COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On April 6, 1984, the Commission issued an Order inviting public comment on the recurring issue of whether the husband and wife should share the liability for payment of a utility bill where the contract for the utility service was made by only one spouse. Comments were specifically invited from all jurisdictional utilities, the Attorney General, interested consumer groups, and the Kentucky Commission on Women. Comments were received from the Attorney General, the Kentucky Commission on Women, Kentucky Legal Services and 24 utilities.[1]

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[1] South Central Bell, Cincinnati Bell, General Telephone, Kentucky Utilities, LG&E, Kentucky Power, Columbia Gas, Western Kentucky Gas, Delta Natural Gas, Green River Electric, Big Sandy RECC, Blue Grass RECC, Licking Valley RECC, Jackson County RECC, Owen County RECC, Cumberland Valley RECC, Kenton County Water District, Pendleton County Water and Gas, Hardin County Water Districts 1 and 2, Edmonson County Water District, Foothills Rural Telephone, Brandenburg Telephone, and Duo County Telephone Cooperative.

The majority of the comments filed recommended that any rule established by the Commission regarding payment liability be based on the quasi-contract theory of benefit received. However, most commenting parties also urged the Commission not to adopt any hard and fast rule at this time and, instead, continue to review these problems on a case by case basis.

After considering the comments as filed, the Commission finds that it is in the best interests of the utility customers to not adopt general regulations at this time but to continue resolving these complaints on a case by case basis. The factual situations that give rise to payment liability problems among family members are virtually infinite, and it is the Commission's opinion that no specific regulation could possibly address even the majority of these problems. Instead, a flexible case by case approach in resolving these complicated situations is often fairer to both the customer and the utility. For these reasons, the Commission will not adopt a specific regulation concerning liability for payment of utility bills at this time.

The Commission HEREBY ORDERS that this matter be, and it hereby is, dismissed.

Done at Frankfort, Kentucky, this 24th day of September, 1984.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Secretary