

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-----------------------------|---|---------------------|
| MARK S. RADELL |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| V. |) | CASE NO. 2010-00407 |
| |) | |
| LOUISVILLE GAS AND ELECTRIC |) | |
| COMPANY |) | |
| |) | |
| DEFENDANT |) | |

ORDER

On October 19, 2010, Complainant filed a Complaint alleging that on August 27, 2010 a power failure occurred at his home. The Complaint further alleged that Louisville Gas and Electric Company ("LG&E") responded to his call, informed him that the power failure was due to the underground feed to his house, and that he was responsible for the repairs. The Complaint alleged that LG&E disconnected power to his home, that Complainant had the repairs completed the following day, that the repairs cost \$1,445.50, and that LG&E accepted no responsibility for the incident. The Complaint asked for reimbursement of the \$1,445.50 in repair costs.

On November 1, 2010, the Commission issued an Order directing LG&E to satisfy the matters complained of in Complainant's Complaint or file an answer to the Complaint. On November 16, 2010, LG&E filed its Answer to the Complainant's Complaint.

In its Answer, LG&E stated that Mr. Radell had contacted the company through the Customer Self-Service website on the afternoon of August 27, 2010 to report a power outage at his home. The Answer further stated that an LG&E trouble technician made a service call to Mr. Radell's address and determined that a problem existed with one of the wires – the “hot leg”¹ leading into his electric meter from his underground service line. The LG&E Answer further stated that the trouble technician had advised Complainant that the underground service would need to be repaired by a private electrician, that the electrical inspector would contact LG&E once the repair was complete, and that after this had occurred, power could be restored by LG&E.

In its Answer, LG&E stated that its electric tariff provides that:

“5) Customer will provide, own, and operate and maintain all electric facilities on his side of the point of delivery including the service and with the exception of Company's meter. 6) The normal point of delivery shall be at a junction device at the corner of the lot nearest Company's facilities. Customer shall bring Customer's service line to a point within 1 ½ feet of the junction device with a sufficient length of service conductor left coiled above grade for completion of installation.”²

LG&E's Answer further stated that its tariff, at Original Sheet No. 97.1, provides that the customer is required to “furnish, install and maintain at Customer's expense all

¹ Answer of Louisville Gas and Electric Company, filed November 16, 2010, paragraph 3.b.

² Id., at paragraph 3.e., citing its Electric Tariff No. 8, Terms and Conditions, Original Sheet No. 106.2(H).

electrical apparatus and wiring to connect with Company's service drop or service line."³

The Answer also indicated that on Mr. Radell's property, the Company's service line is located in the easement area just off Old Harrods Woods Circle.⁴ The Answer also addressed the normal point of delivery device when it stated that, "the referenced 'device' is the pedestal between the Company's service and the Customer's service."⁵

LG&E denies that it is responsible for the costs of Mr. Radell's repairs, states that the Complaint has failed to set forth a prima facie case that it has violated its tariff or any statute or Commission regulation, and requests that the Complaint be dismissed.

807 KAR 5:041 Section 10 (2) states that:

"Underground service requirements and administrative regulations shall be established by each utility and be on file with the commission."

LG&E's Tariff addressing underground line extensions requires the customer to "provide, own, operate and maintain all electric facilities on his side of the point of delivery including the service and with the exception of Company's meter."⁶ LG&E's tariff further requires the customer to furnish, "install and maintain at Customer's expense all electrical apparatus and wiring to connect with Company's service drop or

³ Id., at paragraph 3.h., citing its tariff, Original Sheet No. 97.1.

⁴ Id., at paragraph 3.e.

⁵ Id., at paragraph 3.h.

⁶ Tariff of Louisville Gas and Electric Company, P.S.C. Electric No. 8, Original Sheet No.106.2, at (H) 5), Date of Issue: August 6, 2010; Date Effective: February 6, 2009; Issued by Authority of an Order of the KPSC in Case No. 2009-00549 dated July 30, 2010.

service line.”⁷ In this instance, it is the Complainant’s responsibility to maintain, at his expense, the underground line extensions on his side of the point of delivery. It is Complainant’s responsibility to maintain all electrical apparatus and wiring to connect with LG&E’s service drop or service line.

Complainant has failed to allege any tariffs that LG&E has violated. There is no evidence in the record that LG&E has violated any tariffs. The Commission finds that LG&E has not violated any tariffs.

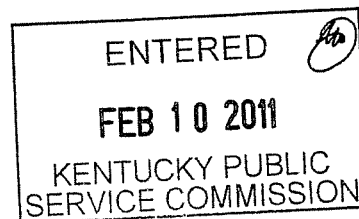
Complainant has failed to allege any statutes that LG&E has violated. There is no evidence in the record that LG&E has violated any statutes. The Commission finds that LG&E has not violated any statutes.

Complainant has failed to allege any regulations that LG&E has violated. There is no evidence in the record that LG&E has violated any regulations. The Commission finds that LG&E has not violated any regulations.

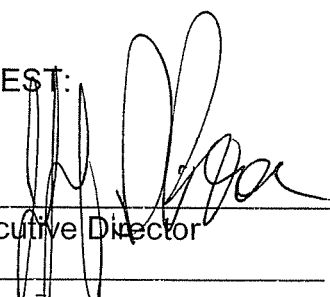
Based on the foregoing, the Commission HEREBY ORDERS:

This case is DISMISSED and hereby removed from the Commission docket.

By the Commission



ATTEST:



Executive Director

⁷ Id., at Original Sheet No. 97.1, Terms and Conditions, Customer’s Equipment And Installation, Date of Issue: August 6, 2010; Date Effective: August 1, 2010; Issued by Authority of an Order of the KPSC in Case No. 2009-00549 dated July 30, 2010.

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