## WOMACK LAW OFFICE, LLC

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## **CERTIFIED MAIL**

Ms. Leah Faulkner
Rate Analyst, Electricity and Gas Rate
Division of Financial Analysis
P. O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-3460

Re: David Shouse Farms
Case No. 2014-00371

Dear Ms. Faulkner:

Please be advised that Womack Law Office, LLC, represents the interest of David Shouse, d/b/a David Shouse Farms, concerning Kentucky Utilities Case No. 2014-00371, and the circumstances under which he is currently paying an inordinate amount of fees to the KU facility, the direct and proximate result of his being charged a demand fee that is most unreasonable when compared to the seasonal nature of his business.

그들이 하는 사람들이 가장 하는 것이 되었다. 그 그 그 그는 사람들이 가장 나는 사람들이 되었다. 그는 사람들이 되었다. 그는 사람들이 되었다면 살아보다 하는 것이 되었다. 그는 사람들이 되었다면 살아보다 되었다면 살아보다면 살아보다면

It is understood and appreciated the necessity for certain demand charges; however, the seasonal work, i.e., farming, and the utilities associated with farming that are operated on a very limited seasonal basis enable KU to realize a windfall situation with respect to the customer that is, as a practical legal term, unjust enrichment, concerning the electrical charges made against Mr. Shouse.

In order to substantiate or validate the need or necessity for demand charges, there must be some substantial likelihood that the demand will be exercised by the customer. In the circumstances of David Shouse Farms, that demand or the demand charges is not realistic with the nature of the business in which Shouse Farms is involved, which is seasonal. It is understood that demand charges could be based on

the highest level of usage during a period, but that period of usage or standard continues for other customers throughout the course of the year and does not for the Shouse Farms.

It should be noted that Shouse Farms went to great expense to have the utilities run to its particular facility and the application of the demand charge against the customer throughout the course of the entire year cannot be justified, nor would it pass, in our opinion, legal muster. KU did not pay anything in the running of the line to our client's farming operation. That undertaking was paid for by Shouse Farms. As a direct result, the demand charge would be collecting something other than any fixed charge that would exist with respect to this particular customer because Shouse Farms paid for running of the service to its property. This is tantamount to gouging.

For these reasons, we respectfully request you reconsider Mr. David Shouse's request for an adjustment; otherwise, we intend to seek legal redress.

Respectfully,

WOMACK LAW OFFICE, LLC

Zack N. Womack

ZNW:cn

c: David Shouse