

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ANTOINETTE C. TAYLOR)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2024-00117
)	
SHELBY ENERGY COOPERATIVE, INC.)	
)	
DEFENDANT)	

ORDER

On April 16, 2024, Antoinette C. Taylor tendered a formal complaint with the Commission against Shelby Energy Cooperative, Inc. (Shelby Energy), raising multiple allegations based on Ms. Taylor’s belief that her billing statements were too high in the months of January, February, March, and April of 2024. For the reasons discussed below, the Commission finds that a *prima facie* case has not been established and that Ms. Taylor should be given 20 days to amend the complaint to establish a *prima facie* case or the case should be dismissed.

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service.¹ Commission regulation 807 KAR 5:001, Section 20(1)(c) requires each complaint to state fully, clearly and with reasonable certainty, the act or

¹ KRS 278.206.

omission, of which failure to comply is alleged.² Furthermore, 807 KAR 5:001, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.³ A complaint establishes a *prima facie* case when, on its fact, 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. However, 807 KAR 5:001, Section 20(4)(a)(1) allows a complainant to amend a complaint within a specified time.⁴

BACKGROUND

On April 16, 2024, Ms. Taylor tendered a formal complaint with the Commission against Shelby Energy, raising multiple allegations based on Ms. Taylor's belief that her billing statements were too high in the months of January, February, March, and April of 2024. Ms. Taylor alleged that Shelby Energy refused to provide kilowatt usage data, refused to read the meters on site, and refused to have a Shelby Energy representative check the electric lines surrounding Ms. Taylor's property.⁵ In addition, Ms. Taylor alleged that Shelby Energy would not let Ms. Taylor negotiate a partial payment, maintain a medical certificate, or present a certificate of need prior to disconnecting Ms. Taylor's service.⁶

² 807 KAR 5:001, Section 20(1)(c).

³ 807 KAR 5:001, Section 20(4)(a).

⁴ 807 KAR 5:001, Section 20(4)(a)(1).

⁵ Complaint (filed Apr. 16, 2024) at 1-3.

⁶ Complaint at 4.

DISCUSSION AND FINDINGS

Ms. Taylor's complaint does not state fully, clearly and with reasonable certainty that an act or omission by Shelby Energy of which failure to comply is alleged. Mere allegations without evidence of support does not constitute a failure to comply on the part of Shelby Energy. Furthermore, Ms. Taylor does not reference a statute, regulation, tariff, or order that Shelby Energy allegedly violated. Thus, having reviewed Ms. Taylor's complaint, the Commission finds that Ms. Taylor has not fully, clearly and with reasonable certainty stated the act or omission that Shelby Energy is alleged to have committed as required by 807 KAR 5:001, Section 20(1)(c), nor established a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. Ms. Taylor also did not specify the relief sought pursuant to 807 KAR 5:001 Section 20(1)(d).

In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that Ms. Taylor should be afforded the opportunity to amend her complaint. The Commission further finds that Ms. Taylor should file an amended complaint within 20 days of the date of service of this Order. Ms. Taylor may file her complaint by U.S. mail or by email to PSCED@ky.gov.

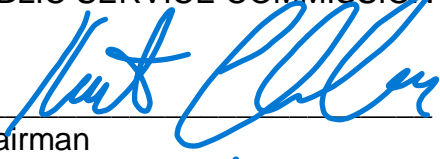
IT IS THEREFORE ORDERED that:

1. Ms. Taylor's complaint is rejected for filing for failing to state a *prima facie* case.
2. Ms. Taylor shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a *prima facie* case.

3. Ms. Taylor may file her amended complaint with the Commission by U.S. mail to P.O. Box 615, Frankfort, Kentucky 40602-0615 or by email to PSCED@ky.gov. Ms. Taylor shall include the case number, 2024-00117, in all filings with the Commission. A copy of this Order shall be served upon Ms. Taylor by certified U.S. mail to P.O. Box 793, Shelbyville, Kentucky 40066.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director *Fink*

ENTERED
MAY 14 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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