

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLES S. CARTER, JR.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2010-00129
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

ORDER

In his Complaint in the above-styled matter filed March 9, 2010, Complainant, Charles S. Carter, Jr., alleges that Defendant, Kentucky Utilities Company ("KU"), overcharged him for electric service at his residence. In particular, Complainant claims that, although he has taken a number of measures to increase the energy efficiency of his home, his electric bill for January 2010 was "double" his electric bill in December 2009:

About 4 years ago I bought my house and over the past 3 years I have spent approximately \$10,000 making my house energy efficient. I had energy efficient double pane replacement windows installed, 4 new storm doors, new energy efficient water heater, refrigerator, kitchen range, dish washer, washer & dryer. New energy efficient gas furnace and central air unit. I also had 1 foot of fiberglass insulation blown into the attic. I do laundry once a week with cold water and never use the automatic dish washer more than once a week. My home is a 3 bedroom 2 bath brick with a basement which I don't heat. My house is so energy efficient that my Delta natural gas bill averages \$73.00 per month. My complaint concerning Kentucky Utilities is that

my electric bill in November 2009 was \$103.45 and December 2009 was \$111.13 but in January 2010 my electric bill doubled to \$224.69 for no known reason as nothing electrical has changed at my house.

On April 22, 2010, KU filed its Answer to the Complaint in which it stated that it had tested Complainant's meter on April 14, 2010, and that the test results showed that the meter was operating within tolerance. KU also stated that, at the request of Commission staff, it performed a home energy audit of Complainant's home on April 8, 2010, and based on the home energy audit, among other energy-saving steps, it recommended that Complainant limit the use of space heaters during the winter heating months.

KU further asserted in its Answer that it is required to charge Complainant for the electricity consumed based upon KU's filed rates contained in its tariff. KU also requested that the Commission dismiss the Complaint on grounds that the Complaint failed to set forth any claim upon which relief can be granted and that Complainant failed to set forth a prima facie case that KU has violated its tariff or any statute or Commission regulation.

On June 8, 2010, the Commission issued an Order directing Complainant to file a statement setting forth which tariffs or statutes or Commission regulations he alleged KU had violated, the relief he sought from the Commission, and whether he requested a formal hearing before the Commission. On June 15, 2010, Complainant filed a Response. However, while Complainant alleged in his Response that KU had not adequately satisfied all of the issues raised in his March 9, 2010 Complaint, he did not allege that KU had violated any provision of its tariff, any statutes, or any Commission regulations.

On July 22, 2010, the Commission issued an Order directing KU to file a reply to Complainant's June 15, 2010 Response, addressing all issues raised by Complainant and stating whether it had satisfied the remaining complaints listed therein. On August 2, 2010, KU filed its Reply in which it stated that it had tested Complainant's meter on April 14, 2010 and found it to be operating within acceptable limits. KU stated that a system-generated letter dated April 16, 2010 was mailed to Complainant and indicated that \$60.00 would be applied to his account. KU stated in its Reply that it would not charge Complainant for the meter test, because the test was ordered by KU.

In addition, KU attached kilowatt-hour ("kWh") usage data for Complainant's residence from July 11, 2006, to March 6, 2009. KU also reiterated the fact that it had performed a Residential Energy Audit at Complainant's home as requested by Commission staff, and had made a number of recommendations to Complainant based on the results of the audit, including a recommendation that he decrease the use of electric space heaters in his house.

On August 19, 2010, Commission Staff issued its first data request to KU requesting information concerning whether KU had installed a different meter at Complainant's residence, copies of Complainant's electric bills from April 2007 through April 2010, and information in any records maintained by KU concerning temperature and weather conditions for the months of November 2009, December 2009, January 2010, February 2010, March 2010, and April 2010. KU filed its Response and a Petition for Confidential Protection on September 1, 2010.

The weather data provided by KU shows that the daily average temperature in the region near Complainant's home¹ for the period between November 1, 2009 and November 30, 2009 was 47.8 degrees.² The average temperature in the region near Complainant's home for December 1, 2009 through December 31, 2009, was 37.5 degrees,³ and the average temperature in the region near Complainant's home from January 1, 2010 through January 31, 2010 was 30 degrees.⁴ The record reflects that the daily average temperatures near Complainant's home for the first thirteen days of January 2010 were particularly cold, with temperatures well below freezing on every day. The average temperature for January 1, 2010 through January 13, 2010 was only 18.2 degrees.⁵

The information contained on Complainant's electric bill also shows that the average temperature for the November 2009 billing period was 48 degrees, whereas the average temperature for the same billing period in 2008 was 40 degrees.⁶ However, the average temperature for the December 2009 billing period, 34 degrees,

¹ In its September 1, 2010 response, KU states that it receives daily weather information from the National Oceanic and Atmospheric Association (NOAA) Midwestern Regional Climate Center. The data from London, Kentucky is the closest city that would apply to the Corbin area.

² Response of KU to Commission Staff's First Data Request, filed September 1, 2010, Attachment to Question No. 2, page 1, calculation determined by adding daily average temperatures for the period and dividing by 30.

³ *Id.*, pp. 1-2, calculation determined by adding daily average temperatures for the period and dividing by 31.

⁴ *Id.*, p. 2, calculation determined by adding daily average temperatures for the period and dividing by 31.

⁵ *Id.*, p. 2, calculation determined by adding daily average temperatures for the period and dividing by 13.

⁶ *Id.*, Attachment to Question No. 3, p. 31.

was well below the average temperature of 40 degrees for the same billing period in December 2008.⁷

The average temperature for the January 7, 2010 through February 3, 2010 billing period was actually two degrees higher than the same billing period in January 2009 (33 degrees in January 2010 as compared to 31 degrees in January 2009).⁸

However, as shown in the NOAA weather data, that higher average was due to a nine-day period from January 17, 2010 through January 25, 2010, during which daily average temperatures averaged between 42 and 50 degrees, before dropping again into the lower twenties and thirties for the remainder of the month.⁹

On October 7, 2010, the Commission received a letter from Complainant concerning certain meter readings he had taken at his residence for dates in July 2010 and September 2010. The October 7, 2010 letter states, in pertinent part:

I have been recording my KWH readings on my third meter daily between 12:00 PM and 1:00 PM each day and I have recorded some very strange readings. On 7/23/2010 the KWH reading was 09147 however the next day the reading was 09121 which was 26 KWH less than the day before? On 7/28/2010 the KWH reading was 09584 however the next day the reading was 09567 which was 17 KWH less than the day before? On 9/16/2010 the KWH was 13295 however the reading the next day was 13261 which was 34 KWH less? It's easy to see the reading is wrong when the reading is less than the day before but how many of the high readings are also wrong?

Based on the issues raised in Complainant's October 7, 2010 letter, Commission Staff issued its second information request to KU on December 10, 2010, requesting

⁷ Id., p. 33.

⁸ Id., pp. 33, 35.

⁹ Id., Attachment to Question No. 2, p. 2.

information concerning the meters that had been installed at Complainant's residence and the manner of accurately recording electric usage for those meters.

On December 21, 2010, KU filed its response to the December 10, 2010 information request. In its Response, KU stated that the meter that was installed at Complainant's residence in April 2010 (Meter #C457745), is a model MX electromechanical meter manufactured by Landis + Gyr. KU stated that the dial rotation sequence for this meter is as follows:

"beginning with the left dial, is clockwise, counter-clockwise, clockwise, counter-clockwise, and clockwise. Adjacent dials rotate in opposite directions and are geared so that the pointer on the right will make one complete revolution while the one next to it on the left makes one-tenth of a revolution."
(Response of Kentucky Utilities Company to Commission Staff's Second Data Request Dated December 10, 2010, Answer to Question 1. c., filed December 21, 2010).

Commission Staff's Second Information Request asked KU what would account for Complainant's meter reading on July 24, 2010 being 26 kWh less than the reading on July 23, 2010; the meter reading on July 29, 2010 being 17 kWh less than the reading on July 28, 2010; and his meter reading on September 17, 2010 being 34 kWh less than the reading on September 16, 2010. KU stated in its response that "[t]he inconsistency and perceived inaccurate registration is likely due to a misread on July 23, 2010, July 28, 2010, and September 16, 2010 by the Complainant."¹⁰ KU also provided a photocopy of a five-dial Landis + Gyr, MX register and explained how the meter could be misread by someone who has not been trained to accurately read such meters. KU further stated in its response that, based on its meter reading records from

¹⁰ Id., Response to Question No. 2.

July 6, 2010 through October 5, 2010, Complainant's average usage per day was 73.6 kWh.

Complainant has not alleged that he has had any meter reading training. Notwithstanding Complainant's October 7, 2010 letter wherein he states that he observed "very strange readings" on his residential meter, based on the information in the record, the Commission finds that Complainant's allegations in his October 7, 2010 letter regarding his meter are without merit. The Commission finds that the meter readings reported by Complainant are the result of improperly reading his own meter and are not the result of any malfunction of KU's meter.

Based on the NOAA temperature data provided by KU in its September 1, 2010 response to Commission Staff's First Data Request, it is clear that the daily average temperatures in the Corbin, Kentucky area were particularly cold from January 1, 2010 through January 13, 2010, with the daily average temperatures during that period being just 18.2 degrees. Complainant heats his home with gas.¹¹ Complainant has also indicated that he has three electric space heaters.¹² Complainant's home has an electric hot water heater.¹³

Complainant has failed to allege any tariffs that KU has violated. There is no evidence in the record that KU has violated any tariffs. The Commission finds that KU has not violated any tariffs.

¹¹ KU Answer, filed April 22, 2010, Exhibit B (copy of April 8, 2010 residential energy audit of Complainant's home), p. 1.

¹² Complainant's June 15, 2010 Response at fourth page.

¹³ KU Answer, filed April 22, 2010, Exhibit B, p. 1

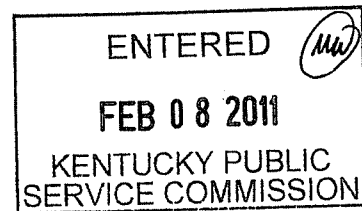
Complainant has failed to allege any statutes that KU has violated. There is no evidence in the record that KU has violated any statutes. The Commission finds that KU has not violated any statutes.

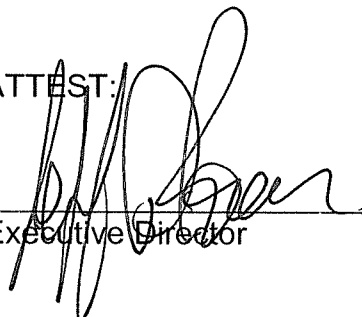
Complainant has failed to allege any regulations that KU has violated. There is no evidence in the record that KU has violated any regulations. The Commission finds that KU has not violated any regulations.

Based on the foregoing, the Commission HEREBY ORDERS that:

The case is DISMISSED and is hereby removed from the Commission docket.

By the Commission



ATTEST:


Executive Director

Lonnie E Bellar
VP - State Regulation
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