

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MR. BILL'S GROCERY)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2014-00194
)	
JACKSON ENERGY COOPERATIVE)	
CORPORATION)	
)	
DEFENDANT)	

ORDER

On May 29, 2014, Mr. Bill's Grocery ("Complainant"), by and through counsel, filed a complaint against Jackson Energy Cooperative Corporation ("Jackson Energy") claiming that Mr. Bill's Grocery had been improperly billed for electric usage during a two-year period in which a current transformer was malfunctioning. The Complaint also states that Jackson Energy had advised Complainant that service would be suspended or terminated if the improperly billed amount was not paid. Jackson Energy was directed by Order to satisfy or answer the Complaint. On June 24, 2014, Jackson Energy filed its answer with a request that the Commission dismiss the complaint. In its answer, Jackson Energy states that it had explained to Complainant the manner in which the bill was calculated and had attempted to work out a repayment schedule before any notice of disconnection was given.

The complaint seeks an immediate formal hearing. The answer states that Jackson Energy agrees that a hearing should be held in this matter. The Commission,

having considered Jackson Energy's request to dismiss, finds that it should be denied because it appears that there are material issues of fact in dispute between the parties.

The Commission finds that, pursuant to KRS 278.260, the Commission has original jurisdiction over complaints as to rates or service of any utility. The Commission finds that KRS 278.260(1) states, in pertinent part: "[t]he commission shall proceed, with or without notice, to make such investigation as it deems necessary or convenient." The Commission finds the record in this proceeding is not adequate; therefore, the Commission finds that a procedural schedule should be established in order for the Commission to investigate the claims made in the complaint and to afford the parties the opportunity to conduct discovery. The Commission notes that the complainant bears the burden of proof in matters before an administrative agency.¹

IT IS THEREFORE ORDERED that:

1. Jackson Energy's request to dismiss is denied.
2. The procedural schedule set forth in Appendix A to this Order shall be followed.
 - a. Mr. Bill's Grocery shall file its response to the information requested in Appendix B to this Order no later than 14 days from the date of this Order.
 - b. Jackson Energy shall file its response to the information requested in Appendix C to this Order no later than 14 days from the date of this Order.
 - c. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and an original and seven copies to the Commission.

¹ *Energy Regulatory Comm'n v. Kentucky Power Co.*, 605 S.W.2d 46, 50 (Ky.App. 1980).

d. Each response shall be answered under oath or, for representatives of a public or private corporation or partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

e. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

f. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

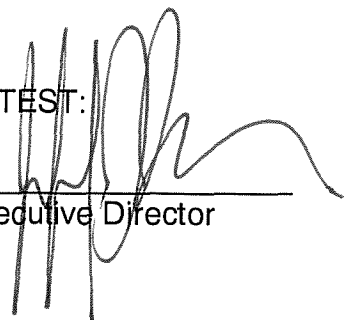
3. An informal conference shall be scheduled after the time for the filing of the responses to the requests for information as set forth in the procedural schedule in Appendix A.

4. The Commission does not look favorably upon motions for continuance. Consequently, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

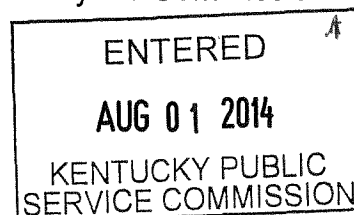
5. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

ATTEST:

Executive Director



By the Commission



Case No. 2014-00194

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2014-00194 DATED **AUG 01 2014**

Requests for information to parties
shall be filed no later than08/22/14

Responses to requests for information
shall be filed no later than09/05/14

An informal conference will be held at the Commission's
Offices at 211 Sower Boulevard in Frankfort, Kentucky,
for the purpose of considering the possibility of settlement,
the simplification of issues, and any other matters that may
aid in the handling or disposition of this case.....To be scheduled

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2014-00194 DATED **AUG 01 2014**

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO
MR. BILL'S GROCERY

1. Refer to paragraph 5 of the complaint filed May 29, 2014.
 - a. Provide detail about what "unrelated damage" occurred to Complainant's business.
 - b. State whether the damage is ongoing or has been resolved.
 - c. Provide the date the damage occurred, and if resolved, provide the date it was resolved.
2. List any major changes in equipment used at Complainant's business in the last 60 months that would have had a material impact on its electric bill (i.e., new refrigeration units, new lighting, expansion/reduction of operations, etc.).
3. Except for changes and timing noted above, was there an unexplained decrease in the monthly electric bill, and if so, when?

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2014-00194 DATED **AUG 01 2014**

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO
JACKSON ENERGY COOPERATIVE CORPORATION

1. Provide a copy of all correspondence Jackson Energy had with Mr. Bill's Grocery discussing the under-billing which is the issue of the pending complaint.
2. Refer to the August 21, 2013 letter from Jackson Energy to Bill Flannery that was attached to the complaint.
 - a. Provide, in Excel format, with all cells and formulas intact, the monthly calculations supporting the \$4,779.94 under-billing for electricity.
 - b. Explain how the \$199.16 monthly bill adjustment for the 24-month time period was calculated.
3. Provide the testing history for the meter and the instrument transformers that previously served Mr. Bill's Grocery.
4. Provide the billing data for Mr. Bill's Grocery for the last 60 months.
5. Provide the following:
 - a. the date when the current transformer was believed to have failed.
 - b. the dates over which Jackson Energy calculated the average bill for Mr. Bill's Grocery.
 - c. The date the new current transformer was installed.
6. Refer to 807 KAR 5:006, Section 11. Bill Adjustment for Gas, Electric, or Water Utilities, Paragraph (5) titled Customer notification. State whether the company provided to the customer all of the information provided for in the regulation.

7. Refer to 807 KAR 5:006, Section 11, Bill Adjustment for Gas, Electric, or Water Utilities. Paragraph (6) states:

A customer account shall be considered to be current while a dispute is pending pursuant to this section, if the customer (a) Continues to make payments for the disputed period in accordance with historic usage, or if that data is not available, the average of similar customer loads; and (b) Stays current on subsequent bills.

Based on the referenced regulation, is it Jackson Energy's understanding that during the time period pending dispute resolution, the customer is obligated to pay the disputed amount?

8. What is the voltage of the service provided to Mr. Bill's Grocery?
9. Is the service provided to Mr. Bill's Grocery single phase or polyphase?