

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ERIC ALLEN THOMAS	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2024-00364
	)	
SHELBY ENERGY COOPERATIVE, INC.	)	
	)	
DEFENDANT	)	

ORDER

On November 12, 2024, Eric Allen Thomas tendered a formal complaint with the Commission involving Shelby Energy Cooperative, Inc. (Shelby Energy) concerning the disconnection of service and assessment of reconnection fees on his account for service at 2960 Hillsboro Road, Campbellsburg, Kentucky 40011.

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.

Based upon a review of the tendered complaint, the Commission is unable to determine at this time whether the complaint establishes a *prima facie* case, but the allegations support our further investigation into the merits of the complaint, including

review of the notice that Mr. Thomas was given by Shelby Energy prior to the disconnection of his service twice in October 2024.

The Commission finds that additional information is needed to assist the Commission in making a determination of whether the complaint establishes a *prima facie* case. Therefore, Shelby Energy shall file its responses to Commission Staff's request for information, attached to this Order as Appendix A, on or before the date set forth by Commission Staff in the request.

A copy of Mr. Thomas's complaint is attached to this Order as Appendix B to inform Shelby Energy of the subject of the complaint and to assist in identifying Mr. Thomas's account.

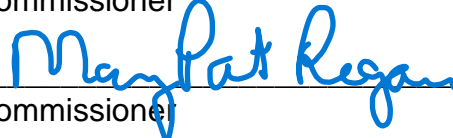
IT IS THEREFORE ORDERED that:

1. A copy of this Order shall be served on Shelby Energy for the sole purpose of requesting necessary documents to assist the Commission in determining whether the complaint establishes a *prima facie* case.
2. Shelby Energy shall respond to Commission Staff's request for information as provided in Appendix A attached to this Order.
3. A copy of this Order shall be served on the Complainant, Eric Allen Thomas, by U.S. certified mail, return receipt requested at 2960 Hillsboro Road, Campbellsburg, Kentucky 40011.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

   
\_\_\_\_\_  
Executive Director

ENTERED  
DEC 18 2024 AH  
KENTUCKY PUBLIC  
SERVICE COMMISSION

## APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2024-00364 DATED DEC 18 2024

### COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO SHELBY ENERGY COOPERATIVE, INC.

Shelby Energy Cooperative, Inc. (Shelby Energy), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on or before December 31, 2024. The Commission directs Shelby Energy to the Commission's July 22, 2021, Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Shelby Energy shall make timely amendment to any prior response if Shelby Energy obtains information that indicates the response was incorrect or incomplete when

---

<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

made or, though correct and complete when made, is now incorrect or incomplete in any material respect.

For any request to which Shelby Energy fails or refuses to furnish all or part of the requested information, Shelby Energy shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Shelby Energy shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide copy of all communications for September 2024 and October 2024 regarding electric service to 2960 Hillsboro Road, Campbellsburg, Kentucky 40011, between Eric Allen Thomas and Shelby Energy, including but not limited to email messages, written communications, and notes of telephonic or other oral communications.

2. All other information that Shelby Energy deems relevant to the matters raised in Eric Allen Thomas's Complaint.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2024-00364 DATED DEC 18 2024

SEVEN PAGES TO FOLLOW

RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

NOV 12 2024

PUBLIC SERVICE  
COMMISSION

In the matter of:

Eric Allen Thomas  
(Your Full Name)

COMPLAINANT

VS.

Shelby Rural Electric  
(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of Eric Thomas  
(Your Full Name) respectfully shows:

(a) Eric Thomas  
(Your Full Name)

2960 Hillsboro Rd Campbellsburg Ky 40011  
(Your Address)

(b) Shelby Rural Electric Coop  
(Name of Utility)

620 Old Finchville Rd Shelbyville Ky 40065  
(Address of Utility)

(c) That: In mid september I ran short on  
(Describe here, attaching additional sheets if necessary,

money and asked shelby Rural Electric  
the specific act, fully and clearly, or facts that are the reason

if I could make a payment arrangement  
and basis for the complaint.)

I was told to pay the remainder

Continued on Next Page

Formal Complaint

vs.

Page 2 of 2

of the balance by October 1. I woke up and paid this on the first around 8:00am shortly after my wife informed me that the electric had just been cut off, I checked that the payment had went thru and confirmed it had, at that time I

Wherefore, complainant asks 1: update language used in tariff (Specifically state the relief desired.) 2 p

tariff to specify the account type, meter type and the members responsible for this fee, if any. 2. Refund of Fees collected from me and the other customers impacted.

Dated at Campbellsburg, Kentucky, this 2nd day

(Your City)

of November, 2024.

(Month)

[Signature]

(Your Signature\*)

(Name and address of attorney, if any)

Date

\*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.



1

noticed that there was an additional \$35 charge for reconnection added to the payment that I didn't realize was included as when I made the payment the electric was still on. I figured there had been a mix up or something on Shelby's end. I called Shelby rural electric to clear this up and requested the return of this \$35 fee as I felt I had both upheld my end by paying on the 1<sup>st</sup> and before my electric was disconnected. I was very polite, but was met with ridicule and indifference. I asked to speak with the supervisor and was transferred to a Jennie Pate at first she was polite but as soon as I asked her to have a little heart because I felt like I had honored our agreement and was facing a bleak financial situation. As we had just lost both of our fathers and my wife is now disabled after a long hard fought battle with breast cancer. Jennie became irritated and very bluntly rejected my request, I asked to speak to her boss Michael Moriart but it took 3 attempts to finally speak to him. All to no avail. I then spoke to the public service commission and was given a copy of tariff 222 after reading this

tariff I realized that the language used in the tariff indicated that it applied to all Shelby rural Electric cooperative members but there are some members that are on prepay accounts w/ smart meters that are exempt from this fee. Regardless of the language used in the daily pay tariff this tariff's (222) language appears to contradict this as it has not been changed since Oct. 2013 before the introduction of the daily pay accounts. I also looked up the tariffs of the utilities surrounding mine which are Kentucky Utilities and LG&E and both have updated their tariffs to stipulate both which members are exempt and that the reasoning behind this was the introduction of the smart meter. Even after acknowledging this I could not get Shelby to refund this fee. I originally filed this complaint online on Oct 4 and was never contacted in regards to this. I left numerous messages both online and through the Governor's office during all this as the PSC allows it's voicemail to fill up and then doesn't answer the phone.

On Oct 16 I received an email from Jennie at Shelby saying that I would be disconnected the following day, this confused me because I was told by Daniel Hinton of the PSC and the

the lady that answered the phone that as long as I had an open complaint I couldn't be disconnected. I called the PSC back and was told that was a mistake and that they would speak to Jennie at Shelby. I did go ahead and set up another arrangement and agreed to pay on the 30<sup>th</sup> of Oct not realizing I didn't get paid until the 31<sup>st</sup>. This was done by email. I called and told the receptionist at Shelby and was told the 31<sup>st</sup> would be fine. At this time I still had not received word on the complaint I filed online. I paid the bill on the 31<sup>st</sup> and Shelby shut my service off again. This time I refused the \$35 fee and spent the next 7 hours trying to reach someone at the PSC who was once again not answering the phones while having a full voicemail. At some point someone should have been returning these calls and messages on both the phone and the Governor's office. None were ever returned. I finally was able to speak to Rosemary Tutt at the PSC who seemed to genuinely care. She called and told Shelby to return service to my address. Shelby restored service to my address but informed me that they were adding the \$35 to my bill, which because

of still having an unresolved case with the Public Service Commission (PSC) was not allowed. I called Rosemary back and she said that she would call and have them remove this.

I am asking the PSC to review all tariffs of Shelby Rural Electric but the 222 tariff in particular. I am asking that the tariff be updated to clearly indicate which members are liable for this fee. I am also requesting that like the other utilities in our area that Shelby add exemptions be added for those members with smart meters capable of auto connection and disconnection. And finally the return of fees charged to myself and other customer members.

FOR All Territory Served

PSC KY NO. 9

Original SHEET NO. 223

CANCELLING PSC KY NO. 8

1st Revised SHEET NO. 9

Shelby Energy Cooperative, Inc.  
Shelbyville, Kentucky  
(NAME OF UTILITY)

RULES AND REGULATIONS

**23. COLLECTION OF DELINQUENT ACCOUNTS**

(T) Should it become necessary for the Cooperative to send a representative to the member's premises for collection of a delinquent account, there will be a collection service fee of thirty dollars (\$30.00) assessed if service is terminated or if the bill is paid in the course of the trip. The charge can only be made once in a billing period. The charge will be due and payable at the time such delinquent account is collected.

(T) In the event a member is disconnected for non-payment of a delinquent account and requests reconnection during regular working hours, a thirty-five dollar (\$35.00) reconnect service fee will be collected. Should the member request service be reconnected outside of regular working hours, a reconnect service fee of seventy-five dollars (\$75.00) will be charged.

DATE OF ISSUE April 24, 2013  
MONTH / DATE / YEAR

DATE EFFECTIVE October 1, 2013  
MONTH / DATE / YEAR

ISSUED BY *Debra J. Martin*  
SIGNATURE OF OFFICER

TITLE President and CEO

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

KENTUCKY PUBLIC SERVICE COMMISSION
JEFF R. DEROUEN EXECUTIVE DIRECTOR
TARIFF BRANCH <i>Brent Kinley</i> EFFECTIVE
<b>10/1/2013</b> PURSUANT TO 807 KAR 5.011 SECTION 9 (1)

Eric Thomas  
2960 Hillsboro Road  
Campbellsburg, KENTUCKY 40011

\*Jack Bragg, Jr.  
Shelby Energy Cooperative, Inc.  
620 Old Finchville Road  
Shelbyville, KY 40065

\*Michael Moriarty  
Shelby Energy Cooperative, Inc.  
620 Old Finchville Road  
Shelbyville, KY 40065

\*Shelby Energy Cooperative, Inc.  
620 Old Finchville Road  
Shelbyville, KY 40065