COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RICHARD DUDLEY FORD	)	
	)	CASE NO.
COMPLAINANT	)	2005-00380
	)	
V.	)	
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On September 15, 2005, the Complainant, Richard Dudley Ford, filed a formal complaint with the Commission naming Louisville Gas and Electric Company ("LG&E") as defendant. Upon thorough review of the complaint, the Commission has determined that the Complainant has failed to establish a prima facie case.

LG&E provides electric service to Complainant at a boat dock. Complainant complains that during certain winter months in 2004 and 2005, when the boat was not being used by him and only minimal electric usage should have been incurred, his bill from LG&E was inordinately high and was greater than his bill when the boat was actually in use. In fact, during the months of January, February, and March 2004 and February 2005, Complainant's bills were higher than those experienced during the rest of the year.

On May 24, 2005, LG&E replaced Complainant's electric meter. The prior meter was tested on June 6, 2005, and tested at 99.87 percent accuracy.[1] (See 807 KAR 5:041, Section 15(2).) Since that time, it appears that Complainant has not experienced any unusual shifts in billed electric usage.

The Complainant essentially charges that LG&E's meter recorded excessive usage at the Complainant's boat dock during the winter months of 2004 and 2005. Because the Complainant does not believe the boat dock's winter usage could be so high, he concludes the meter must be defective. This conclusion is not sustainable for two reasons. First, the undisputed facts of this case indicate that when LG&E tested the meter which was in service during the period of contested charges, the meter proved to be 99.87 percent accurate – an error rate well within accepted statutory and regulatory guidelines.[2] In other words, if the meter was in any way deficient, it was erring in favor of the Complainant. Second, the Complainant fails to support his claim with any explanation as to why the meter would be defective only during the winter months. Under KRS 278.260 and KRS 278.280, the Complainant carries the burden of proof. Here, the Complainant has offered no evidence to suggest that the meter was in any way defective. Accordingly, his complaint must be dismissed.

IT IS THEREFORE ORDERED that this matter is dismissed with prejudice and removed from the Commission's docket.

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[1] Answer of Louisville Gas and Electric Company at 4; and Louisville Gas and Electric Company Response to First Data Request of Commission Staff dated April 18, 2006, A-2.

[2] See KRS 278.210(3); 807 KAR 5:041, Section 15(2).

Done at Frankfort, Kentucky, this 25th day of August, 2006.

By the Commission

ATTEST:

Executive Director