

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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**PUBLIC SERVICE
COMMISSION**

In the Matter of:

ROY G. COLLINS)
)
COMPLAINANT)
)
V.)
)
JACKSON PURCHASE ENERGY CORPORATION)
)
DEFENDANT)

CASE NO.
2013-00052

**JACKSON PURCHASE ENERGY CORPORATION'S
MOTION TO DISMISS**

Comes Jackson Purchase Energy Corporation and hereby moves the Commission to dismiss with prejudice the Complaint filed against it by Roy Collins. As grounds therefore, JPEC states that in accordance with its usual procedures on October 17, 2013, this Commission entered a Procedural Order in this matter. The Commission's Order, among other things, set dates to file direct and rebuttal testimony. Presumably, the purpose of pre-filed testimony in this matter is to develop the record, ensure that parties are afforded the opportunity to prepare a thorough cross examination and to assist the Commission in an orderly proceeding. Collins failed to comply with the Commission's procedural order and did not file any direct or rebuttal testimony. As such, the only evidence of record at this time indicates that JPEC acted in a fair, just and reasonable manner in the interpretation and application of its tariffs. Therefore, Mr. Collins' Complaint should be dismissed with prejudice.

However, in the event the Commission declines to dismiss Mr. Collins' Complaint, JPEC would ask in the alternative that this Commission prevent Mr. Collins from testifying in this matter as a result of his failure to pre-file either direct or rebuttal testimony. Because of Mr. Collins' failure

to file testimony, it is impossible for JPEC to adequately cross-examine Mr. Collins. His live testimony should be barred for reasons of fair play and procedural due process.

WHEREFORE, for the foregoing reasons, JPEC hereby requests that the Commission dismiss Mr. Collins' complaint with prejudice or, in the alternative, prohibit Mr. Collins from providing any testimony during the trial of this matter because of his failure to provide pre-filed direct or rebuttal testimony.

Respectfully submitted,

DENTON & KEULER
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By: 
Melissa D. Yates

ATTORNEY FOR JPEC

I hereby certify that the foregoing has been served by hand delivering a copy of the same to

MR JEFF DEROUEN
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

MR ROY G COLLINS
109 DICKENSON STREET
MANCHESTER KY 40962

on this 11th day of February, 2014.

By: 
Melissa D. Yates