

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LESLEY VOWELS	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2023-00288
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On August 28, 2023, Lesley Vowels tendered a formal complaint with the Commission against Louisville Gas & Electric Company (LG&E), alleging that she was billed twice for the same balance totaling \$1,474.30.

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed.

On October 4, 2023, the Commission issued an Order stating that it was unable to determine whether Ms. Vowels established a *prima facie* case because proof of payment was an indispensable element of establishing that she paid her balance as claimed. The Order required Ms. Vowels to file into the record proof of honored payment and indicated

acceptable forms of proof. The Order also required LG&E to provide any documentation indicating that any attempted payment by Ms. Vowels was dishonored.

Ms. Vowels filed a response that did not include any additional documentation.<sup>1</sup> LG&E filed a response indicating that Ms. Vowels' payments were charged back by Paymentus, the payment processor, because Ms. Vowels disputed the payment.<sup>2</sup>

On October 24, 2023, the Commission issued an Order rejecting Ms. Vowels complaint for failing to establish a *prima facie* case because she did not provide the requested information. Pursuant to 807 KAR 5:001, Section 20(4)(a)(1), Ms. Vowels was permitted to amend her complaint within 20 days of service of the Order.

On November 10, 2023, Ms. Vowles filed a document into the record consisting of a photograph of a letter from PNC Bank stating as follows:<sup>3</sup>

Here's what happened: You contacted us recently regarding a card transaction(s) dispute in the total amount of \$1,479.30.

What to expect: Our investigation of your claim is complete. As a result, the provisional (temporary) credit totaling \$1,479.30, and applicable fees previously credited to your account are now final.

Therefore, according to Ms. Vowels's bank, the payment to LG&E was reversed and credited back to her account.

Based upon a review of the tendered complaint, the Commission finds that Ms. Vowels has not established a *prima facie* case. The document provided by Ms. Vowels from PNC Bank is dispositive evidence that her payment to LG&E was reversed.

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<sup>1</sup> Lesley Vowels Response to Commission Staff's First Request for Information (filed Oct. 13, 2023).

<sup>2</sup> LG&E's Response to Commission Staff's First Request for Information (LG&E's Response to Staff's First Request), Item 2 (filed Oct. 13, 2023).

<sup>3</sup> Lesley Vowels Additional Information (filed Nov. 10, 2023).

The Commission notes that Ms. Vowels filed additional information into the record on August 28, 2023 indicating she was unaware of the nature of a charge in the amount of \$122.<sup>4</sup> LG&E stated that this charge was for usage between June 2 and June 15, 2023, which was not included in the \$1,474.20 balance.<sup>5</sup> Ms. Vowels did not refute this statement, nor did she provide any further evidence regarding this issue.

The Commission also notes that Ms. Vowels' complaint references the Americans with Disabilities Act and that the Commission has no jurisdiction to make any determination interpreting or enforcing this Act.

For the reasons set forth above, the Commission finds that Ms. Vowels' complaint should be dismissed with prejudice.

IT IS THEREFORE ORDERED that:

1. Ms. Vowels' complaint is dismissed with prejudice for filing for failing to state a *prima facie* case.
2. A copy of this Order shall be served upon Ms. Vowels by U.S. mail to 1153 Ellerholt Court, Louisville, Kentucky 40211 and by electronic mail.

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<sup>4</sup> Lesley Vowels Additional Information (filed Aug. 28, 2023).

<sup>5</sup> LG&E's Response to Staff's First Request, Item 1.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
DEC 01 2023  
KENTUCKY PUBLIC SERVICE COMMISSION  
rcs

ATTEST:

  
Executive Director

\*Lesley Vowels  
1153 Ellerholt Court  
Louisville, KENTUCKY 40211

\*Rick E Lovekamp  
Manager Regulatory Affairs  
Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010