

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 |) | |

O R D E R

On September 26, 2005, Enrique Espinosa (“Complainant”) filed a complaint against Louisville Gas and Electric Company (“LG&E”) in a billing dispute. On October 7, 2005, pursuant to 807 KAR 5:001, Section 12, the Commission ordered LG&E to satisfy or answer the complaint. LG&E has filed an answer to the complaint. The Commission finds that it is necessary to establish a procedural schedule in this matter.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in Appendix A to this Order shall be followed in this proceeding.
2. LG&E shall respond to the data request which is attached hereto as Appendix B.

3. All interrogatories and requests for production of documents shall be appropriately indexed. Responses shall include the name of the individual responsible for responding to the questions related to the information provided.

4. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

5. All documents that the Commission requires any party to file with the Commission shall also be served upon all parties of record at or before the time of filing.

6. All parties shall respond to any interrogatories and requests for production of documents that Commission Staff submits in accordance with the procedural schedule set forth in Appendix A.

7. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

8. Pursuant to KRS 278.360, the record of the formal hearing shall be kept by videotape. A stenographic transcript shall not be made unless either party shall request a stenographic transcript by motion filed on or before November 23, 2005.

Done at Frankfort, Kentucky, this 2nd day of November, 2005.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2005-00398 DATED November 2, 2005

Complainant and LG&E may serve interrogatories
and requests for production of documents upon each
other no later than 11/07/2005

Complainant and LG&E shall file with the Commission
and serve upon all parties of record responses to
data requests and requests for production of documents
no later than 11/14/2005

Commission Staff may serve upon Complainant
and LG&E supplemental data requests and requests
for production of documents no later than 11/22/2005

Complainant and LG&E shall file with the Commission
and serve upon all parties of record responses to
Commission Staff's supplemental data requests and
requests for production of documents no later than 11/29/2005

Public hearing shall begin at 9:00 a.m.,
Eastern Standard Time, in Hearing Room 1
of the Commission's offices at 211 Sower
Boulevard, Frankfort, Kentucky 12/06/2005

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2005-00398 DATED November 2, 2005

FIRST DATA REQUEST OF COMMISSION STAFF TO ENRIQUE ESPINOSA

Enrique Espinosa ("Complainant") is requested to file the original and four copies of the following information on or before November 14, 2005, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility.

1. On page 1 of the complaint, you state that in your Orion home you kept the thermostat at the minimum and lived in another residence for part of 2004-2005. You also state that you kept the gates closed at your Orion home during this time.
 - a. State the approximate dates you left and returned to your Orion home.
 - b. What type of thermostat do you have? Is it new or old and does it have variable settings?
 - c. At what temperature did you set your thermostat?
 - d. Was a member of your family or anyone else living in the house during this period of time?

e. During this period of time, did you or anyone else apply paint to the gas meter? If yes, explain.

2. During this period of time, were any physical changes made to your Orion home, such as added rooms or change in your furnace or windows?

3. Name the appliances inside or outside of your home that operate on natural gas.

4. Were any of those natural gas appliances changed or replaced during this period of time?

5. Do you use part of your home to conduct any type of business?

6. When did you respond to LG&E's request to provide access for the meter reader to read your gas meter? Explain in detail.

FIRST DATA REQUEST OF COMMISSION STAFF
TO LOUISVILLE GAS AND ELECTRIC COMPANY

Louisville Gas and Electric Company ("LG&E") is requested to file the original and four copies of the following information on or before November 14, 2005, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility.

1. Refer to Enrique Espinosa's complaint, Enclosures 1, 2, and 4.
 - a. Provide Mr. Espinosa's monthly gas bills for the gas meter located at 6104 Orion Road for the months of August 2003 through April 2005.
 - b. LG&E's First Affirmative Defense stated that Mr. Espinosa's gas consumption for the period from March 18, 2004 through March 16, 2005 was less than the previous year, but still consistent with his consumption in earlier years. Provide the billing records and the processes used to arrive at this conclusion.
2. As to the gas meter at 6104 Orion Road:
 - a. What make and type or model is the meter?
 - b. What identifying number does LG&E use to identify this meter for billing purposes?
 - c. The meter has been referred to as a four-dial meter. What is a four-dial meter and how does it measure gas consumption?
 - d. Provide the test history of this meter.

3. Complainant alleged that the meter “jumped” upon rollover from 9999 to 1000 when it should have “re-set” to 0000. In Item 3(b) of LG&E’s answer, LG&E states that upon obtaining access to the meter on February 15, 2005, it recorded the numbers on the gas meter as “9795.” LG&E further states it believes the meter reader did not accurately read the gas meter at that time. LG&E’s First Affirmative Defense, paragraph 2, states, “but subsequent readings have lead [sic] LG&E to conclude that the meter was under-read at that time. LG&E believes that Mr. Espinosa’s gas meter was accurately read on March 16, 2005, as ‘1151.’” Explain how LG&E reached this conclusion? If your answer references any reports of the meter reader or others, provide a copy of that report.

4. Item 3(d) of LG&E’s answer affirmatively states that the meter glass was reported by the technician as “painted,” however, it is possible that the “paint” may have resulted from moisture under the meter glass.

a. Is there a difference between a “meter reader” and a “technician”?

If yes, explain.

b. Does LG&E hire and train its own meter readers or does it contract this service from an outside vendor? Explain the response.

c. Does LG&E require any kind of certification, education, or qualification of its meter readers? Explain the response.

5. Explain in detail LG&E’s procedures to prevent, detect, and correct meter-reading errors by its meter readers.

a. Is a gas meter reader trained to recognize the difference between a painted glass and one with moisture in the glass?

b. Is there a reporting difference between the two occurrences?

c. When the glass on the subject meter was replaced on March 31, 2005, was there any report of either paint or moisture observed on the glass?

6. Complainant alleged that the meter “jumped” upon rollover from 9999 (end of scale) to 1000 when it should have “re-set” to 0000 (beginning of scale). In Item 3(l) of its answer, LG&E states that, in order for that to occur, the index on the meter must be damaged in some way.

a. What is the index on the meter?

b. Provide the field personnel report referenced by LG&E.

c. Has LG&E knowledge of any reported meter “jumps” with this type of meter due to moisture within the meter?

d. Has the meter in question been tested at LG&E’s lab?

(1) If yes, what were the results of the test?

(2) If no, has testing of the meter been considered? Explain the response.