.00514	Sep-07	0.00712	Sep-10	
Oct-01	0.00255	Oct-04	0.00504	Oct-07	-0.00075	Oct-10	
Nov-01	0.00458	Nov-04	0.00737	Nov-07	0.01000	Nov-10	
Dec-01	0.00462	Dec-04	0.00630	Dec-07	0.00197	Dec-10	
Jan-02	-0.00138	Jan-05	0.00546	Jan-08	0.00308	Jan-11	
Feb-02	0.00210	Feb-05	0.00763	Feb-08	0.00040	Feb-11	
Mar-02	0.00202	Mar-05	0.01164	Mar-08	0.00607	Mar-11	
Apr-02	0.00177	Apr-05	0.01332	Apr-08	0.00613	Apr-11	
May-02	0.00176	May-05	0.00951	May-08	0.00673	May-11	
Jun-02	0.00220	Jun-05	0.00875	Jun-08		Jun-11	
Jul-02	0.00187	Jul-05	0.00947	Jul-08		Jul-11	
Aug-02	0.00075	Aug-05	0.00079	Aug-08		Aug-11	
Sep-02	0.00092	Sep-05	0.00353	Sep-08		Sep-11	
Oct-02	0.00184	Oct-05	0.00561	Oct-08		Oct-11	
Nov-02	0.00210	Nov-05	0.01192	Nov-08		Nov-11	
Dec-02	0.00282	Dec-05	0.01028	Dec-08		Dec-11	
Jan-03	0.00173	Jan-06	0.01005	Jan-09		Jan-12	
Feb-03	0.00086	Feb-06	0.00340	Feb-09		Feb-12	
Mar-03	0.00087	Mar-06	0.01171	Mar-09		Mar-12	
Apr-03	0.00652	Apr-06	0.00844	Apr-09		Apr-12	
May-03	0.00480	May-06	0.00774	May-09		May-12	
Jun-03	0.00403	Jun-06	0.00742	Jun-09		Jun-12	
Jul-03	0.00219	Jul-06	0.00726	Jul-09		Jul-12	
Aug-03	0.00025	Aug-06	0.00558	Aug-09		Aug-12	
Sep-03	-0.00200	Sep-06	0.00382	Sep-09		Sep-12	
Oct-03	0.00120	Oct-06	0.00519	Oct-09		Oct-12	
Nov-03	-0.00058	Nov-06	0.00874	Nov-09		Nov-12	
Dec-03	0.00305	Dec-06	0.00685	Dec-09		Dec-12	

\*\*\* STARTING JAN, 2006 FUEL COST CHANGES WITH CYCLE 2

STATEMENT OF OPERATIONS

MONTH	MARGINS		TIER	MARGINS		TIER
	2006	2007		2006	2007	
JANUARY	\$175,854.25		2.724	(\$67,275.84)		0.540
FEBRUARY	\$70,194.82		1.348	(\$17,703.38)		0.938
MARCH	\$183,081.31		1.420	(\$214,827.39)		0.503
APRIL	\$492,567.25		1.870	(\$231,238.01)		0.601
MAY	\$401,750.06		1.553	(\$446,642.57)		0.379
JUNE	\$202,941.44		1.235	(\$248,498.63)		0.707
JULY	\$153,076.67		1.153	\$352,588.38		1.355
AUGUST	\$229,809.56		1.199	\$359,743.83		1.318
SEPTEMBER	\$318,653.24		1.243	\$225,368.73		1.177
OCTOBER	\$132,062.16		1.091	(\$150,585.25)		0.894
NOVEMBER	\$445,504.02		1.279	841.07.52		1.542
DECEMBER	\$982,838.12		1.563	\$100,642.46		1.645

DUE TO  
 HOT COLLECTED,  
 BOOKS  
 \$ 910,751 ADDED TO  
 142.00  
 COSTS REC-EVED COSTS



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COMMISSION

EXHIBIT "D"

Applicable Portions of KRS 61.878 are as follows:

KRS 61.878(1)(h) – *Information relating to a pending criminal investigation (see John Howard arrest warrant attached hereto).*

KRS 61.878(1)(i) – The first two pages are the preliminary draft of the report on the third page.

KRS 61.878(1)(k) – Federal law – HIPPA.

Monday, June 23, 2008

I returned to work on June 9, 2008 after being off approximately 6 months for surgery on my right shoulder on Jan 9, 2008.

On June 12 2008 a service order request was placed in my mail slot. The request for a new security light and pole for Johnny Howard at 414 Ridgewood Rd Ct with two phone numbers at the top of the page and a note at the bottom "doesn't have a phone" taken by Nancy Gossom at the Bedford, Kentucky office. Attached to the front of the request order was a 3"X3" Post-A-Note that read "Need to take sheriff w/you when you go due to previous incidents Sheriff #255-7138".

I took the request with the post-a-note to the billing area to inquire about the note. Becky Jennings was away from her desk, I therefore asked Nanette McCarty about it and she told me that she had no knowledge of the note or who wrote it. I then inquired with my supervisor about it.

I had three working project in the Shelby County area, that I needed to complete before going to Trimble County.

About June 13, 2008 I called the two listed numbers at the top of the request order, one number just rang and the other I received a "number no longer in service message". I note that there was not any information noted on Mr. Johnny Howard's account that he be treated or approached differently that anyone else. I then went over to the Operations Office, several members of that group was in and inquired if anyone had any knowledge of Johnny Howard. Both Keith Miller and Neil Raisor told me that Mr. Howard was "BIG" and "he likes to fight, if he is off his medication" and that I would "need the sheriff when I went". No information was given to me about how, when or where I was to contact the Trimble County Sheriff.

On June 17, 2008, after being out in the field that day, I came into the office and had a message on my phone from Nanette McCarty saying that Mr. Howard had called in and left David Eubank a voice mail message that could not be understood, but it was determined to be Mr. Howard.

June 18, 2008, I informed Wayne Anderson that I was going to Mr. Howard's place with the Trimble County Sheriff. This was an area of our service system that I have not been and was not familiar with. I located his home on the Engineering Department map. This also had no notation that this was not a safe working area.

Again, not being familiar with this area I approached Mr. Howard's street with caution! I reached the end of the street to the cul-de-sac. I had mistaken Mr. Howard's address.

Sitting in the street I re-checked the service order for the correct address. When I looked up from the service order Mr. Howard was coming out of his trailer carrying a gun in his left hand and waving with his right hand and heading in my direction.

Mr. Howard walked to the front of his trailer turned approximately 90 degrees raised the gun, aimed and fired the gun once. Lowered the gun, turned back in my direction again waving for me to approach him. I stayed in my truck, in the street. He then went back to the side of his trailer and laid his gun on a trash can. At this time I wanted to put distance between Mr. Howard and his gun. After he took a few steps away from the gun, I opened the truck door and called out to him "How Can I help you?"

He replied "I want a pole"

I then asked him "Why do you want a pole?"

EXHIBIT

D

1 OF 5 PAGES

He replied "I want a pole"

I then asked him if he wanted a light?

He shook his head yes and started muttering.

I asked where?

He pointed down the property line, behind the trailer.

I told him that it would need to be measured.

He then turned, muttering and went back to his gun, picking up his gun heading back toward me, turned 90 degrees, raised the gun and fired two times.

I got back in my truck!

Mr. Howard then went into the trailer with his gun.

I was very shaken and trying to decide what to do!

Mr. Howard then stuck his head out of the door. I called out to him and he then stepped out on the top step, I could see that he did not have the gun. I requested him to come out to the street, which he did.

I then informed him that type of work would be at a cost to him.

He replied "forget it, forget it". Walking back to his trailer, he began to curse.

I got back in my truck, back down the street and called Wayne and informed him of what had happened.



Incident Report – 414 Ridgewood Road Court  
Johnny Howard Residence

On Wednesday June 18, 2008, 09:00 AM a potentially dangerous incident occurred at the address above in Trimble County. On June 12, a service request was received and placed to my mail slot indicating that the customer at this location (Mr. Howard) was requesting a security light. On the service order, a 3" by 3" post-it-note was placed that read: "Need to take sheriff with you when you go, due to previous incidents, Sheriff #255-7138". Attempts to contact Mr. Howard directly, in order to set an appointment (by the telephone numbers listed on the service order) were futile. A few days pasted and on June 17, a voice mail message was left on David Eubank's telephone that was determined to be from Mr. Howard, but the message was for the most part unintelligible. In the mean time, I attempted to inquire about the reason for the note to have the sheriff present due to past incidents. Operations personnel that responded indicated that Mr. Howard was "big and liked to fight". My supervisor indicated that there had apparently been past incidents with Mr. Howard and discretion was advised. He and I further agreed to assess the situation from a distance to first see if it could be determined what was needed at the site before making further contact with Mr. Howard. I attempted to do this on June 18 at 09:00 AM. I went to Ridgewood Road Court in Cooperative vehicle #4 and sat in the roadway to determine first, if I was in the right location and second, if I could see if it was obvious what was needed. While I was looking down at the service order, a man I later found out to be Mr. Howard came from out of the mobile home at this location with a fire arm in his hand, turned approximately 90 degrees, leveled the weapon and fired it (as if he was aiming at something.. He fired twice more, before I was able to collect myself and prepare to leave. I spoke with Mr. Howard briefly from the road a couple of times, but there did not seem to be any way to reason with him. I did not enter his property at any time and told him from the road that a pole and a security light such that he was requesting could not be done without charges. He began to curse and I immediately left. After discussing this matter with the local authorities in Trimble County, a criminal complaint (copy attached) was filed.

AOC-315 Doc. Code: CWS Rev. 5-03 08/13/2008 10:54 am Page 1 of 2 Ver. 1.01 Commonwealth of Kentucky Court of Justice www.kycourts.net Rcr 2.06; RCr 4		Case No. <u>07-M-</u> Court _____ District _____ County <u>Trimble</u>
CRIMINAL COMPLAINT AND <input checked="" type="checkbox"/> ARREST WARRANT OR <input type="checkbox"/> SUMMONS		

COMMONWEALTH OF KENTUCKY PLAINTIFF  
 VS. DEFENDANT

Name: John Howard  
 Address: 414 RidgeWood Road Court  
Bedford Kentucky 40006  
 Telephone No. \_\_\_\_\_

SEX	RACE	BIRTHDATE	HAIR	EYES	HEIGHT	WEIGHT	OP. LIC. NO. and LIC. State
M	B		Black	Brown	6'4"	250	

Armed or Dangerous  Felony  Misdemeanor Scars/Marks/Tattoos \_\_\_\_\_

Employer Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

**CRIMINAL COMPLAINT**

Affiant says that on June 18, 2008, in Trimble County, Kentucky, Defendant unlawfully:

and intentionally placed another person in reasonable apprehension of imminent physical injury. Affiant is a technician for Shelby Energy Cooperation and was sent to the defendant residence at 414 RidgeWood Road Court in Trimble County, Kentucky to determine service needs. When affiant arrived, defendant came out of defendant's mobile home with a pistol. Defendant walked toward affiant, turned about 90 degrees and fired the pistol one time. Defendant later put pistol down, but after affiant had tried to talk to defendant, defendant went and picked the pistol up and again turned about 90 degrees from the affiant and fired two shots. All the time the defendant was muttering to himself and saying things the affiant could not understand. Affiant believed that he was in danger of being shot by the defendant. Acts of the defendant violate KRS 508.050, Menacing, Class B Misdemeanor.

Affiant's Name (type or print): Bruce Stansbury

Affiant's Address: Shelby Energy Cooperative

Shelbyville Kentucky 40065

Affiant's Phone No. (502) 000-0000

Date: 6-18, 2008.   
Affiant's Signature

Subscribed and sworn to before me on 6-18, 2008, If a Notary, my commission expires: \_\_\_\_\_  
 \_\_\_\_\_, 2 \_\_\_\_\_  
  
Name and Title EXHIBIT D

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Defendant's Name: Howard  
Case No.: 07-M-

**WARRANT OF ARREST**

TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY:

You are commanded to arrest Defendant and bring him/her forthwith before the judge of the District Court of Trimble County, Kentucky. (or, if he/she be absent or unable to act, before the nearest available mag/strate) to answer a complaint made by Bruce Stansbury charging him/her with the offense(s) of KRS 506.050, Menacing, Class B Misdemeanor

Defendant may give bail in the amount of \$ 1,000.00 secured by CASH

Bail in accordance with the Uniform Schedule of Bail is denied because:

- The amount stated therein is not commensurate with the nature of the offense charged.
- Defendant has heretofore failed to appear pursuant to citations, evidencing that release under the uniform schedule will inadequately guarantee his/her appearance.
- Other \_\_\_\_\_

JUDGE: [Signature]  
Date: 6-18-2008

**SUMMONS**

TO THE DEFENDANT:

You are summonsed to appear before the judge of the District Court of Trimble County, Kentucky, on 2008 at 11 a.m.  p.m. at (location) \_\_\_\_\_

to answer charge(s) of \_\_\_\_\_ in response to a complaint filed by Bruce Stansbury

Failure to appear at the stated time and place, will subject you to contempt of Court.

ISSUED AT <u>Bedford</u>	<u>Trimble</u>	<u>County, Kentucky</u>
Date: <u>6-18-2008</u>	<u>[Signature]</u>	Judge
	<u>Trimble District</u>	Court

SHERIFF'S RETURN	
<input type="checkbox"/>	Served on Defendant named herein this _____ day of _____, 2008.
<input type="checkbox"/>	Not served because: <u>[Signature]</u>
	Officer <u>[Signature]</u>
	EXHIBIT <u>D</u>