

# TAYLOR, KELLER, DUNAWAY & TOOMS, PLLC

ATTORNEYS AT LAW  
1306 WEST FIFTH STREET  
POST OFFICE BOX 905  
LONDON, KY 40743-0905

Case No: 2009-00388

OF COUNSEL:

BOYD F. TAYLOR

J. WARREN KELLER

R. WILLIAM TOOMS

BRIDGET L. DUNAWAY

CLAYTON O. OSWALD

MICHAEL BENDER

RECEIVED

SEP 21 2009

PUBLIC SERVICE  
COMMISSION

PHONE: 606-878-8844

FACSIMILE: 606-878-5547

WRITER'S E-MAIL: [coswald@tkdlaw.com](mailto:coswald@tkdlaw.com)

ROY E. TOOMS

(1917-1986)

September 11, 2009

RECEIVED

SEP 15 2009

Consumer Protection  
Office of Insurance

Kentucky Public Service Commission

Attn: Consumer Services

PO Box 615

Frankfort KY 40602

RE: JECC v Bullskin Cable a/k/a Oneida Enerprises, LLC; John R. Brown and Vernon Gay


Dear Sir/Madam:

Please find enclosed herewith a complaint that I would ask you to file of record in the above referenced case.

Thank you in advance for your assistance and should you have any questions or concerns please do not hesitate to contact my office.

With kindest regards.

Sincerely,



Clayton O. Oswald

COO/rlc

enc: Complaint

cc: Carol Wright

FAWPDOS\Open Cases\Jackson Energy-060\FSC hr 09-11-09.vwpd

RECEIVED  
OFFICE OF INSURANCE  
2009 SEP 15 A 9: 28

RECEIVED  
OFFICE OF INSURANCE  
2009 SEP 17 A 9: 28

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

SEP 21 2009

IN THE MATTER OF:

JACKSON ENERGY COOPERATIVE  
CORPORATION

PUBLIC SERVICE  
COMMISSION

COMPLAINANT

-vs-

COMPLAINT

BULLSKIN CABLE A/K/A  
ONEIDA ENTERPRISES, LLC;  
JOHN R. BROWN; AND VERNON GAY

DEFENDANTS

\*\* \*\* \* \* \*

The Complainant, Jackson Energy Cooperative, by counsel, hereby submits this complaint to the Kentucky Public Service Commission seeking an order that the Defendants must remove their cable attachments from the poles of Jackson Energy Cooperative within a time certain, the Defendants must pay for all attachments, and that the Defendants must provide proof of liability insurance naming Jackson Energy Cooperative as an additional insured until such attachments are removed.

1. The Complainant is a non-profit electric cooperative corporation, with its principal office located at 115 Jackson Energy Lane, McKee, Commonwealth of Kentucky.

2. The Defendant, Bullskin Cable a/k/a Oneida Enterprises, LLC, and its owners/operators, Defendants John R. Brown and Vernon Gay, previously operated a business which served customers within Jackson Energy's territory with cable television service, pursuant to the terms and provisions of a tariff filed with the Kentucky Public Service Commission.

3. Jackson Energy Cooperative has been informed by the Defendants that they have ceased to do business.

4. Jackson Energy Cooperative has informed the Defendants that they must remove their attachments from its poles, continue paying for such attachments until their removal, and provide a certificate of liability insurance naming Jackson Energy Cooperative as an additional insured until such attachments are removed (see attached correspondence and invoices), all of which have been ignored by the Defendants.

5. The Defendants' failure to remove their attachments, failure to provide a certificate of insurance, and failure to pay for the attachments violates the terms of the tariff, and exposes Jackson Energy Cooperative to potential liability.

Wherefore, the Complainant, Jackson Energy Cooperative Corporation, moves as follows:

1. That the Public Service Commission order that the Defendants remove all cable attachments from the poles of Jackson Energy Cooperative;

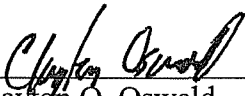
2. That the Public Service Commission order that the Defendants provide liability insurance (and a certificate thereof), and that the Defendants pay for said attachments until their removal at a time set by the Commission;

2. That the Public Service Commission make the Defendants, Bullskin Cable a/k/a Oneida Enterprises, LLC, John R. Brown, and Vernon Gay, parties to this proceeding and require their prompt responses to this complaint; and

3. For all other relief to which the Complainant may be entitled.

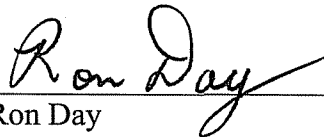
This 10 day of September 2009.

Respectfully submitted by,

  
\_\_\_\_\_  
Clayton O. Oswald  
Taylor, Keller, Dunaway & Tooms, PLLC  
PO Box 905  
1306 W. 5th Street  
London, Kentucky 40743-0905  
Telephone: (606) 878-8844  
Facsimile: (606) 878-5547  
e-mail: coswald@tkdlaw.com  
Attorney for Complainant

**VERIFICATION**

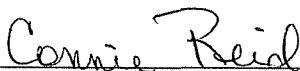
I, Ron Day, state that I have read the foregoing complaint and that the allegations contained therein are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Ron Day

COMMONWEALTH OF KENTUCKY

COUNTY OF JACKSON

Subscribed and sworn to before me by Ron Day on September 9, 2009.

  
\_\_\_\_\_  
Notary Public  
My Comm. Expires: 7-30-2012

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this complaint was mailed to:

Public Service Commission  
PO Box 615  
Frankfort, KY 40602-0615

Bullskin Cable  
John R. Brown  
Hwy 11 N 11685  
Oneida, KY 40972

Vernon Gay  
14828 N Hwy 66  
Oneida, KY 40972


This the 10 day of September 2009.

  
\_\_\_\_\_  
Attorney for Complainant



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy<sup>®</sup>  
Cooperative 

## STATEMENT

Statement Number	452547
Account	1845
Statement Period	SEP 2009
Statement Date	09/04/2009
Total Due	\$ 329.89

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

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Return Top Portion With Your Payment!

BULLSKIN CABLE TV  
Account : 1845

Statement Period: SEP 2009

Statement Date: 09/04/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
47.45	47.45	47.45	47.45	140.09	\$ 329.89

Trans Date	Invoice	Description	Amount
09/03/2009	21075546	Cable TV Pole Attachment Billing-August 2009-Clay County	282.44
		PREVIOUS BALANCE:	282.44
		<b>PRODUCT</b>	<b>LN AMT</b>
		<b>LINE DESCRIPTION</b>	<b>QTY</b>
		7301 Two Party Pole Attachments	21.000 9.66
		7301 Three Party Pole Attachments	89.000 35.53
		7305 5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:09/18/2009	47.45 47.45


### MESSAGES

Total Due: \$ 329.89



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy<sup>®</sup>  
Cooperative 

## STATEMENT

Statement Number	452432
Account	1845
Statement Period	AUG 2009
Statement Date	08/06/2009
Total Due	\$ 282.44

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

Page: 1

### Return Top Portion With Your Payment!

BULLSKIN CABLE TV  
Account : 1845

Statement Period: AUG 2009

Statement Date: 08/06/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
47.45	47.45	47.45	47.45	92.64	\$ 282.44

Trans Date	Invoice	Description	Amount
08/06/2009	21075470	Cable TV Pole Attachment Billing-July 2009-Clay County	234.99
		PREVIOUS BALANCE:	234.99
		PRODUCT	LN AMT
		7301 Two Party Pole Attachments	21.000 9.66
		7301 Three Party Pole Attachments	89.000 35.53
		7305 5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:08/21/2009	47.45 47.45

### MESSAGES

Total Due: \$ 282.44



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy<sup>®</sup>  
Cooperative

## STATEMENT

Statement Number	452314
Account	1845
Statement Period	JUL 2009
Statement Date	07/07/2009
Total Due	\$ 234.99

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

Page: 1

### Return Top Portion With Your Payment!

BULLSKIN CABLE TV

Account : 1845

Statement Period: JUL 2009

Statement Date: 07/07/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
47.45	47.45	47.45	47.45	45.19	\$ 234.99

Trans Date	Invoice	Description	Amount
07/07/2009	21075418	Cable TV Pole Attachment Billing-June 2009-Clay County	187.54
		PREVIOUS BALANCE:	187.54
		PRODUCT	LN AMT
		7301 Two Party Pole Attachments	21.000 9.66
		7301 Three Party Pole Attachments	89.000 35.53
		7305 5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:07/22/2009	47.45 47.45

### MESSAGES


Total Due: \$ 234.99





# JACKSON ENERGY

115 Jackson Energy Lane  
 McKee, KY 40447  
 (606) 364-1000

A Touchstone Energy<sup>®</sup>  
 Cooperative 

## STATEMENT

Statement Number	452176
Account	1845
Statement Period	JUN 2009
Statement Date	06/05/2009
<b>Total Due</b>	<b>\$ 187.54</b>

Remit To:

JACKSON ENERGY COOPERATIVE  
 115 JACKSON ENERGY LANE  
 MC KEE, KY 40447

BULLSKIN CABLE TV  
 14828 N HWY 66  
 JOHN R. BROWN  
 ONEIDA, KY 40972

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**Return Top Portion With Your Payment!**

BULLSKIN CABLE TV  
 Account : 1845

Statement Period: JUN 2009  
 Statement Date: 06/05/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
47.45	47.45	47.45	45.19	0	<b>\$ 187.54</b>

Trans Date	Invoice	Description	Amount	
05/06/2009	21075289	Cable TV Pole Attachment Billing-April 2009-Clay County	PREVIOUS BALANCE: 92.64	
		PRODUCT	LINE DESCRIPTION	QTY LN AMT
		7301	Two Party Pole Attachments	21.000 9.66
		7301	Three Party Pole Attachments	89.000 35.53
		7305	5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:05/21/2009		47.45 47.45
06/05/2009	21075342	Cable TV Pole Attachment Billing-May 2009-Clay County		
		PRODUCT	LINE DESCRIPTION	QTY LN AMT
		7301	Two Party Pole Attachments	21.000 9.66
		7301	Three Party Pole Attachments	89.000 35.53
		7305	5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:06/20/2009		47.45 47.45


MESSAGES

**Total Due: \$ 187.54**



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy<sup>®</sup>  
Cooperative 

## STATEMENT

Statement Number	452059
Account	1845
Statement Period	MAY 2009
Statement Date	05/01/2009
Total Due	\$ 92.64

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

Page: 1

### Return Top Portion With Your Payment!

BULLSKIN CABLE TV  
Account : 1845

Statement Period: MAY 2009

Statement Date: 05/01/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
0	47.45	45.19	0	0	\$ 92.64

Trans Date	Invoice	Description	Amount
		PREVIOUS BALANCE:	92.64


### MESSAGES

Total Due: \$ 92.64



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy<sup>®</sup>  
Cooperative 

## STATEMENT

Statement Number	451926
Account	1845
Statement Period	APR 2009
Statement Date	04/15/2009
Total Due	\$ 92.64

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

Page: 1

### Return Top Portion With Your Payment!

BULLSKIN CABLE TV

Statement Period: APR 2009

Account : 1845

Statement Date: 04/15/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
47.45	45.19	0	0	0	\$ 92.64

Trans Date	Invoice	Description	Amount
04/07/2009	21075240	Cable TV Pole Attachment Billing-March 2009-Clay County	45.19
		PREVIOUS BALANCE:	45.19
		PRODUCT	LN AMT
		7301 Two Party Pole Attachments	21.000 9.66
		7301 Three Party Pole Attachments	89.000 35.53
		7305 5% LATE FEES - POLE ATTACHMENT	1.000 2.26
		DUE DATE:04/22/2009	47.45
			47.45


### MESSAGES

Total Due: \$ 92.64



# JACKSON ENERGY

115 Jackson Energy Lane  
McKee, KY 40447  
(606) 364-1000

A Touchstone Energy®  
Cooperative 

## STATEMENT

Statement Number	451756
Account	1845
Statement Period	MAR 2009
Statement Date	03/13/2009
Total Due	\$ 45.19

Remit To:

JACKSON ENERGY COOPERATIVE  
115 JACKSON ENERGY LANE  
MC KEE, KY 40447

BULLSKIN CABLE TV  
14828 N HWY 66  
JOHN R. BROWN  
ONEIDA, KY 40972

Page: 1

### Return Top Portion With Your Payment!

BULLSKIN CABLE TV  
Account : 1845

Statement Period: MAR 2009

Statement Date: 03/13/2009

Page: 1

Current Due	1-29 Days Past Due	30 Days Past Due	60 Days Past Due	90 Days & Over	Total Due
45.19	0	0	0	0	\$ 45.19

Trans Date	Invoice	Description	Amount																
01/22/2009		Payment Bank: 1 Mode: CK	45.19 -45.19																
02/06/2009	21075100	Cable TV Pole Attachment Billing-Jan. 2009-Clay County																	
		<table border="1"> <thead> <tr> <th>PRODUCT</th> <th>LINE DESCRIPTION</th> <th>QTY</th> <th>LN AMT</th> </tr> </thead> <tbody> <tr> <td>7301</td> <td>Two Party Pole Attachments</td> <td>21.000</td> <td>9.66</td> </tr> <tr> <td>7301</td> <td>Three party Pole Attachments</td> <td>89.000</td> <td>35.53</td> </tr> <tr> <td colspan="3"></td> <td>45.19</td> </tr> </tbody> </table>	PRODUCT	LINE DESCRIPTION	QTY	LN AMT	7301	Two Party Pole Attachments	21.000	9.66	7301	Three party Pole Attachments	89.000	35.53				45.19	45.19
PRODUCT	LINE DESCRIPTION	QTY	LN AMT																
7301	Two Party Pole Attachments	21.000	9.66																
7301	Three party Pole Attachments	89.000	35.53																
			45.19																
02/20/2009		Payment Bank: 1 Mode: CK	-45.19																
03/06/2009	21075177	Cable TV Pole Attachment Billing-Feb. 2009-Clay County																	
		<table border="1"> <thead> <tr> <th>PRODUCT</th> <th>LINE DESCRIPTION</th> <th>QTY</th> <th>LN AMT</th> </tr> </thead> <tbody> <tr> <td>7301</td> <td>Two Party Pole Attachments</td> <td>21.000</td> <td>9.66</td> </tr> <tr> <td>7301</td> <td>Three Party Pole Attachments</td> <td>89.000</td> <td>35.53</td> </tr> <tr> <td colspan="3"></td> <td>45.19</td> </tr> </tbody> </table>	PRODUCT	LINE DESCRIPTION	QTY	LN AMT	7301	Two Party Pole Attachments	21.000	9.66	7301	Three Party Pole Attachments	89.000	35.53				45.19	45.19
PRODUCT	LINE DESCRIPTION	QTY	LN AMT																
7301	Two Party Pole Attachments	21.000	9.66																
7301	Three Party Pole Attachments	89.000	35.53																
			45.19																

### MESSAGES

Total Due: \$ 45.19

**TAYLOR, KELLER, DUNAWAY & TOOMS, PLLC**

ATTORNEYS AT LAW  
1306 WEST FIFTH STREET  
POST OFFICE BOX 905  
LONDON, KY 40743-0905

OF COUNSEL:  
BOYD F. TAYLOR

J. WARREN KELLER  
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CLAYTON O. OSWALD  
AMANDA LESTER HILL  
MICHAEL BENDER

PHONE: 606-878-8844  
FACSIMILE: 606-878-5547

WRITER'S E-MAIL: [coswald@tkdlaw.com](mailto:coswald@tkdlaw.com)

ROY E. TOOMS  
(1917-1986)

September 15, 2008

Bullskin Cable TV  
John R. Brown  
HWY 11 N 11685  
Oneida KY 40972

Bullskin Cable TV  
Vernon Gay  
12828 N Hwy 66  
Oneida KY 40972

RE:

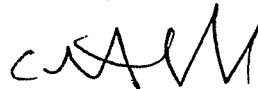
Dear Sirs:

Please allow this letter to document the conversation between Vernon Gay and Keith Vickers on September 12, 2008, in which Mr. Gay informed Mr. Vickers that Bullskin Cable TV would remove all their attachments from Jackson Energy's Poles by September 19, 2008, particularly given Jackson Energy's concerns for liability if an accident were to occur.

After Bullskin Cable has removed the attachments, could you please send me a letter verifying that such has been accomplished.

Please feel free to call with any questions or concerns.

Sincerely,



Clayton O. Oswald

COO/rlc  
cc: Carol Wright

F:\WPDOCS\Open Cases\Jackson Energy\660\Letters\Bullskin Cable 09-15-08.wpd