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**PUBLIC SERVICE
COMMISSION**

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO.: 2026-00236

In the Matter of:

MELISSA MAHAN

COMPLAINANTS

and

JOSEPH MAHAN

VS.

CUMBERLAND VALLEY ELECTRIC, INC.

DEFENDANT

**COMPLAINANTS' MOTION FOR LEAVE TO FILE RESPONSE
AND RESPONSE IN OPPOSITION TO CUMBERLAND VALLEY
ELECTRIC, INC.'S MOTION TO TRANSFER SERVICE CONNECTION**

Complainants, Joseph Mahan and Melissa Mahan (hereinafter "Complainants"), by and through counsel, respectfully move the Commission for leave, to the extent necessary, to file this response to Cumberland Valley Electric, Inc.'s (hereinafter "Cumberland Valley") Verified Answer and Motion to Transfer Service Connection (hereinafter "Motion"). Complainants further respectfully request that the Commission deny Cumberland Valley's Motion or, at minimum, defer consideration of its requested merits relief pending a complete record and an opportunity for all affected parties—including Kentucky Utilities Company (hereinafter "KU")—to be heard.

In support, Complainants state as follows:

I. MOTION FOR LEAVE

- 1) Cumberland Valley filed its Motion on September 2, 2026. Although Cumberland Valley styled its filing as both an answer and a motion, the

Commission had not issued an order directing Cumberland Valley to answer the Complaint. Cumberland Valley itself acknowledges that fact and asks the Commission to permit a deviation from the usual procedure.

- 2) To the extent the Commission concludes that this response is untimely, Complainants request leave to file it out of time for good cause. The Motion seeks extraordinary affirmative relief affecting Complainants' presently available electric service, including an order requiring a transfer of the service connection within fifteen days and, failing that, authority for disconnection. Consideration of that relief without Complainants' response would materially prejudice their interests.
- 3) Leave will not prejudice Cumberland Valley. The case remains before the Commission, and a brief opportunity to address the Motion will assist the Commission in developing a complete record before deciding whether the requested relief is warranted.
- 4) The Commission's rules generally require a response to a motion within seven (7) days unless the Commission orders otherwise. 807 KAR 5:001, § 5(2). The Commission may also permit deviations from its rules for good cause. 807 KAR 5:001, § 22.
- 5) For these reasons, the Commission should grant leave and consider this response.

II. RESPONSE IN OPPOSITION

- 1) Cumberland Valley requests that the Commission dismiss Complainants' Complaint, declare that Cumberland Valley possesses the exclusive right to

serve Complainants' residence, direct Complainants to make arrangements to transfer service to Cumberland Valley within fifteen (15) days, and permit disconnection if they do not do so. The Motion should be denied because the existing record does not establish entitlement to that relief.

- 2) The central factual premise of the Motion is that KU agrees the residence lies in Cumberland Valley's certified territory and supports a transition of service to Cumberland Valley. Yet, Cumberland Valley supplies no affidavit, pleading, intervention, or other filing from KU confirming those representations. Instead, Cumberland Valley relies upon an affidavit from its own engineering manager stating, "to the best of [his] knowledge," that no other retail supplier disputes Cumberland Valley's position. That qualified assertion does not establish KU's position or resolve the issues raised by the Complaint.
- 3) Complainants filed this proceeding because they were unable to obtain reliable electric service after receiving inconsistent information concerning which utility could serve the residence. The fact that Cumberland Valley now asserts a particular position does not alone establish that the Commission should dismiss the Complaint, impose a transfer requirement, or authorize disconnection.
- 4) Before ordering any change in service, the Commission should require KU to state its position in the record and should allow Complainants a meaningful opportunity to test the factual basis for the requested declaration and transfer. If the Commission concludes that additional evidence is needed,

Complainants request a hearing and such discovery or information requests as are appropriate to establish a complete record.

- 5) The requested disconnection authority is particularly premature. The Motion does not identify an immediate public safety concern or any other evidentiary basis for authorizing interruption of service to Complainants' residence. No such relief should be granted without a developed record, notice, and an opportunity to be heard.
- 6) Complainants do not concede that the Motion's requested declaration, dismissal, transfer directive, or disconnection remedy is supported by the present record or by the cited statutory provisions. Complainants reserve all arguments concerning the proper application of KRS 278.016 through 278.018, the adequacy of Cumberland Valley's filing, and the relief properly available in this proceeding.

III. REQUESTED RELIEF

WHEREFORE, Complainants respectfully request that the Commission:

- 1) Grant Complainants leave, to the extent necessary, to file this response;
- 2) Deny Cumberland Valley's Motion to Transfer Service Connection and its request to dismiss the complaint;
- 3) Alternatively, defer a ruling on the Motion until KU has appeared or otherwise stated its position in the record and Complainants have been afforded an opportunity to develop and present evidence;
- 4) Decline to enter any order requiring a service transfer or permitting disconnection of service on the current record;

- 5) Set this matter for a hearing, if necessary; and
- 6) Grant Complainants all other appropriate relief.

/s/Adam L. Towe

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of September 2026, a true and accurate copy of the foregoing was electronically filed with the Kentucky Public Service Commission by use of the Commission's electronic filing system, and this is to further certify that a true and accurate copy was served by first-class mail, postage prepaid, and/or via electronic service to the following:

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