

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM AND CHARLENE WILKINSON	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2025-00005
TAYLOR COUNTY RURAL ELECTRIC	)	
COOPERATIVE CORPORATION	)	
	)	
DEFENDANT	)	

ORDER

On January 8, 2025, William and Charlene Wilkinson tendered a formal complaint with the Commission against Taylor County Rural Electric Cooperative Corporation (Taylor RECC) concerning Taylor RECC’s Tariff Sheet 38 and the alleged failure to distribute capital credits after moving off the line in January 2000. For the reasons discussed below, the Commission finds that a *prima facie* case has not been established and that Mr. and Mrs. Wilkinson should be given 20 days to amend the complaint to establish a *prima facie* case or the case should be dismissed.

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service.<sup>1</sup> Commission regulation 807 KAR 5:001, Section 20(1)(c) requires each complaint to state fully, clearly and with reasonable certainty, the act or

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<sup>1</sup> KRS 278.206.

omission, of which failure to comply is alleged.<sup>2</sup> Furthermore, 807 KAR 5:001, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.<sup>3</sup> A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed. However, 807 KAR 5:001, Section 20(4)(a)(1) allows a complainant to amend a complaint within a specified time.<sup>4</sup>

### BACKGROUND

On January 8, 2025, Mr. and Mrs. Wilkinson tendered a formal complaint to the Commission. Mrs. Wilkinson stated that when attempting to settle her mother's account after she passed on May 26, 2024, Taylor RECC did not release her mother's capital credits until the second week of December 2024.<sup>5</sup> During this seven month period, Mrs. Wilkinson began to research Taylor RECC's tariff sheet 38 in regard to capital credits retirement,<sup>6</sup> and concluded that she and her husband should have received capital credits when they moved off the line in January 2000. Mr. and Mrs. Wilkinson are requesting capital credits, with interest accrued since January 2000, be sent to their Biloxi, Mississippi address.

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<sup>2</sup> 807 KAR 5:001, Section 20(1)(c).

<sup>3</sup> 807 KAR 5:001, Section 20(4)(a).

<sup>4</sup> 807 KAR 5:001, Section 20(4)(a)(1).

<sup>5</sup> Complaint (filed Jan. 8, 2025) at 3.

<sup>6</sup> P.S.C. Ky. No. 5, Sheet 38, effective Oct. 28, 1992.

## DISCUSSION AND FINDINGS

Mr. and Mrs. Wilkinson's complaint does not state fully, clearly and with reasonable certainty that an act or omission by Taylor RECC of which failure to comply is alleged. The complaint neither specifies the particular section or language set forth Taylor RECC's tariff sheet 38 that establishes Mr. and Mrs. Wilkinson's eligibility for the capitol credits nor the conduct of Taylor RECC that violated that portion(s) of the tariff. Having reviewed Mr. and Mrs. Wilkinson's complaint, the Commission finds that Mr. and Mrs. Wilkinson have not fully, clearly and with reasonable certainty stated the act or omission that Taylor RECC is alleged to have committed as required by 807 KAR 5:001, Section 20(1)(c), thus have failed to establish a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. Mere allegations without evidence of support does not constitute a failure to comply on the part of Taylor RECC.

In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that Mr. and Mrs. Wilkinson should be afforded the opportunity to amend their complaint to include proof that they were customers of Taylor RECC on or before January 2000. The Commission further finds that Mr. and Mrs. Wilkinson should file an amended complaint within 20 days of the date of service of this Order. Mr. and Mrs. Wilkinson may file their complaint by U.S. mail or by email to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. Mr. and Mrs. Wilkinson's complaint is rejected for filing for failing to state a *prima facie* case.


2. Mr. and Mrs. Wilkinson shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a *prima facie* case.

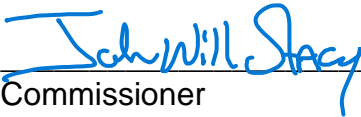
3. Mr. and Mrs. Wilkinson may file their amended complaint with the Commission by U.S. Postal Service mail to P.O. Box 615, Frankfort, Kentucky 40602-0615 or by email to [PSCED@ky.gov](mailto:PSCED@ky.gov). Mr. and Mrs. Wilkinson shall include the case number, 2025-00005, in all filings with the Commission.

4. A copy of this Order shall be served upon Mr. and Mrs. Wilkinson by certified, return receipt requested, U.S. Postal Service mail to 9031 River Oaks Ct., Biloxi, Mississippi 39532. Service shall be considered complete on the first day the U.S. Postal Service attempts delivery of the certified mail.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

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

ENTERED  
MAR 19 2025 jdc  
KENTUCKY PUBLIC  
SERVICE COMMISSION

William Wilkinson  
9031 River Oaks Court  
Biloxi, MISSISSIPPI 39532

\*Taylor County R.E.C.C.  
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