## BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:


## ORDER TO SATISFY OR ANSWER

Kentucky Utilities Company ("KU") is hereby notified that it has been named as defendant in a formal complaint filed on December 10, 2010, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days of 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.

By the Commission


ENTERED
FEB 212011
KENTUCKY PUBLIC SERVICE COMMISSION

In the matter of:

| Herren \& Adams |  |
| :---: | :---: |
| (Your Full Name) COMPLAINANT |  |
|  |  |
| VS. |  |
| Kentucky Utilities |  |
| (Name of Uility) |  |
|  | DEFENDANT |
|  | COMPLAINT |

The complaint of Herren \& Adams respectully shows:
(Your Full Name)
(a) Herren \& Adams (Your Full Name)
148 N. Broadway
Lexington, KY 40507

(b)

Kentucky Utilities Company
One (Name of Utility)
One Quality Street
Lexington, KY 40507
(Address of Utility)
(c) That: in August, 2010, without our knowledge or consent, KO (Describe here, attaching additional sheets if necessary, raised our rate and/or changed the way they billed us resulting in a $200 \%$ - $300 \%$ increase in our electric bills. Representatives
the specific act, fully and cleaty, or facts that are the reason of KU have told us that the PSC approved the rate increase and refused to even consider reviewing our bills for August, September and basis for the complaint.) and October, 2010.

## Formal Complaint

Herren \& Adams
vs.
Kentucky Utilities

## Page 2 of 2

In September, 2009, we used 3620 kilowatts of electricity and ku billed us $\$ 392.29$. In September, 2010, we used 2586 kilowatts (1100 less kilowatts than in September, 2009), but our bill was $\$ 961.80$. In other words, it nearly tripled even though we used 1100 less killowatts.
(See attached letter dated December 1, 2010 to Mr. Armstrong).
$\qquad$
$\qquad$
Wherefore, complainant asks that our electric bills for August, (Specifically state the ralief desired.)

September and October, 2010 be reviewed and recalculated consistent
with our old rate or consistent with the $8 \%-98$ rate increase Mr. Gary
$\therefore$ Wilson Erom ku told us was approved by the PSC. Then, we denand thät
the andount that we have been overcharged be refunded to us with interest.


$$
\text { of } \frac{\text { December }}{\text { (Month) }}, 2010
$$



Charles C. Adams, Jr., Esq. Herren \& Adams, 148 N. Broadway Lexington, KY 40507
(Name and address of attomey, if any)
tom.herren@herrenadams.com

December 1, 2010

Hon. David L. Armstrong
Kentucky Public Services Commission
211 Sower Boulevard
P.O. Box 615

Frankfort, KY 40602-0615
Re: KU Rate Increase
Dear Mr. Armstrong:
My partner, Tom Herren, and I have practiced law in the same 2500 square foot office building in downtown Lexington since 1993. Since there is only one provider of electricity, we have always been customers of Kentucky Utilities. Our electric bill for August, 2009 was $\$ 388.86$. Our August, 2010 bill was $\$ 755.10$. It gets worse.

In September, 2009, we used 3620 kilowatts of electricity and KU billed us $\$ 392.29$. In September, 2010, we used 2586 kilowatts ( 1100 less kilowatts than in September, 2009), but our bill was $\$ 961.80$. In other words, it nearly tripled.

Here's a chart of our bills for the 15 months from August, 2009 through October, 2010.

| Read Date | Total Bill | Kwh Used | Total Bill/Kwh Used |
| :---: | :---: | :---: | :---: |
| $8 / 10 / 09$ | $\$ 388.86$ | 3529 | $\$ 0.11$ |
| $9 / 14 / 09$ | $\$ 392.29$ | 3620 | $\$ 0.10$ |
| $10 / 14 / 09$ | $\$ 321.69$ | 2006 | $\$ 0.16$ |
| $11 / 12 / 09$ | $\$ 227.00$ | 1392 | $\$ 0.16$ |
| $12 / 14 / 09$ | $\$ 235.74$ | 1622 | $\$ 0.15$ |
| $1 / 14 / 10$ | $\$ 236.33$ | 1702 | $\$ 0.14$ |
| $2 / 16 / 10$ | $\$ 248.94$ | 1755 | $\$ 0.14$ |
| $3 / 17 / 10$ | $\$ 233.22$ | 1423 | $\$ 0.16$ |
| $4 / 16 / 10$ | $\$ 266.14$ | 1422 | $\$ 0.19$ |
| $5 / 17 / 10$ | $\$ 295.14$ | 1487 | $\$ 0.20$ |
| $6 / 16 / 10$ | $\$ 395.25$ | 3275 | $\$ 0.12$ |
| $7 / 15 / 10$ | $\$ 425.41$ | 4149 | $\$ 0.10$ |
| $8 / 16 / 10$ | $\$ 755.10$ | 4454 | $\$ 0.17$ |
| $9 / 15 / 10$ | $\$ 961.80$ | 2586 | $\$ 0.37$ |
| $10 / 14 / 10$ | $\$ 763.93$ | 1680 | $\$ 0.45$ |

Hon. David L. Armstrong
December 1, 2010
Page 2

As you can see, our bills in August, September and October, 2010 reflect enormous increases over our previous bills regardless of the kilowatts used or the time of year.

We have talked to the representatives of KU on several occasions and they tell us that the bills are correct and that there is nothing that can be done. They say that from here forward, they will switch us to some other billing plan which might help depending on how much electricity we use, but there's nothing that can be done about our bills that skyrocketed starting in August.

I personally have spoken with a Ms. Katrina Clark and a Mr, Gary Wilson at KU. It's their position that the Public Service Commission approved a rate increase which allows these outrageous increases. Mr. Wilson was almost giddy when he laughingly explained that the PSC had approved the increase and that there is nothing that can be done about the bills.

So here are my questions:
(1) Did the PSC really approve a rate increase which has resulted in 200\% $300 \%$ increases in our electric bills?
(2) What evidence did KU present which justified such a sudden and enormous increase?
(3) Is there truly no mechanism or procedure through which our bills for August, September and October, 2010 can be adjusted?
(4) Am I correct that we have no choice but to get our electricity from KU?
(5) Does the PSC have a department or even a single employee who advocates on behalf of consumers or does the PSC simply accept as necessary KU's demands for rate increases?

Mr. Armstrong, we just got notice that our small health insurance group's premiums are going up $30.6 \%$ in January. Last year, our health insurance went up $32.25 \%$. As bad as that is, it's a far cry from the $200 \%-300 \%$ increase the PSC recently allowed KU. Also, with health insurance, we can shop around for another company, we can tweak the coverage and get by with less benefits or we can simply stop providing it to our employees altogether.

Hon. David L. Armstrong
December 1, 2010
Page 3

We can't run an office without electricity, and as far as I know, we can't get it anywhere but from KU. Sir, please explain to me how in the world KU justified this increase.

Respectfully,


## $\mathrm{CCA} / \mathrm{j}$

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Leonard K. Peters
Secretary
Energy and Environment Cabinet
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Commonwealth of Kentucky Public Service Commission 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov

January 11, 2011
Hon. Charles C. Adams, Jr. Herren \& Adams
148 N. Broadway
Lexington, Kentucky 40507
$\mathrm{Re}: \quad$ Formal Complaint received 12-10-10
Herren \& Adams vs. Kentucky Utilities
Dear Mr. Adams:
The Public Service Commission ("PSC") is in receipt of a Formal Complaint styled Herren \& Adams v. Kentucky Utilities, received by the PSC on December 10, 2010. From the information set out in the complaint, it unclear whether or not a prima facie case has been established.

Please file, within ten (10) days of the date of this letter, three (3) copies of the electric bills that Herren \& Adams received for the months of June, 2010 through October, 2010 and send them to the Executive Director at:

## 211 Sower Boulevard Frankfort, Kentucky 40602-0615

If you have any questions, please contact Faith Burns of the Commission Staff at 502/564-3940, Extension 235.


cc: Kentucky Utilities Company<br>State Regulation and Rates<br>220 West Main Street, P.O. Box 32010<br>Louisville, Kentucky 40232

Thomas K. Herren*
Charles C. Adams, Jr.
tom.herren@herrenadams.com
chuck.adams@herrenadams.com

Telephone: (859) 254-0024
FAX: (859) 254-5991

January 24, 2011

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615

Frankfort, KY 40602-0615

## RECEIVED

JAN 252011
PUBLIC SERVICE COMMISSION

Re: Formal Complaint Received 12/10/10 Herren \& Adams vs. Kentucky Utilities

Case No. $2011-00047$
Dear Mr. Derouen:
Per your request, please find enclosed three copies of our electric bills for the months of June, 2010 through October, 2010.

I am also enclosing three copies of our electric bill from September, 2009. In September, 2009, we used 3620 kilowatts of electricity and KU billed us $\$ 392.29$. In September, 2010, we used 2586 kilowatts ( 1100 less kilowatts) than in September the year before, but our bill was $\$ 961.80$. In other words, our bill nearly tripled even though we used substantially less electricity.

Finally, I am enclosing a notice which KU claims was inserted in our February, 2010 bill. KU says that we were in the "Power Service" rate class. As you can see, in the notice KU estimated that our monthly bill would only be increased by $10.44 \%$. Instead, our bills went up $200 \%-300 \%$.

Please let me know if there is anything else you need from us. Thank you.
Very truly yours,


CCA/js
Enclosures
C:IDocumentsiccaltrsLDEROUEN(PUBLIC SERVICE) 1-24-11.LTR doc

Telephone Payments: Customer Service: Walk-In Center: Walk-In Center:
Online Customer Self-Service: www.eon-us.com (24 hours a day)

1-800-807-3596 (24 hours a day; \$2.95 fee)
1-859-367-1200 (M-F, 7 a.m. to 6 p.m. EE
Open Mon-Fri 8 a.m. to 5 p.m. EST

| DUE DATE | Pay This Amount |
| :--- | :---: |
| $06 / 29 / 10$ | $\$ 395.25$ |

See the "Billing Information" section for details about the pending pledge/payment, late payment charges and service disconnection.

## A ACCOUNTINFORMATION

Account Number:

| Account Name: | HERREN \& ADAMS |
| :--- | :--- |
| Service Address: | 148 N Broadway St |
| Next Read Will Occur: | $07 / 14 / 10-07 / 20 / 10$ |

Next Read Will Occur: 07/14/10-07/20/10
4

| Averages for | This | Last |
| :---: | :---: | :---: |
| Billing Period | Year | Year |
| Average Temperature | $73^{\circ}$ | $70^{\circ}$ |
| Nurnber of Days Billed | 30 | 30 |
| Electric/kwh per day | 109.1 | 78.1 |


|  |  |  |
| :---: | :---: | :---: |
| Previous Balance |  | 295.14 |
| Payment(s) Received 5/19-6/17 |  | -295.14 |
| Balance as of $6 / 17$ |  | 0.00 |
| Current Electric Charges | 351.78 |  |
| Current Taxes and Fees | 43.47 |  |
| Current Charges as of 6/17 |  | 395.25 |
| Total Amount Due |  | 395.25 |



Please see reverse side for additional charaes.

| DUE DATE | Pay This Amount |
| :---: | :---: |
| $07 / 28 / 10$ | $\$ 425.41$ |

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See the "Billing Information" section for details about the pending pledge/payment, late payment charges and service disconnection.

|  |  |  |
| :--- | :--- | :--- |
| Averages for <br> Billing Period | This <br> Year | Last <br> Year |
| Average Temperature | $\frac{77^{\circ}}{\circ}$ | $\ldots$ |
| Number of Days Billed | $\frac{29}{75^{\circ}}$ | 29 |
| Electric/kwh per day | 143.0 | 113.1 |


| BILLING SUMMARY |  |  |
| :--- | ---: | ---: |
| Previous Balance |  |  |
| Payment(s) Received $6 / 18-7 / 16$ |  | 395.25 |
| Balance as of $7 / 16$ | -395.25 |  |
| Current Electric Charges | 380.77 | 0.00 |
| Current Taxes and Fees | 47.06 |  |
| Current Charges as of $7 / 16$ |  | 427.83 |
| Other Charges (See Oiher Charges Box) | -2.42 |  |
| Total Amount Due |  | 425.41 |


| Fis ACCOUNTINFORMATION |  |
| :--- | :--- |
| Account Number: |  |
| Account Name: | HERREN \& ADAMS |
| Service Address: | 148 N Broadway St |
| Next Read Will Occur: | $08 / 12 / 10-08 / 18 / 10$ |

Telephone Payments:
Customer Service:
1-800-807-3596 ( 24 hours a day; \$2.95 fee) 1-859-367-1200 (M-F, 7 a.m. to 6 p.m. ' Open Mon-Fri 8 a.m. to 5 p.m. ET

| DUE DATE | Pay This Amount |
| :---: | :---: |
| $08 / 30 / 10$ | $\$ 755.10$ |

ar © OOM company

Late Payment Fees will be applied to current charges if the cuirent amount due is not received in full by the payment due date on this bill even if payment arrangements have been made. Please have your account number available when calling to discuss your account.

## $\cdots$

Went ACCOUNTINFORMATION

| Account Number: |  |
| :--- | :--- |
| Account Name: | HERREN \& ADAMS |
| Service Address: | 148 N Broadway St |
| Next Read Will Occur: $09 / 14 / 10-09 / 20 / 10$ |  |
| Date Bill Mailed: | $08 / 18 / 10$ |


| Averages for <br> Billing Period | This <br> Year | Last <br> Year |
| :--- | :--- | :--- |
| Average Temperature | $80^{\circ}$ | $73^{\circ}$ |
| Number of Days Billed | 32 | 32 |
| Electric/kwh per day | 139.1 | 110.2 |


| BILLINGSUMMAFY |  |  |
| :---: | :---: | :---: |
| Previous Balance |  | 425.41 |
| Payment(s) Received 7/17-8/18 |  | -425.41 |
| Balance as of 8/18 |  | 0.00 |
| Current Electric Charges | 698.89 |  |
| Current Taxes and Fees | 86.39 |  |
| Current Charges as of 8/18 |  | 785.28 |
| Other Charges (See Other Charges Box) |  | -30.18 |
| Total Amount Due |  | 755.10 |



Please see reverse side for additional charges.

| DUE DATE | Pay This Amount |
| :---: | :---: |
| $09 / 28 / 10$ | $\$ 961.80$ |

an erompany
Late Payment Fees will be applied to current charges if the current amount due is not received in full by the payment due date on this bill even if payment arrangements have been made. Please have your account number available when calling to discuss your account.

|  | " |  |
| :--- | :--- | :--- |
| Averages for <br> Billing Period | This <br> Year | Last <br> Year |
| Average Temperature | $73^{\circ}$ | $71^{\circ}$ |
| Number of Days Billed | 30 | 35 |
| Electric/kwh per day | 86.2 | 103.4 |


| BILLING SUMMARY |  |  |
| :---: | :---: | :---: |
| Previous Balance |  | 755.10 |
| Payment(s) Received 8/19-9/16 |  | -755.10 |
| Balance as of 9/16 |  | 0.00 |
| Current Electric Charges | 856.00 |  |
| Current Taxes and Fees | 105.80 |  |
| Current Charges as of 9/16 |  | 961.80 |
| Total Amount Due |  | 961.80 |



Telephone Payments:
Customer Service Walk-In Center:

1-800-807.3596 (24 hours a day; \$2.95 fee) 1-859-367-1200 (M-F, 7 a.m. to 6 p.m. Open Mon-Fri 8 a.m. to 5 p.m. ET www.eon-us.com (24 hours a day)

| DUE DATE | Pay This Amount |
| :---: | :---: |
| $10 / 27 / 10$ | $\$ 763.93$ | an Payment Fees will be applied to current charges if the current amount due is not received in full by the payment due date on this bill even if payment arrangements have been made. Please have your account number available when calling to discuss your account.




Please see reverse side for additional charges.

Customer Service: (859) 367-1200 Mon-Fri 7AM-6PM(EST) Walk-In Center Hours: Mon-Fri 8AM-5PM(EST) Telephone Pa its: (800) 807-3596 www.eon-us.com an ©.Don company Please see the Important Information section of this bill for details about your new account number.

| DUE DATE | AMOUNT DUE |
| :---: | :---: |
| $09 / 28 / 09$ | $\$ 392.29$ |

## ACCOUNT INFORMATION

Account Number:
Account Name:
Service Address: 148 N Broadway St
Next Read Date: 10/13/09

| Averages for Billing Period | \% |  | Wexlling SUMMARY\% |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | This | Last | Previous Balance |  | 388.86 |
|  | Year | Year | Payment as of 09/15 |  | (388.86) |
| Average Temperature | $72^{\circ}$ | $75^{\circ}$ | Balance as of 09/15 |  | 0.00 |
| Number of Days Billed | 35 | 30 | Electric Charges | 349.14 |  |
| Electric/kwh per day | 103.4 | 135.8 | Taxes and Fees | 43.15 |  |
| 09/15Utility Charges as of <br> Total Amount Due |  |  |  |  | 392.29 |
|  |  |  |  |  | 392.29 |

## ELECTRIC CHARGES

Rate Type: Power Service - Secondary

| Customer Charge | 75.00 |
| :--- | ---: |
| Energy Charge | 122.57 |
| Demand Charge $(\$ 7.65 \times 14.40 \mathrm{kw})$ | 110.16 |
| Other Charges For Above Rates |  |
| Fuel Adjustment $(\$ 0.00113 \times 3620 \mathrm{kwh})$ | 4.09 |
| Electric DSM $(\$ 0.00030 \times 3620.00 \mathrm{kwh})$ | 1.09 |
| Environmental Surcharge $(11.580 \% \times \$ 312.91)$ | 36.23 |
| Total Electric Charges | $\$ 349.14$ |



## NOTICE TO CUSTOMERS OF ${ }^{*}$ KENTUCKY UTILITIES COMPANY

PLEASE TAKE NOTICE that on January 29, 2010, Kentucky Utilities Company will file with the Kentucky Public Service Commission a request for an adjustment of its rates and charges to become effective on and after March 1, 2010.

Kentucky Utilities Company proposes to change the text of the following electric tariffs: Residential Rate RS, Volunteer Fire Department Rate VFD, General Service Rate GS, All Electric School Rate AES, Power Service Rate PS, Time-of-Day Service Rate TOD, Large Time-of-Day Service Rate LTOD, Retail Transmission Service Rate RTS, Industrial Service Rate IS, Street Lighting Service Rate ST. LT, Private Outdoor Lighting Rate P.O.LT, Lighting Energy Rate LE, Traffic Energy Service Rate TE, Cable Television Attachment Charges, Special Charges, Curtailable Service Rider CSR, Excess Facilities Rider EF, Supplemental/Standby Service Rider SS, Intermittent and Fluctuating Loads Rider IFL, Temporary/Seasonal Service Rider TS, Brownfield Development Rider BDR, Real Time Pricing Rate RTP, Demand Side Management Cost Recovery Mechanism DSM, Environmental Cost Recovery Surcharge ECR, School Tax Adjustment Clause, and the Terms and Conditions.

Copies of the proposed tariffs containing text changes may be obtained by contacting Lonnie E. Bellar, Kentucky Utilities Company at 220 West Main Street, Louisville, Kentucky, 502-6274830.

The foregoing rates reflect a proposed annual increase in revenues of approximately $11.5 \%$ to Kentucky Utilities Company.

The estimated amount of the annual change and the average montily bill to which the proposed electric rates will apply for each electric customer class is as follows:

| Electric Rate Class | Annual <br> \$ Increase | Annual <br> \% Increase | Mthly Bill <br> § Increase | Mthly Bill <br> $\%$ Increase |
| :--- | ---: | ---: | ---: | ---: |
| Residential | $\$ 58,746,914$ | $13.54 \%$ | $\$ 11.70$ | $13.54 \%$ |
| General Service | $\$ 16,388,192$ | $10.06 \%$ | $\$ 17.24$ | $10.06 \%$ |
| All Electric School | $\$ 1,149,071$ | $13.90 \%$ | $\$ 324.69$ | $13.90 \%$ |
| Power Service | $\$ 32,024,348$ | $10.44 \%$ | $\$ 307.14$ | $10.44 \%$ |
| TOD Power - Sec | $\$ 1,075,445$ | $10.79 \%$ | $\$ 1,636.90$ | $10.79 \%$ |
| TOD Power - Pri | $\$ 15,516,516$ | $11.09 \%$ | $\$ 22,784.90$ | $11.09 \%$ |
| Retail Transmission | $\$ 7,258,002$ | $9.97 \%$ | $\$ 19,939.56$ | $9.97 \%$ |
| Industrial Service | $\$ 1,872,641$ | $9.87 \%$ | $\$ 156,053.42$ | $9.87 \%$ |
| Lighting | $\$ 2,065,293$ | $9.84 \%$ | N/A | N/A |
| CTAC | $\$ 925,108$ | $229 \%$ | N/A | N/A |

KU is proposing to increase the required Customer Deposit for residential electric customers served under Residential Rate RS from the current amount of $\$ 135.00$ to $\$ 160.00$ ( $19 \%$ increase), and the required Customer Deposit for general service customers served under General Service Rate GS from the current amount of $\$ 140.00$ to $\$ 220$ ( $57 \%$ increase).

The rates contained in this notice are the rates proposed by Kentucky Utilities Company; however, the Public Service Commission may order rates to be charged that differ from the proposed rates contained in this notice.

Notice is further given tha any corporation, assuciation, body politı or person with a substantial interest in the matter may by written request, within thirty (30) days after publication of the notice of the proposed rate changes, request to intervene. The motion shall be submitted to the Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40601, and shall set forth the grounds for the request, including the status and interest of the party. Intervention may be granted beyond the thirty (30) day period for good cause shown. Any person who has been granted intervention may obtain copies of the application and any other filing made by the utility by contacting Lonnie E. Bellar, Vice President - State Regulation and Rates, Kentucky Utilities Company, c/o E.ON U.S. LLC, 220 West Main Street, Louisville, Keatucky, 502-627-4830.

A copy of the application and testimony shall be available for public inspection at the office of Kentucky Utilities Company, 100 Quality Street, Lexington, Keitucky, or the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky.

A copy of this Notice and the proposed tariff, once filed, shall also $b$ e available for public inspection on Kentucky Utilities Company's website at www.eon-us.com.

Kentucky Utilities Company<br>c/o E.ON U.S. LLC<br>Public Service Commirsion<br>220 West Main Street<br>P. O. Box 32010<br>Louisville, Kentucky 40232<br>211 Sower Boulevard<br>P. O. Box 615<br>Frankfort, Kentucky 46601

502-627-4830

## Herren \& Adams

148 N. Broadway
Lexington, KENTUCKY 40507

Lonnie E Bellar
VP - State Regulation Kentucky Utilities Company 220 W. Main Street P. O. Box 32010 Louisville, KY 40232-2010

