

CASE NO. 2013-00010

COMPLAINANTS : JEFFREY AND CHRISTY VICE

V.

FLEMING MASON ENERGY COOPERATIVE INC.

DEFENDANT

RECEIVED

MAR 18 2013

PUBLIC SERVICE  
COMMISSION

ANSWER

**Complainants, Jeffrey and Christy Vice states as follows in response to defendants (FME) inaccurate response to complaint.**

1. **AS** For complaint to be dismissed. If Public Service Commission (PSC) cannot award damages we ask the PSC to determine that FME was and has been negligent in providing us honest and trustworthy service and due to periods of over voltage caused severe beyond repair damage to our electrical appliances. Upon PSC findings and determinations we will take the findings and present them in a court of law if so needed.
2. As far as voltage recorders installed for our line to our home. There were NO such recorders on our line during our major equipment loses, therefore the readings recorded are not relevant to the damaged equipment we have lost and outages that continue to occur to this day.
3. Homeguard System. It was FME who came to our house and picked up the power surge protector and sent it to Schnieder Electric. FME did not even know of the collar base to be tested, was installed on our home until PSC informed them as such. It was then and only then that FME sent someone to our home to remove the collar base and have it tested as documented in PSC report. This failure to remove the CORRECT device was left on our home unprotected and caused even more damage. Note: this is not a disputed fact. It is also a fact that FME sold us equipment that they themselves did not know was installed on our home or the correct testing procedures that should have taken place in case of equipment failure. The Third party (Schneider Electric) did not install this equipment (Homeguard) or remove it, or sell it to us. This was done solely by FME. The test results proved that we were correct in our assumptions. Over voltage had occurred. Within a week of Schneider Electric findings FME sent us a letter stating they would no longer be using the Homeguard system in the future. This seems to be how FME operates. Once findings prove of their neglect they blame someone else for their problems. Also please not that FME tried to remove the collar base on our home without informing us they were doing so while the PSC investigation was ongoing. But I (Jeff Vice) was home at the time and caught them in the act and immediately informed Jeff Moore at PSC of their intentions. Upon adding the Homeguard System to our home we were NEVER given any type of paperwork from FME. It was only added to our monthly bill. **Think about this for a moment please. If we (The Vices) were concerned about losing our high dollar equipment (as stated by FME) such as televisions, computers, etc: Why would we want a service protection that DID NOT cover any of said items???** Answer WE WOULD NOT!! We were told by FME the

**Homeguard System covered all our household electrical items.**

4. FME denies the frequency of our outages at our home. They were told by our neighbors Richie and Rhonda Lee to document every single outage call they received from them because Rhonda is home most every day and can verify when an outage occurs. **FME DID NOT** do this and I have attached emails from FME to prove that fact. Please not the service report to the Lee's and then note power outage reports from FME to service technicians and you will see the FME did not report all outage calls as directed.
5. FME (**Chris Perry**) states he did not have conversations with Mr. Vice as stated in the complaint. I have attached FME emails ( **Brandon Hunt**) to Mr. Vice that show Chris Perry indeed did have that conversation with Mr. Vice.
6. FME denies it had the Vices send the wrong equipment to be inspected. Attached is an email that shows it was FME who came to our home to drop off a replacement kit and it was FME who picked up the equipment to be sent for testing and it was FME and FME only who made that mistake of sending in the wrong equipment. FME should have known the power surge protector was not the Collar Base that needed to be tested. FME states that it was the Vices who sent in the wrong equipment to be tested. If that is the case then how were the Vices to remove the Collar Base I ask??? The collar base has to be removed and installed by FME service technicians not the Vices. **This alone proves that it was FME that did not test the proper equipment.**
7. FME has been told to document all call ins on outages and yet FME still does not do so. Attached is an email between Mr. Vice, Jeff Moore and Brandon Hunt. As you can see there was an outage on the said date and yet FME service does not report that outage as called in by Rhonda Lee. This is just one of many unreported outages by FME.
8. You can also see in attached emails that FME notes of MAJOR PROBLEMS at the Vice household. This is documented in FME's own words NOT THE VICES.
9. It is also to be noted that Mr. Vice contacted Lonnie Vice who sits on the board of directors at FME. Mr. Vice stated he lived at the Plantations and wanted to know if Mr. Lonnie Vice knew Richie and Rhonda Lee and if he had quoted them for insurance. Lonnie Vice said "YES" he knew them and had given them a quote. Mr. Jeff Vice then informed him of who he (Jeff Vice) was and wanted to know if Mr. Lonnie Vice recalled the conversation he had with the Lee's about current power outages while he was at their home and the two power outages that occurred while he was there. It was then that Mr. Lonnie Vice's tone in his voice changed and he stated "I do not recall that" Mr. Jeff Vice then said "you remember the Lee's, Going to their house to sell them insurance, talking about power outages, yet you do not remember two outages and you yourself calling the outages in to FME" Mr. Lonnie Vice said again "I do not recall that". Mr. Lonnie Vice and FME always seem to have selective memory when it is in their best interest. This is the pattern that seems to always follow FME. Attached is another letter from Richie and Rhonda Lee as to the facts.
10. FME denies that Schneider Electric's Report on the HomeGuard system sustained substantial period of voltage fluctuations, but if you read the Autopsy Report it clearly states the unit was subjected to a sustained overvoltage, and can't be withstand the voltages measured for prolonged periods of time. (Attached Schneider Electric Report)

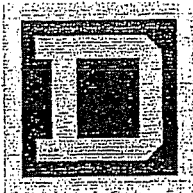
11. FME stated that they provided their customers with the HOMEGUARD system as a quality customer service. If FME provided this so called quality service, then why after HOMEGUARD (Schneider Electric) found that the collar had sustained periods of overvoltage, did FME stop offering this service??? Again VERY Convenient for FME.
12. In reference to HVAC system problem having occurred in or around 11/30/2009, not December 2010 as indicated in the first sentence of the complaint it was meant to read December 2009, as you can see by the above average electric bills provided by FME.
13. FME states we have a large home and that could cause higher electric bills. But what FME does not know is vents have been closed for our basement since we bought our home in 2007 and from November til Spring weather we shut the doors in two of our upstairs bedrooms and close the vents in those rooms also. Our children sleep in our bedroom and we keep the heat on 67 during the Winter months. So we only heat about 1400 square foot in the winter and our heating bills are still outrageous.

### CONCLUSION

FLEMING MASON ENERGY (other than Brandon Hunt) has been very unpleasant to work with while trying to resolve this problem. We followed their recommendations to install the Homeguard System only to find out FME does not stand behind Schneider Electric's findings. Only upon discovering we (the Vices) filed a complaint with PSC did FME start trying to fix all the problems. They made numerous trips to the Plantations in the two weeks prior to PSC's investigation beginning. Why I ask?? Cause they knew the voltage recorders were going to be installed by PSC. FME does not care about what they have put us as a family through. We (the Vices) ask PSC to not dismiss this complaint. We ask PSC for justice. We ask PSC to make FME accountable for the negligence. If FME knows that they cannot get away with unfair practices then maybe no one else will have to go through what our family has gone through over the last several years. **We ask PSC please find we are just in our complaint.** We have made our stand and WE WILL see this matter through as God as our witness.

Sincerely,

\_\_\_\_\_  
Jeffrey & Christy Vice



# Autopsy Report

## Test Results

### Meterbase

RMA #	Date Code	LED	Buzzer	Jaws	Wires	MOV'S	Thermal Fuses
13893	9803	N/A	OUT	OK	OK	OK	OK

Date of Report: August 31, 2012  
 CNI # N/A  
 RMA # 13893

#### Summary of Results:

##### Overvoltage:

The observed condition of the internal components suggests that the unit was subjected to a sustained overvoltage. The voltage sensitive components used in these devices are unable to withstand elevated voltages for prolonged periods (>60ms) and must be disconnected from the circuit in order to prevent damage to the system. The internal fusing used in these devices is designed to take them safely offline in the event of a sustained overvoltage. Diagnostic indicators will then alert the user that the unit must be replaced.

The causes of these overvoltages are numerous but can include voltage swells, loss-of-neutral, and misapplications (ex. 120V units installed in a 277V system).

If you have any questions, please contact us. Our Customer Service Team is here to serve you Monday thru Friday 7:00 am - 5:00 pm (MST).

Square D Laboratory 1751 S 4800 W Salt Lake City, Utah 84104 (801)-877-9009		
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Zimbra

bhunt@fme.coop

± Font size ±

Re: Letter/Outage Date

From : Brandon Hunt <bhunt@fme.coop>  
Subject : Re: Letter/Outage Date  
To : Christy Vice <cvice@primelending.com>  
Reply To : bhunt@fme.coop

Mon, Mar 15, 2010 03:06 PM

Christy,

Your husband requested a statement explaining the details of the power outage.

To Whom it may concern:

Early morning on 11/30/09 FME received an outage call with several outages in the Sharpsburg area. After some extensive troubleshooting the crews found a set of insulators on a three phase pole that had began to break down and starting to track over. This had caused several faults in the area and eventually kicked off the upline protective recloser. The faults that were caused by the equipment failure have the potential to effect the power quality of consumers served by this line. Faults have the potential to increase the amount of current on the line and therefore cause protective equipment to open to try to remove the higher fault current. This naturally causes voltage sags and/or swells that can be hazardous to sensitive equipment and electronics. For this very reason, Fleming Mason encourages that surge protectors and uninterruptible power supplies (UPS) should be utilized at residential locations that are vulnerable to momentary interruptions.

Crews made the necessary repairs and restored the power to the area. The cause for the insulator breakdown was unknown. FME received a call towards the end of February from Mrs. Vice stated that the power outage mentioned above cause some damage to her heat pump.

If you have any questions feel free to contact me.

Brandon Hunt  
System Engineer  
Fleming Mason Energy  
Flemingsburg, KY  
1-800-464-3144

----- Original Message -----

From: "Christy Vice" <cvice@primelending.com>  
To: "bhunt@fme.coop" <bhunt@fme.coop>  
Sent: Monday, March 1, 2010 11:27:36 AM  
Subject: Letter/Outage Date

Brandon,

The power outage at my home (86 Appaloosa Lane Sharpsburg, KY 40374) occurred on November 30, 2009. I have attached the letter from the company who replaced my unit explaining the reason for the replacement, along with the invoice. When talking with my neighbor about the date of the outage he reminded me that when he called to report the outage they told him it was due to a transformer. Can you respond to this email to let me know that you received it and also what the time frame is to find out if it will be covered.

Thank You,  
Christy Vice

**Thu 10/18/2012 4:01 PM T jhawkins**

line had blinked right out of sub station did not blink anymore could not get a hold of him J.Hawkins

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**Tue 10/9/2012 4:03 PM T KJBROWN**

RICHARD CALLED AND THEY ARE STILL HAVING PROBLEMS WITH THEIR POWER GOING OFF AND ON A LOT. HE LIVES CLOSE TO JEFF VICE WHO HAS ALSO HAD MAJOR PROBLEMS. PLEASE CHECK.

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**ServiceOrder Notes**

**134792**

Thu 2/9/2012 7:44 AM T JWILLS  
DROPPED OFF REPLACEMENT KIT - 2/8/12 MFULTZ

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Tue 2/7/2012 9:30 AM T JWILLS  
\*\*\*\*\* SEE MARY BETH BEFORE GOING \*\*\*\*\*  
THIS IS A REPLACEMENT KIT --- SEE MARY BETH FOR INSTRUCTIONS - THANKS

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# Power Interruption Call-ins

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Situation: Power interruptions

## History

I have been a co-op member since 1989 when I first moved to Hillsboro, Ky. During the next several years I lived a total of four different areas of the Hillsboro community & each time Fleming Mason was the provider of electricity. As I recall I had no issues with the services provided during this time of service. They were very quick to respond when needed & acted with professionalism every time. No complaints at all from myself.

## Fast Forward

Today I live outside of the city of Sharpsburg, Ky located in Bath County. I have been living here since the year 2009 when my wife & I decided to build a home. We chose an area towards the southern end of the county close to Montgomery County. The electrical provider is Fleming Mason & for us this wasn't a concern. After all we have been using their services for years & felt very comfortable with services.

I would like to mention that during the building process each time that I had to contact Fleming Mason concerning the electrical side of things it was an event free encounter. I had no trouble with the response time or the quality of work performed. From the engineers to the linemen my encounters with each of them was great.

With that said, I want to comment on my current state. Since 2009, the time that I moved to Bath County, I have had a several issues with my power coming into my home. These issues are all the same, not a random array of problems but all the same. The power is very inconsistent & causes electronics to kick off & on at random. This is happening thru-out my neighborhood & maybe elsewhere for all I know. This is harmful to today's electronics & we all know that.

Myself & several neighbors have contacted Fleming Mason on several occasions & rarely do ever see a technician in the area unless we lie a little. The lie would go something like this: "Fleming Mason Energy, how may I help you?" I would like to report a power outage. "Where are you calling from Sir?" The Plantations in Sharpsburg. "Your power is out right now Sir? Yes it is. "We will send someone out right away Sir." Thank you.

Now, the technician shows up at my home & we greet each other. "Power out?" It's back on now, buddy. "Yeah we have some sort of problem up here but ain't sure what it is." Tell me about it. I'm scared it's going cause something to quit on me. "I know what you're saying. Well if it happens again call us." Ok!

Really!?

They don't even get out of the truck! They realize that the problem exist but refuse to try and find it! For me this is hard to believe. I have had this same co-op for years & all I do is move to another county & get treated this way. What happened?

I have phone records dating back to September of 2011 to current showing that I have called & reported power interruptions numerous times. Actually nine times over the



course of fourteen months. There would have been even more had not my neighbors contacted me saying they had already reported it. I've even had a Fleming Mason board member inside my house when the power went out & came back on. He actually called it in himself that day & a technician showed up shortly afterwards, although he admittling denies he ever done such a thing. Remind you though, the technician didn't get out of his truck, he just made an appearance. Well you know what? This doesn't correct the problem I'm having nor does it pacify me in any way. I would like to have the issue corrected before it cost me money to replace something. Insurance doesn't cover these types of problems, Fleming Mason doesn't pay for these types of problems either, according to them.

My argument is, make Fleming Mason responsible & they will get to the root cause of damaging power outages.

Respectfully; Richard Lee, 174 Trotters Trl, Sharpsburg Ky 40374 606/748/2719



Christy Vice &lt;vicechristy@gmail.com&gt;

**FW: Jeff Vice Timeline**

1 message

jeff vice &lt;jeff\_vice@hotmail.com&gt;

Thu, Mar 14, 2013 at 5:22  
PM

To: wife &lt;vicechristy@gmail.com&gt;

Jeffrey Vice  
(615) 405-2805  
Rack-N-Roll Outdoors  
<http://www.racknrolloutdoors.com>

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Subject: RE: Jeff Vice Timeline  
Date: Mon, 10 Sep 2012 13:33:04 -0400  
From: JeffreyC.Moore@ky.gov  
To: bhunt@fme.coop  
CC: jeff\_vice@hotmail.com; ecbowman@ky.gov; kwillard@ky.gov

Brandon below is the conversation I had with Mr. Vice. It was 9/9/2012. I gave you the wrong date. According to Mr. Vice they had neighbors who experienced the same event. Any idea what could of caused the event? Give me a call when you get a chance.

Thanks

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]  
**Sent:** Monday, September 10, 2012 1:25 PM  
**To:** Moore, Jeffrey C (PSC)  
**Subject:** RE: Jeff Vice Timeline

9/9/1012..about 740 pm

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Subject: RE: Jeff Vice Timeline  
Date: Mon, 10 Sep 2012 13:23:14 -0400  
From: JeffreyC.Moore@ky.gov  
To: jeff\_vice@hotmail.com

What was the date this outage occurred?

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]  
**Sent:** Monday, September 10, 2012 8:43 AM  
**To:** Moore, Jeffrey C (PSC)  
**Subject:** Re: Jeff Vice Timeline

Ok sounds good thanks. Jv

Sent from my iPhone

On Sep 10, 2012, at 8:35 AM, "Moore, Jeffrey C (PSC)" <JeffreyC.Moore@ky.gov> wrote:

Have you checked with Fleming-Mason (FM)? See if they have information on the event.

I will continue to add the information you send to the report, so as long as you and/or FM have events occurring the report will continue to grow, and the time to complete it. The report is not complete until it has gone through the engineering branch and Commission for review. After that you and FM will receive a copy.

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]  
**Sent:** Monday, September 10, 2012 8:25 AM  
**To:** Moore, Jeffrey C (PSC)  
**Subject:** Re: Jeff Vice Timeline

She said it was complete shutdown for one minute. But said it was weird cause it was like she heard the house power down. But there no lightning at all. Thanks for everything. Do you know when the report will be done?

Sent from my iPhone

On Sep 10, 2012, at 8:19 AM, "Moore, Jeffrey C (PSC)" <JeffreyC.Moore@ky.gov> wrote:

Okay

Thanks

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]  
**Sent:** Monday, September 10, 2012 8:16 AM  
**To:** Moore, Jeffrey C (PSC)  
**Subject:** Re: Jeff Vice Timeline

She was here and I was gone. I will find out. She is teaching today, but she said neighbors called immediately when it happened. It was nice and sunny here when it happened I do know that. I sent her text will let you know when u hear from her. Jv

Sent from my iPhone

On Sep 10, 2012, at 8:12 AM, "Moore, Jeffrey C (PSC)" <JeffreyC.Moore@ky.gov> wrote:

Jeff,

When you say shutdown, are you talking about a power outage?

Think about the events and when you noticed them and when they took place before you lost power, during the outage , and when the power was restored. If so, how long was your power

out? When did your wife hear the surge, before you lost power, during the power outage, or when the power came back on?

Did this storm produce lightning strikes?

Just trying to get a better picture of what took place.

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]

**Sent:** Monday, September 10, 2012 7:53 AM

**To:** Moore, Jeffrey C (PSC)

**Subject:** Re: Jeff Vice Timeline

740 pm tonight big shutdown on electric. Wife said you could hear the surge this time. Jv

Sent from my iPhone

On Sep 7, 2012, at 4:13 PM, "Moore, Jeffrey C (PSC)" <JeffreyC.Moore@ky.gov> wrote:

Do they know what caused it?

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**From:** jeff vice [mailto:jeff\_vice@hotmail.com]

**Sent:** Friday, September 07, 2012 04:11 PM

**To:** Moore, Jeffrey C (PSC)

**Subject:** Re: Jeff Vice Timeline

My neighbor you met refrigerator went out today. 2 years old. Jv

Sent from my iPhone

On Sep 7, 2012, at 2:49 PM, "Moore, Jeffrey C (PSC)" <JeffreyC.Moore@ky.gov> wrote:

Thanks Jeff

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**From:** jeff vice  
[mailto:jeff\_vice@hotmail.com]  
**Sent:** Friday, September 07, 2012  
9:15 AM  
**To:** Moore, Jeffrey C (PSC)  
**Subject:** Jeff Vice Timeline

I have attached the timeline for you.

Thanks

**Thu 10/18/2012 4:01 PM T jhawkins**

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**Tue 10/9/2012 4:03 PM T KJBROWN**

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---

*ServiceOrder Notes*

139592

**Thu 6/14/2012 8:00 AM T jhawkins**

have worked on this Rob Faris found an animal on line that could have caused the blink J.Hawkins

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**Fri 6/1/2012 12:01 PM T PMCFARLAND**

CUSTOMER IS HAVING PROBLEMS WITH OUTAGES AT LEAST TWICE A WEEK. THEY HAVE CHECKED WITH NEIGHBORS IN THE SUBDIVISION AND THEY HAVE EXPERIENCED THE SAME THING. THE LEE'S SAID IT WENT OFF TWICE YESTERDAY, MAY 31, 2012. PLEASE CHECK

---



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