

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF FLEMING-MASON ENERGY)	
COOPERATIVE, INC. FOR AN ORDER)	
AUTHORIZING A CHANGE IN RATE DESIGN FOR)	CASE NO.
ITS RESIDENTIAL RATE CLASSES AND THE)	2012-00369
OFFERING OF SEVERAL OPTIONAL RATE)	
DESIGNS FOR THE RESIDENTIAL RATE CLASSES))	

ORDER

On January 18, 2013, Fleming-Mason Energy Cooperative, Inc. ("Fleming-Mason") filed Affidavits of Publication which indicated that notice of its proposed rates had been published in the following newspapers for the counties indicated: the *Lewis County Herald*, Lewis County; *The Carlisle Mercury*, Nicholas County; the *Morehead News*, Rowan County; the *Bath County News*, Bath County; the *Ledger-Independent* (Maysville), Mason and Robertson Counties; and the *Fleming-Gazette*, Fleming County.

807 KAR 5:001, Section 16(3)(b), states that an applicant that has more than 20 customers and is not a sewage utility shall post at its place of business a sheet containing the information required by subsection 4 and shall: (1) Include notice with customer bills mailed by the date the application is filed; (2) Publish notice in a trade publication or newsletter giving to all customers by the date the application is filed; or (3) Publish notice once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made by the date the application is filed. 807 KAR 5:001, Section 16(3)(c), states that

utilities providing service in multiple counties may use a combination of the notice methods listed in paragraph (b) of the subsection.

Based on a review of Fleming-Mason's rate application and the Affidavits of Publication, the Commission finds that:

1. Fleming-Mason provides service to customers in each of the counties in which its proposed rates were published, as well as in Bracken County. The proposed rates were not published in the *Bracken County News*, although that paper is published in Bracken County and it does meet the qualifications under KRS 424.120 for advertisements that are required by law to be published.

2. Fleming-Mason's October 9, 2012 notice in the *Lewis County Herald* and October 10, 2012 notice in the *Carlisle Mercury* contained incorrect rates for the off-peak energy charge per kW and the on-peak energy charge per kW for its Residential & Small Power Time of Day Rate ("RSP-TOD").

3. Fleming-Mason should include in newspaper publications, in all referenced counties except Bracken, the date, time, and place of the formal hearing in this matter and a notice of the present and proposed off-peak energy charge per kW and on-peak energy charge per kW for its RSP-TOD customers in all of its service territories through publication in the following newspapers for the counties indicated: the *Lewis County Herald*, Lewis County; *The Carlisle Mercury*, Nicholas County; the *Morehead News*, Rowan County; the *Bath County News*, Bath County; the *Ledger-Independent* (Maysville), Mason and Robertson Counties; and the *Fleming-Gazette*, Fleming County.

4. Fleming-Mason should include in the *Bracken County News* the date, time, and place of the formal hearing in this matter and a notice that meets the requirements of 807 KAR 5:001, Section 16(4).

5. A hearing in this matter should be scheduled and held on April 3, 2013, at 10:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

The Commission HEREBY ORDERS that:

1. A hearing in the matter shall be held on April 3, 2013, at 10:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. At the time it publishes notice of the formal hearing in this matter, Fleming-Mason shall provide notice of the present and proposed off-peak energy charge per kW and on-peak energy charge per kW to its RSP-TOD customers in all of its service territories through publication in the following newspapers for the counties indicated: the *Lewis County Herald*, Lewis County; *The Carlisle Mercury*, Nicholas County; the *Morehead News*, Rowan County; the *Bath County News*, Bath County; the *Ledger-Independent* (Maysville), Mason and Robertson Counties; and the *Fleming-Gazette*, Fleming County.

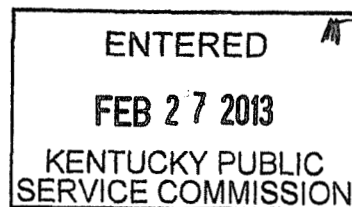
3. At the time it publishes notice of the formal hearing in this matter, Fleming-Mason shall provide notice that meets the requirements of 807 KAR 5:001, Section 16(4), to its customers in its Bracken County service territory by publishing the notice in a prominent manner in the *Bracken County News*.

4. Not less than 7 days nor more than 21 days prior to the scheduled hearing, Fleming-Mason shall publish notice of the April 3, 2013 Hearing in compliance with KRS 424.300 and 807 KAR 5:001, Section 9(2)(b), in a newspaper qualified to publish notice under KRS 424.120(1), in all of its service territories through publication in the following newspapers for the counties indicated: the *Lewis County Herald*, Lewis County; *The Carlisle Mercury*, Nicholas County; the *Morehead News*, Rowan County; the *Bath County News*, Bath County; the *Ledger-Independent* (Maysville), Mason and Robertson Counties; the *Fleming-Gazette*, Fleming County; and the *Bracken County News*, Bracken County.

5. Fleming-Mason shall file with the Commission, no later than April 1, 2013, proof of publication of its notice for the hearing.

6. The official record of the proceeding shall be by video only.

By the Commission



ATTEST

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

Executive Director

Chris Perry
President and CEO
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

Honorable Marvin W Suit
Attorney At Law
Suit, McCartney & Price, PLLC
207 Court Square
Flemingsburg, KENTUCKY 41041