

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DUWAYNE AND TERESA NELSON)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO. 2006-00228
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

O R D E R

On May 30, 2006, the Commission received a formal complaint filed by DuWayne and Teresa Nelson (“Complainants”) against Kentucky Utilities Company (“KU”). Complainants state that they received an abnormally high electric bill for their vacant rental house located in Cave City, Kentucky for the months of December 2005, and January 2006.¹ They claim that they should not be responsible for the entire charge for those months and request an adjustment to their bills. In addition, the Complainants claim that, although they were told by a KU representative that the electricity to the house in question would not be disconnected while the billing was in dispute, the electricity to the house has, in fact, been disconnected.

KU filed its answer to the Nelsons’ formal complaint on June 20, 2006. KU states that, upon becoming aware of the Nelsons’ concerns, it first re-checked the meter

¹ The amount of the December 2005 bill is \$54.53 and the January 2006 bill is \$62.40.

reading and then replaced the meter on January 23, 2006. KU further states that the original meter was then tested and was found to be 100.4 percent accurate, which, they claim, conforms to 807 KAR 5:041, Section 15(2). On March 23, 2006, a representative from KU personally visited the premises.²

The Commission is empowered by KRS 278.260 to hear “complaints as to rates and service of any utility.” That statute further authorizes the Commission to “dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest or for the protection of substantial rights.” Based on a review of the record, the Commission finds that a hearing is not necessary in the public interest or for the protection of substantial rights and that Complainants state no claim upon which relief may be granted. Accordingly, the Commission finds that the complaint should be dismissed.

KU acted properly and in accordance with its filed tariff³ and with the applicable administrative regulation⁴ in its investigation of the Nelsons’ complaint. Further, in

² “On March 23, 2006, Jan Coleman, current Manager of Business Offices, personally met with Mr. Nelson to view his meter. At the time of the visit, Ms. Coleman noted at least one exterior outlet which was cut off at the breaker at that time. She was unable, however, to determine how long the breaker had been turned off. In addition, Ms. Coleman noted that the meter seal was intact and there was no evidence of diversion.” Answer of KU at 2.

³ KU’s billing tariff regarding customer usage states that “the Company will immediately investigate usage deviations brought to its attention as a result of its on-going meter reading or billing processes or customer inquiry.” Kentucky Utilities Company Original Sheet No. 86.1, P.S.C. No. 13.

⁴ KAR 5:006, Section 9, states: “Upon complaint . . . the utility shall make a prompt and complete investigation. . . .”

accordance with 807 KAR 5:006, Section 10,⁵ there is no basis for KU to make an adjustment of the disputed bills.

With respect to Complainants' claim that electric service should not have been terminated while this dispute is pending, the Commission finds that KU acted in accordance with 807 KAR 5:006, Section 11,⁶ noting that the disconnection of service was made for non-payment of subsequent bills that are not a part of this dispute.⁷

IT IS THEREFORE ORDERED that this case is dismissed with prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 7th day of August, 2006

By the Commission

ATTEST:


Executive Director

⁵ 807 KAR 5:006, Section 10, allows for an adjustment to a customer's bill if, upon testing the meter, an error of more than 2 percent fast is determined.

⁶ 807 KAR 5:006, Section 11, states, in pertinent part, "customer accounts shall be considered to be current while the dispute is pending *as long as a customer continues to make undisputed payments and stays current on subsequent bills.*" (emphasis added).

⁷ Answer of KU, at 2, paragraph 3.a.