

president called her on December 28, 2000 and apologized for ULH&P's inability to produce the rate schedule immediately upon request.

Complainant requests that the Commission order ULH&P to pay Complainant \$1500.00 for "unprofessional conduct of employees hired by ULH&P...."¹ Complainant also requests this amount because it is the maximum she could recover against ULH&P should she prevail in Small Claims Court.

Complainant argues that ULH&P's failure to provide her with a copy of its rate schedule when she requested it violates the rights guaranteed by "Kentucky Revised Statutes and the Provisions of the Kentucky Public Service Commission Administrative Regulations."² Complainant believes that ULH&P's failure is a violation of her rights under ULH&P's "Customer's Bill of Rights" that provides "[c]ustomer has the right to inspect and review the utility's rates and tariffed operating procedures during the utility's normal office hours."³ Said failure, Complainant claims, violates her rights under the Kentucky Constitution and the Constitution of the United States of America. Complainant does not state which specific constitutional rights ULH&P allegedly violated.

Complainant is correct in her assertion that ULH&P must have a copy of its applicable rate schedule available to the public at its offices. KRS 278.160(1) provides, in part, "The utility shall keep copies of its schedules open to public inspection under such rules as the commission prescribes." Furthermore, 807 KAR 5:011, Section 2,

¹ Complaint, page 2.

² *Id.*

³ *Id.* at 7.

provides, "All utilities ... shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160" By failing to provide Complainant with a copy of the rate schedule for her inspection, ULH&P violated both KRS 278.160 and 807 KAR 5:011, Section 2. The issue remaining, then, is Complainant's request for damages.

KRS 278.040 gives the Commission jurisdiction over all utilities in the state. Additionally, KRS 278.040 provides the Commission with, "exclusive jurisdiction over the regulation of rates and service of utilities" This jurisdiction, however, does not extend to the award of damages to a Complainant. The Commission cannot order payment of damages, whether compensatory or punitive. In fact, Complainant does not specify any remedy that the Commission may grant.

The Commission is concerned, however, that ULH&P apparently failed to produce the rate schedule for Complainant's inspection when she requested it. If this is true, ULH&P violated KRS 278.160 and 807 KAR 5:011, even though Complainant received a mailed copy of the rate schedule the following day. By this Order, the Commission places ULH&P on notice that it should take steps to ensure future compliance with applicable statutes and regulations.

The Commission, having been sufficiently advised, HEREBY ORDERS that the complaint is dismissed with prejudice and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 2nd day of March, 2001.

By the Commission

ATTEST:


Executive Director