

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MENIFEE COUNTY BOARD OF EDUCATION	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2011-00076
CLARK ENERGY COOPERATIVE, INC.	)	
	)	
DEFENDANT	)	

ORDER

On January 9, 2013, Clark Energy Cooperative, Inc. ("Clark Energy") filed a motion for an extension of time to comply with the schedule outlined in the Commission's November 29, 2012 Order. In support of its motion, Clark Energy states that its counsel was notified by counsel for Complainant that he would no longer be representing Complainant and that it is likely that an extension of time will be granted for the Complainant to retain new counsel, and that this will likely affect events presently scheduled in this matter, particularly the formal hearing scheduled for March 21, 2013. Clark Energy requests that it be relieved from the schedule in the November 29, 2012 Order pending further developments in the representation of Complainant and further Orders herein.

On January 10, 2013, Menifee County Board of Education ("Menifee County") filed a motion to continue generally all scheduled deadlines and hearings. In support of

its motion, Menifee County states that “the undersigned”<sup>1</sup> will no longer be representing Menifee County and that it should be granted at least 60 days to obtain substitute counsel and confer with parties regarding a new scheduling order.

The November 29, 2012 Order in this matter established a procedural schedule providing for: (1) the filing, on or before January 15, 2013, of direct testimony of each witness that it expects to call at the formal hearing or any other evidence which the parties plan to introduce at the hearing; (2) the filing on or before February 8, 2013 of rebuttal testimony; and (3) a formal hearing on March 21, 2013.

Based on a review of the record, Clark Energy’s motion, and Menifee County’s motion, and being otherwise sufficiently advised, the Commission finds that Clark Energy’s motion should be granted and that Menifee County’s motion to continue generally for 60 days the existing procedural schedule should be granted. Further, the Commission finds that within 30 days of the date of this Order, Menifee County should file a letter with the Commission indicating its efforts to obtain substitute counsel and when it expects to retain counsel.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the November 29, 2012 Order is suspended and new procedural dates shall be established by a subsequent Order.
2. Within 30 days of the date of this Order, Menifee County shall file a letter indicating its efforts to obtain substitute counsel and when it expects to retain counsel.

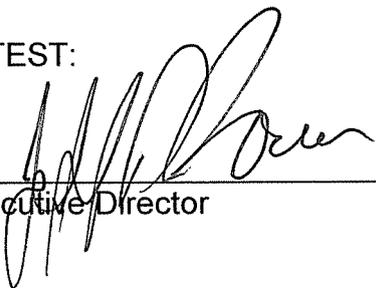
---

<sup>1</sup> Motion to Continue, filed Jan. 10, 2013.

By the Commission

ENTERED  
JAN 11 2013  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2011-00076

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

Hon. Stephen R Johnson  
P.O. Box 669  
Campton, KENTUCKY 41301

Charles Mitchell  
Superintendent  
Menifee County Board of Education  
P.O. Box 110  
202 Black Street  
Frenchburg, KENTUCKY 40322

John S Pumphrey  
Grant, Rose & Pumphrey  
51 South Main Street  
Winchester, KENTUCKY 40391