

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF FLEMING-MASON ENERGY)
COOPERATIVE, INC. TO AMEND ITS SERVICE) CASE NO.
CHARGE) 2013-00142
)

ORDER

On February 27, 2013, Fleming-Mason Energy Cooperative, Inc. ("Fleming-Mason") filed revised tariff sheets proposing revisions to its existing rules and regulations concerning its right to discontinue service to customers and introducing a \$25.00 per month per meter service charge for meter reading for those customers that refuse to allow an advanced metering infrastructure ("AMI") meter to be installed. Fleming-Mason states that the changes are requested to accommodate new technology available to it with the implementation of its AMI system as approved by the Commission in Case No. 2012-00361.¹ On April 25, 2013, an Order was issued that suspended Fleming-Mason's proposed changes to its tariffs for five months from May 1, 2013, up to and including September 30, 2013.

The requirements for notice to customers of proposed tariff charges are set out at 807 KAR 5:011, Section 8(2). That provision states that an applicant that has more than 20 customers and is not a sewage utility shall post at its place of business a sheet containing the proposed rates and the estimated amount of increase per customer class, and in addition, notice thereof shall be: (1) included with customer bills by the

¹ Case No. 2012-00361, *Application of Fleming-Mason Energy, Inc. for a Certificate of Public Convenience and Necessity to Install an Advanced Metering Infrastructure System (AMI)* (Ky. PSC Oct. 11, 2012).

date the application is filed; or (2) published in a trade publication or newsletter given to all customers by the date the application is filed; or (3) published once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made prior to the date the application is filed.

Fleming-Mason has indicated that it has not provided notice to its customers of its proposed tariff changes to require a \$25.00 per month per meter service charge for meter reading for those customers that refuse to allow an AMI meter to be installed.² Fleming-Mason further states that it was its interpretation that the \$25.00 meter reading charge was not new, nor an increase, but a change in text of the tariff to accommodate changes in technology. It states that:

"[t]he prior text under PSC 3, 2nd Revised Sheet No. 8, Section 3 a. was requested to be deleted as that pertained to a trip charged when the meters were customer read and the customer had not sent in a reading for three (3) consecutive billing periods. The new text is requesting a \$25 meter reading charge when Fleming-Mason is required to make a trip to read a meter due to a customer choosing to opt-out of an AMI meter. The service is the same, just updated to reflect current circumstances."³

In addition to the proposed charge for meter reading when a customer refuses an AMI meter, Fleming-Mason is proposing other revisions to the Service Charge section of its tariff. In response to Commission Staff's Second Request for Information,⁴ Fleming-Mason provided a revision to its proposed 2nd revised tariff sheet no. 8, and

² Fleming-Mason Energy Cooperative, Inc.'s Response to Commission Staff's Initial Request for Information, Item 6.k., filed May 28, 2013.

³ *Id.*

⁴ Response to Item 1 of Commission Staff's Second Request for Information, filed June 26, 2013.

indicated that the following language would be more appropriate for its service charge to collect a delinquent bill after written notice of disconnect in accordance with 807 KAR 5:006, Section 9(3)(c), has been given.⁵

"A service charge of \$25.00 will be assessed when a customer's service is disconnected for a delinquent bill, or when a trip is made to the customer's premises to collect a delinquent bill, after notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected."⁶

807 KAR 5:011, Section 6(1) states that "[a] tariff, tariff sheet, or tariff provision shall not be changed, cancelled or withdrawn except as provided by this section and Section 9 of this administrative regulation."

Based on a review of the record, and being otherwise sufficiently advised, the Commission finds that its regulation, 807 KAR 5:011, Section 6(1) states that "[a] tariff, tariff sheet, or tariff provision shall not be changed, cancelled or withdrawn except as provided by this section and Section 9 of this administrative regulation. Consequently, Fleming-Mason should publish notice, pursuant to 807 KAR 5:011, Section 8(2), and 807 KAR 5:011, Section 8(3), of its proposed rate changes.

IT IS HEREBY ORDERED that:

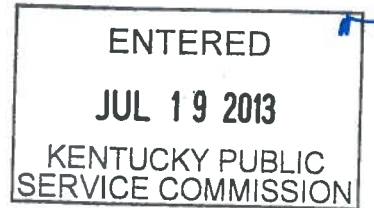
1. Fleming-Mason shall publish notice pursuant to 807 KAR 5:011, Section 8(2), and 807 KAR 5:011, Section 8(3), of its proposed rate changes.
2. Within ten days of the date of this Order, Fleming-Mason shall file with the Commission a copy of the public notice and indicate the manner of notification.

⁵ Fleming-Mason Energy's Response to Commission Staff's Second Request for Information, Item 1, filed June 26, 2013.

⁶ *Id.*

3. Fleming-Mason shall provide proof of publication pursuant to 807 KAR 5:011, Section 8(4).

By the Commission



ATTEST:


Executive Director

Case No. 2013-00142

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