

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT LIABILITY OF HUSBAND)
AND WIFE FOR PAYMENT OF) ADMINISTRATIVE CASE NO. 276
UTILITY BILLS)

ORDER REQUESTING PUBLIC COMMENTS

In recent months, the Commission has been called upon to decide several cases regarding liability for payment of utility bills between husband and wife where separation is involved. The two most common situations are as follows:

(1) The husband alone signs the agreement with the utility for service at the residence of the husband and wife. The husband falls behind in the payment of the utility bill and subsequently service is terminated to that residence. In the meantime, the husband and wife have divorced and the husband has moved away. The former wife then goes to the utility's office and applies for service to the same residence in her name. The utility then refuses service in her name until the back bill (under the husband's name) is paid by the wife.

(2) A man or woman living alone accumulates a large back bill to a utility under his or her own name. That person then moves away from this residence and marries a person who has never had service with that utility before. The spouse who has never

had service then goes back to the same utility and requests service in his or her name only at a new residence. The utility then refuses service until the bill accumulated by one spouse at the old residence prior to marriage is paid by the other spouse now seeking service in his or her name alone.

The Commission is considering the promulgation of guidelines that would provide uniform treatment by all utilities in the state under these types of situations. The proper resolution of this question involves consideration and accommodation of three areas of law: (1) Contracts (person generally liable only if expressly a party to the contract - 17 AmJur2d Contracts §294); (2) Husband and Wife (husband generally liable for furnishing wife "necessaries" - 41 AmJur2d Husband and Wife §365; 60 ALR 2d §10; Underhill v. Meyer, Ky., 192 S.W. 14 (1917), Palmer v. Turner, Ky., 43 S.W.2d 1017 (1931); and (3) Public Utilities (A public utility cannot impose liability for charges for service on one other than the one who contracted for the service or the user of such service - 64 AmJur2d Public Utilities §60.)

The Commission believes that this question has significant public policy implications for all utility consumers in the state. We are, accordingly, inviting written comments from all jurisdictional utilities, the Attorney General, interested consumer groups, and the Kentucky Commission on Women. The comments should generally address the issues as outlined in this Order but are not necessarily limited to the areas of law set forth herein. The Commission would be especially interested in non-statutory

rules adopted by other state commissions dealing with this problem.

All comments should be directed to:

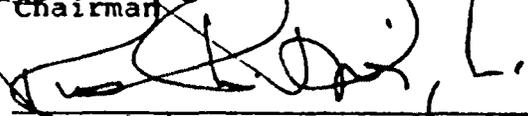
Mr. Richard D. Heman, Jr.
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40602

Written comments will be received until the close of business on Friday, May 11, 1984.

Done at Frankfort, Kentucky, this 6th day of April, 1984.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary