

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRISTINA RULE)	
)	CASE NO.
VS.)	2017-00403
)	
DUKE ENERGY KENTUCKY, INC.)	

ORDER

On September 27, 2017, Christina Rule (“Ms. Rule”) tendered a formal complaint (“Complaint”) against Duke Energy Kentucky, Inc. (“Duke Kentucky”) alleging that Duke Kentucky overcharged Ms. Rule for gas and electric service beginning in January 2016. As a remedy for alleged violations, Ms. Rule requests that Duke Kentucky write off the disputed amount. Ms. Rule further requests that she be awarded: 1) a refund for all late fees, disconnection fees, and reconnection fees; 2) compensation for all estimated overcharges; 3) compensation for vacation time spent addressing this matter; 4) compensation for food that spoiled after Ms. Rule’s utility service was disconnected; and 5) compensation for time spent addressing the dispute with Duke Kentucky’s customer service representatives.

Pursuant to 807 KAR 5:001, Section 20, upon receipt of a formal complaint the Commission must determine whether the complaint states a *prima facie* case. To establish a *prima facie* case under 807 KAR 5:001, Section 20(1)(c), the complaint must state:

Fully, clearly, and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if

practicable, to the law, order, or administrative regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure.

Based on a review of the complaint, the Commission finds that Ms. Rule established a *prima facie* case regarding alleged overcharges for gas service between March 21, 2017, and May 19, 2017. The Commission is unable to determine at this time whether the Complaint establishes a *prima facie* case regarding electric service between January 2016 and the current date, and gas service between January 2016 and the current date, with the exception of gas service between March 21, 2017, and May 19, 2017. The allegations support our further investigation into the merits of the Complaint. The Commission finds that Ms. Rule should file, within 20 days of the date of this Order, the following to support her claims against Duke Kentucky:

1. A more definitive statement regarding the claim that Duke Kentucky charged Ms. Rule for gas and electric usage by previous residents. The more definitive statement should include the dates and amounts allegedly charged.

2. A more definitive statement regarding the claim that Duke Kentucky overcharged on estimated bills. The more definitive statement should identify which of the estimated bills and the amounts of those bills that support the allegation of being overcharged.

3. A more definitive statement regarding the claim that Duke Kentucky billed Ms. Rule for estimated usage when her meter was actually read. The more definitive statement should include the dates the meter was read, whether the meter was read by a Duke Kentucky employee or by Ms. Rule, and the dates for the bills that were allegedly erroneously based on estimated usage rather than actual usage.

4. The total amount in dispute and an explanation of how the amount was calculated, including dates and amounts of the disputed bills.

5. An explanation of where the gas and electric service meters are located and why Duke Kentucky employees were unable to access the meters. Fourteen of the 24 bills provided by Ms. Rule were estimated because Duke Kentucky employees could not access the meter, and Duke Kentucky requested that Ms. Rule contact it to make permanent meter reading arrangements before the next scheduled meter reading. The date of the next meter reading was included on each bill.

The Commission also finds that Duke Kentucky is not required to file an answer or satisfy the Complaint until the Commission determines whether a *prima facie* case has been established for all of Ms. Rule's claims and issues an Order directing Duke Kentucky to file an answer or satisfy the complaint.

Last, the Commission finds that Ms. Rule's requests for compensation for vacation time, spoiled food, and time spent addressing this matter are outside the Commission's jurisdiction. The Commission has jurisdiction to adjudicate complaints that are within the scope of a utility's rates or services, and to enforce the provisions of KRS Chapter 278. The Commission's jurisdiction does not encompass claims for monetary damage arising out of utility service.¹ Claims for monetary damages that exceed the direct costs for gas and electric service are beyond the scope of the Commission's authority to grant relief.²

¹ *Carr v. Cincinnati Bell Co.*, 651 S.W.2d 126 (Ky. App. 1983).

² Case No. 2009-00094, *Connie C. Marshall v. Michael Wilner, Barbara Huber and Insight Phone of Kentucky, LLC* (Ky. PSC Mar. 26, 2009).

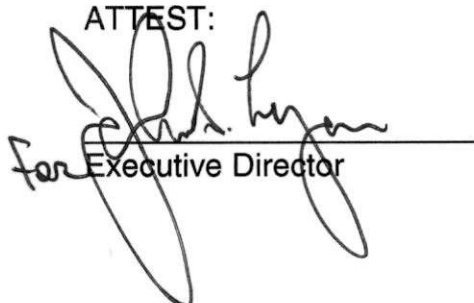
IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of this Order, Ms. Rule shall file:
 - a. A more definitive statement regarding the claim that Duke Kentucky charged Ms. Rule for gas and electric usage by previous residents, including the dates and amounts allegedly charged.
 - b. A more definitive statement regarding the claim that Duke Kentucky overcharged on estimated bills, including the billing dates and amounts.
 - c. A more definitive statement regarding the claim that Duke Kentucky billed Ms. Rule for estimated usage when her meter was read, including the dates the meter was read, whether the meter was read by a Duke Kentucky employee or by Ms. Rule, and the dates of bills that were based on estimated usage instead of usage obtained from reading the meter.
 - d. The total amount in dispute and how the amount was calculated, identifying the dates and amounts of the disputed bills.
 - e. An explanation of where the gas and electric service meters are located and why Duke Kentucky employees were unable to access the meters.

By the Commission

ENTERED
NOV 02 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2017-00403

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