

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ENRIQUE ESPINOSA	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00398
	)	
LOUISVILLE GAS AND	)	
ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Louisville Gas and Electric Company ("LG&E") is hereby notified that it has been named as defendant in a formal complaint filed on September 26, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, LG&E is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of October, 2005.

ATTEST:

By the Commission

  
Executive Director

DMR

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

ENRIQUE ESPINOSA )  
(Your Full Name) )  
COMPLAINANT )  
VS. )  
LOUISVILLE GAS AND ELECTRIC COMPANY )  
(Name of Utility) )  
DEFENDANT )

RECEIVED

SEP 26 2005

PUBLIC SERVICE  
COMMISSION

Case No. 2005-00398

COMPLAINT

The complaint of ENRIQUE ESPINOSA respectfully shows:  
(Your Full Name)

(a) ENRIQUE ESPINOSA  
(Your Full Name)  
6104 ORION ROAD, LOUISVILLE, KY 40222  
(Your Address)

(b) LOUISVILLE GAS AND ELECTRIC COMPANY  
(Name of Utility)  
820 W BROADWAY, P.O. BOX 32020, LOUISVILLE, KY 40232-2020  
(Address of Utility)

(c) That: SEE ATTACHED PAGES AND ENCLOSURES ( 2 pages and  
(Describe here, attaching additional sheets if necessary,  
5 enclosures )

\_\_\_\_\_ the specific act, fully and clearly, or facts that are the reason  
\_\_\_\_\_ and basis for the complaint.)  
\_\_\_\_\_  
\_\_\_\_\_

Continued on Next Page



The facts that are the reason and basis for my complaint regard LG&E misrepresentation of the correctness of my 6104 Orion home gas meter actual reading February 15, 2005 (9795) (Encl. 1). Based on this misrepresentation LG&E justifies the unduly high single month actual reading (1152) of March 16 (Encl. 2) as due to previous assumed underestimations including the February 15 actual reading. The evidence for this deception is as follows.

As quoted from the Commission letter of April 4, 2005, LG&E declared: "On February 15 the meter reader reported that the glass was painted and the meter reader believed that the reading he recorded was incorrect". The truthfulness of this assertion, which is crucial to understanding the cause of the high reading March 16, (1152) is negated by the following facts: a) The meter and the glass have not been painted and the glass was and is clear (Encl. 3); b) Clarity of the glass permitted LG&E to read 1152 the month following February 15 (March 16) without questioning the clarity of the glass; c) That paint on the meter glass made the February 15 actual reading incorrect was declared by LG&E to me and the Commission only after my complaint March 30 and not before; d) The LG&E contractor who after my complaint came unannounced to service the meter April 3 acknowledged to me a clear glass, and e) On February 15 when my son Luis and I encountered the meter reader, we all could clearly read 9795 thru a clear glass. I was happy to verify the low gas consumption in my Orion home after keeping the thermostat to the minimum while spending part of last year and this in my second home-farm at 43702 East Rehl Court and keeping my Orion home gates closed. Notice that 9795 was the most recent actual reading from the previous actual reading of 9392 (Encl. 4) on July 16, 2004 and not from the 9368 reading of May 18 indicated in the Commission letter. Because I purposely used less gas last Winter, as verified by the 9795 actual reading, comparisons with previous years consumption as described by LG&E to the Commission are also in error.

In view that the February 15 actual reading was indeed correct and ended previous estimations, the reading of March 16 (1152) indicated an unprecedented and unduly gas usage in a single month. This unduly usage had never happened before in this home as shown in the LG&E Customer Usage History attached to the Commission letter. I called LG&E to investigate this high reading after I received the high bill of March 16. However, instead of testing for this unduly high usage in a single month, as mandated in Section 10 (3) of the Regulations, LG&E chose to misrepresent the March 16 actual reading as the most recent actual reading and also misrepresent the February 15 actual reading as incorrect.

In the absence of high gas usage in the month ending March 16, the high meter reading is consistent with the meter jump-turning from 9999 ccf (end of scale) to 1000 ccf instead of 0000 ccf (beginning of scale). Such meter failure would explain the March 16 overbilling for 1000 ccf gas (\$877.69).

I am extremely concerned that LG&E officials , as further documented in the attached note (Encl. 5), have falsely construed that the February 15 actual reading was incorrect and underestimated to thus misrepresent the unduly elevated March 16 reading as caused by previous assumed underestimations including the February 15 actual reading.

In view of the false basis of the overbilling (\$877.69), I desire as a relief nullification of such overbilling, corresponding late charges collected (\$62.38) and currently billed, plus applicable penalties and punitive damages for such deceit.

If necessary, I am willing to participate in a Hearing or other actions to settle this grievous complaint.

Respectfully submitted,

  
Enrique Espinosa

Enclosures: 5



Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM  
 Walk-In Center Hours: Mon-Fri 8AM-5PM  
 www.lgeenergy.com

DATE DUE	AMOUNT DUE
03/07/05	\$304.25

Visit our safe and secure website at [www.lgeenergy.com](http://www.lgeenergy.com).  
 You can view and pay your bill, sign up for e-bill or ABC and review your previous usage.

ACCOUNT INFORMATION	
Account Number:	
Account Name:	ENRIQUE ESPINOSA
Service Address:	6104 Orion Rd
Next Read Date:	03/16/05

Averages for Billing Period	This Year	Last Year
Average Temperature	38 <sup>o</sup>	31 <sup>o</sup>
Number of Days Billed	29	29
Electric/kwh per Day	114.4	0.0
Gas/ccf per Day	3.3	0.0

BILLING SUMMARY	
Previous Balance	164.46
Payments as of 02/17	(164.46)
Balance as of 02/17	0.00
Electric Charges	203.24
Gas Charges	101.01
Utility Charges as of 02/17	304.25
<b>Total Amount Due</b>	<b>304.25</b>

ELECTRIC CHARGES			
<b>Rate Type: ELECTRIC RESIDENTIAL</b>			
Customer Charge	5.00	<b>Meter Reading Information</b>	
Energy Charge	195.45	Meter #	
<b>Other Charges For Above Rates</b>		Actual Reading on 02/15	3182
Electric Fuel Adjustment (\$0.00046 x 3320 kwh)	1.53	Previous Reading on 01/17	3099
Electric Residential DSM (\$0.00095 x 3320 kwh)	3.15	<b>Current kwh Usage</b>	<b>83</b>
Environmental Surcharge (1.010% x \$205.13)	2.07	Meter Multiplier	40
Merger Surcredit (3.262% CR x \$207.20)	-6.76	<b>Metered kwh Usage</b>	<b>3320</b>
Earnings Sharing Adjustment (2.360% x \$200.44)	4.73		
Value Delivery Surcredit (0.990% CR x \$205.17)	-2.03		
Home Energy Assistance Fund Charge	0.10		
<b>Total Electric Charges</b>	<b>\$203.24</b>		

Please see reverse side for additional charges.

Please bring entire bill when paying in person.

*Enclosure 1*



Visit our safe and secure website at [www.lgeenergy.com](http://www.lgeenergy.com).  
You can view and pay your bill, sign up for e-bill or ABC and view your previous usage.

**ACCOUNT INFORMATION**

**Account Number:**  
**Account Name:** ENRIQUE ESPINOSA  
**Service Address:** 6104 Orion Rd  
**Next Read Date:** 04/15/05

**BILLING SUMMARY**

Previous Balance	304.25
Payments as of 03/18	(304.25)
Balance as of 03/18	0.00
Electric Charges	56.67
Gas Charges	1,191.02
Utility Charges as of 03/18	1,247.69
<b>Total Amount Due</b>	<b>1,247.69</b>

Averages for Billing Period	This Year	Last Year
Average Temperature	39 <sup>o</sup>	47 <sup>o</sup>
Number of Days Billed	29	29
Electric/kwh per Day	30.3	24.8
Gas/ccf per Day	46.7	18.7

**ELECTRIC CHARGES**

Rate Type: ELECTRIC RESIDENTIAL

Customer Charge	5.00
Energy Charge	51.81
<b>Other Charges For Above Rates</b>	
Electric Fuel Adjustment (\$.00028 CR x 880 kwh)	-0.25
Electric Residential DSM (\$.00095 x 880 kwh)	0.84
Environmental Surcharge (0.530% x \$57.40)	0.30
Merger Surcredit (3.262% CR x \$57.70)	-1.88
Earnings Sharing Adjustment(2.360% x \$55.82)	1.32
Value Delivery Surcredit (0.990% CRx \$57.14)	-0.57
Home Energy Assistance Fund Charge	0.10
<b>Total Electric Charges</b>	<b>556.67</b>

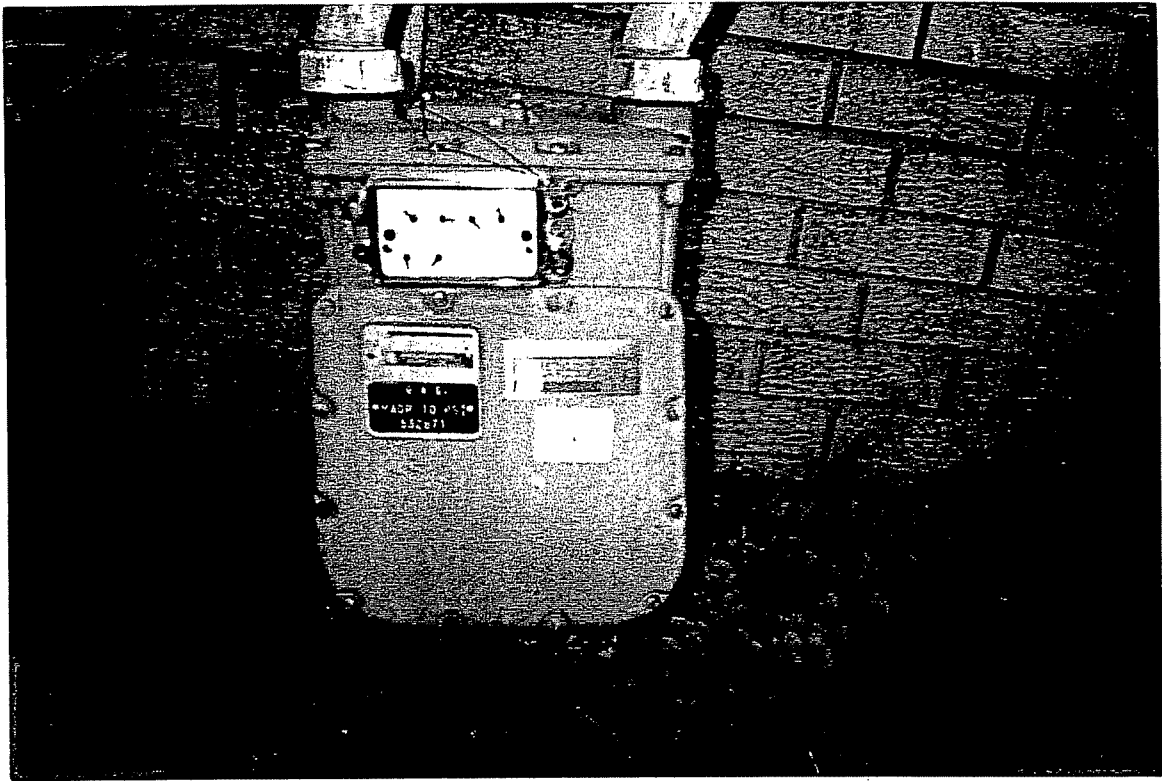
**Meter Reading Information**

Meter #	
Actual Reading on 03/16	3204
Previous Reading on 02/15	3182
<b>Current kwh Usage</b>	<b>22</b>
Meter Multiplier	40
<b>Metered kwh Usage</b>	<b>880</b>

Please see reverse side for additional charges.

Please bring entire bill when paying in person.

Enclosure 2



Enclosure 3





Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM  
 Walk-In Center Hours: Mon-Fri 8AM-5PM  
 www.lgeenergy.com

DATE DUE	AMOUNT DUE
08/04/04	\$29.63

Conserve paper - Go Electronic! Did you know we can send your utility bill by e-mail? Switching to e-bill is easy when you visit our website: [www.lgeenergy.com](http://www.lgeenergy.com).

ACCOUNT INFORMATION	
Account Number:	
Account Name:	ENRIQUE ESPINOSA
Service Address:	6104 Orion Rd
Next Read Date:	08/16/04

Averages for Billing Period	This Year	Last Year
Average Temperature	77 <sup>o</sup>	72 <sup>o</sup>
Number of Days Billed	60	60
Electric/kwh per Day	7.3	13.3
Gas/ccf per Day	0.4	0.4

BILLING SUMMARY	
Previous Balance	0.00
Payments as of 07/19	0.00
Previous Month Adjustment	(37.89)
Balance as of 07/19	(37.89)
Electric Charges	31.46
Gas Charges	36.06
Utility Charges as of 07/19	67.52
<b>Total Amount Due</b>	<b>29.63</b>

### ELECTRIC CHARGES

Rate Type: ELECTRIC RESIDENTIAL		Meter Reading Information	
Customer Charge	4.26	Meter #	
Energy Charge	26.44	Actual Reading on 07/16	3055
<b>Other Charges For Above Rates</b>		Previous Reading on 06/16	3044
Electric Fuel Adjustment (\$0.00051 x 440 kwh)	0.22	<b>Current kwh Usage</b>	<b>11</b>
Electric Residential DSM (\$.00088 x 440 kwh)	0.39	Meter Multiplier	40
Environmental Surcharge (2.270% x \$31.31)	0.71	<b>Metered kwh Usage</b>	<b>440</b>
Merger Surcredit (3.129% CR x \$32.02)	-1.00		
Earnings Sharing Adjustment (2.360% x \$31.02)	0.73		
Value Delivery Surcredit (0.900% CR x \$31.75)	-0.29		
<b>Total Electric Charges</b>	<b>\$31.46</b>		

Please see reverse side for additional charges.

Please bring entire bill when paying in person.

*Enclosure 4*

**Wilder, Kimberly**

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Mr. Espinosa,

Per our conversation March 31, 2005 I am sending you the last 24 months of usage so you can compare the usage from last year versus this year. Please keep in mind that during the months of August 2004 through January 2005 we estimated your meters. The reading we got in February was an incorrect reading which caused another low bill. When we got a good reading in March when were able to correct the low estimates and the low reading we got in February. Comparing your total cubic feet of gas from 3-19/03 to 2/18/04 we billed 2453 ccf versus from 3/18/04 to 3/16/05 we billed 2346 ccf. With that comparison you can see your usage this year is lower and in line with prior usage. Please give me a call at 627-2000 if you would like to setup arrangements on your account or if you have any further questions.

Thank you,

*Kim Sue Wilder*  
Customer Care Coach

*Enclosure 5*