

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GENE RAY HARDY)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00043
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

On January 26, 2006, Complainant, Gene Ray Hardy, filed with the Commission a formal complaint against Louisville Gas and Electric Company (“LG&E”). Complainant alleges that, on December 15, 2005, a surge of electricity¹ from an electrical line supplied by LG&E came into his apartment building located at 3508 Fern Lea Road, Louisville, Kentucky and damaged various electrical components, breakers, smoke detectors, and tenants’ electronic appliances, including televisions and computers. Complainant seeks reimbursement from LG&E for the costs incurred to repair the damage caused to his building and equipment. Additionally, Complainant requests that LG&E reimburse the tenants of the apartment building for their costs associated with the damaged electronic appliances.

¹ “On December 15, 2005, a LG&E utility pole failed, which caused the hot wire to contact the neutral wire, which sent a strong electrical current surge down the service wire to my apartment building located at 3508 Fern Lea Road, Louisville, Kentucky 40216.” Complaint at 1-2.

It is well established that the Commission has limited powers over public utilities.² KRS 278.260³ grants the Commission only “original jurisdiction over complaints as to rates or service of any utility.” Mr. Hardy’s complaint does not raise issues concerning LG&E’s “rates” or “service.” Rather, it makes a claim only for reimbursement for damage to property caused by the surge of electricity. No provision of KRS Chapter 278 confers upon the Commission the authority to award damages and the Kentucky courts have refused to extend the Commission’s jurisdiction to include monetary damage claims.⁴ Therefore, the Commission lacks the authority to adjudicate Complainant’s claim for damages.

Having considered the complaint and being otherwise sufficiently advised, the Commission finds that it does not have jurisdiction to grant the relief requested by the Complainant and that the complaint should be dismissed.

² Boone County Water and Sewer District v. Public Service Comm’n, 949 S.W.2d 588, 591 (Ky. 1997) (“The PSC is a creature of statute and has only such powers as have been granted to it by the General Assembly.”)

³ KRS 278.260(1) provides, in pertinent part, as follows:

The commission shall have original jurisdiction over complaints as to rates or service of any utility, and upon a complaint in writing made against any utility by any person that any rate in which the complainant is directly interested is unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act affecting or relating to the service of the utility or any service in connection therewith is unreasonable, unsafe, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it deems necessary or convenient.

⁴ Carr v. Cincinnati Bell, Inc., 651 S.W.2d 126 (Ky.App. 1983).

IT IS THEREFORE ORDERED that the complaint filed with this Commission on January 26, 2006 is dismissed without prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 17th day of February, 2006.

By the Commission

ATTEST:



Executive Director