

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM C. SPAINHOWARD	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2017-00273
V.	)	
	)	
KENERGY CORP.	)	
	)	
DEFENDANT	)	

ORDER

Kenergy Corp. ("Kenergy") is hereby notified that it has been named as defendant in a formal complaint ("Complaint") filed on July 10, 2017, a copy of which is attached hereto. The Complaint, filed by William C. Spainhoward, alleges that Kenergy found him guilty of theft of service on June 12, 2017, at his property at 6772 Hatchett Mill Road, Spottsville, Kentucky. Mr. Spainhoward alleges that he purchased his property at 6772 Hatchett Mill Road, Spottsville, Kentucky on June 9, 2017, and the electricity was on at that time. When Mr. Spainhoward went to switch the utilities to his name from the previous owner, he learned service had been on illegally. Mr. Spainhoward claims that Kenergy required him to pay charges for tampering or Kenergy would not turn the power on. Mr. Spainhoward asks for relief from any charges that resulted from the alleged illegal tampering, asserting that the charges are not fair, just, and reasonable; he further requests that the Commission require Kenergy to file an answer to the Complaint.

Based on a review of the Complaint and being otherwise sufficiently advised, the Commission finds that there is insufficient information to determine whether Mr. Spainhoward has presented a *prima facie* case. The Complaint alleges that Mr. Spainhoward believed service to be in the previous property owner's name and includes several random details about William Brown. Mr. Spainhoward allegedly purchased the property from William Brown, but does not state the specific date of the property purchase, the date of the request to transfer the utilities, or the manner in which he provided the request to Kenergy. Similarly, the Complaint alleges that after Mr. Spainhoward requested service, Kenergy erroneously charged Mr. Spainhoward for illegal tampering and/or theft of service as a condition for service to be reconnected.

The Commission finds that, in order to assist the Commission in determining whether the Complaint states a *prima facie* case, Mr. Spainhoward should file a more detailed and clearer statement of the relief he seeks in this matter. The Commission also finds that Kenergy should file a detailed response to the Complaint, including copies of transcripts surrounding the issue of illegal tampering and the investigation thereof and copies of bills rendered to Mr. Spainhoward for 2017. Upon both parties' filing of their response, the Commission will determine the next action.

Based on the foregoing, it is HEREBY ORDERED that:

1. Within ten days of the date of service of this Order, William C. Spainhoward shall file a clearer statement of the relief he seeks in this matter, including the specific date he purchased the property, the date and manner in which he requested service be turned on, and documentation of charges he paid that were incurred as a result of the theft of service charges.

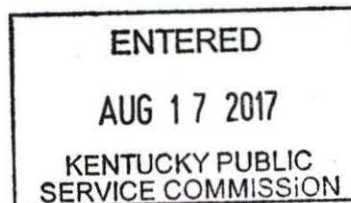
2. Within ten days of the date of service of this Order, Kenergy shall file a response to the Complaint of William C. Spainhoward and shall include copies of bills rendered for 2017 on the property at 6772 Hatchell Mill Road, Spottsville, Ky.

3. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

4. Parties shall provide the original and five copies of any response pursuant to 807 KAR 5:001.

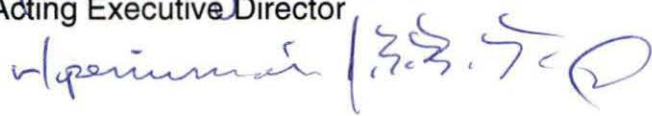
5. Documents of any kind filed with the Commission in the course of this proceeding shall also be served on all parties of record.

By the Commission



ATTEST:

  
Acting Executive Director



Case No. 2017-00273

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

CASE #  
2017 01923

In the matter of:

William C. Spainhoward )  
(Your Full Name) )

COMPLAINANT )

VS. )

KENERGY )  
(Name of Utility) )

DEFENDANT )

RECEIVED

JUL 10 2017

Public Service  
Commission

COMPLAINT

The complaint of William C. Spainhoward respectfully shows:  
(Your Full Name)

(a) William C. Spainhoward  
(Your Full Name)

9282 Ridgewood Rd. Henderson, KY 42420  
(Your Address)

(b) KENERGY  
(Name of Utility)

P.O. Box 18 Henderson, KY 42420  
(Address of Utility)

(c) That: See Attached Letter  
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

\_\_\_\_\_ vs. \_\_\_\_\_

Page 2 of 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, complainant asks that KENERGY refund  
(Specifically state the relief desired.)

All amounts charged connected with  
meter tampering.

\_\_\_\_\_  
\_\_\_\_\_

Dated at Henderson, KY, Kentucky, this 3<sup>rd</sup> day  
(Your City)

of July, 2017  
(Month)

William Spainhower  
(Your Signature\*)

\_\_\_\_\_  
(Name and address of attorney, if any)

7-3-2017  
Date

\*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the Commission.

RE: email to me showing times when tampering occurred. I wrote the following letter to Kenergy supervisor "Pam" but didn't send it to her because she told me that I would pay the amount charged for tampering or not get the power turned on. The email that I received stated "Any unauthorized review, copy, use, disclosure, or distribution is prohibited" so I can't send a copy of that until you tell me it is OK I am sending a copy of the Police Report also. If you need further info, I will be glad to answer every question. Kenergy staff found me guilty of tampering on the meter even though I nor anyone in my family did anything at all to the meter. It seems to me that a logical person would not commit a felony and steal electricity 2 days before they planned to turn it on anyway. I have had electricity with Kenergy for almost 50 years and had more than 1 meter much of that time. I have even donated a small portion of land to help Kenergy upgrade their service lines. I believe I could have made them pay me for an extension of the right-of-way but didn't even ask. I have worked with Kenergy on line clearing and have used my equipment to push trees away from the line. I can't believe this case has escalated this far. If I were guilty, I would have paid the tampering fee and let it end.

6-15-2017

Hi Pam,

Thank you for the information. I don't know how to read it but I take it that the boots removed means that it is working illegally. What about events before I bought the property? I say this because no one has lived there since I bought the property except that William Brown did go in and stay there part of the time. I know he was there the night of the 10th. There was no furniture except a chair so nothing to harm if the doors and windows are closed during rain. He was out of Jail from 6-9-17 until 6-14-17. We learned later that he was out there and set fire to his nieces vehicle during that time. On the morning of the 11th, William Brown was inside the trailer and told my Son he stayed the night before because the mosquitoes were bad outside. The airconditioner was running but since the utilities (as far as we knew) were in his name it didn't raise a flag. The utilities were on a week or 2 before the 9th and 3-4 weeks or so before the 9th because I tried the air conditioner thermostat and it came on. I ran it no more than 2 or 3 minutes just to be sure it worked. No one mentioned the utilities were on illegally until Tuesday the 13th. Since we assumed the electricity was on in William Brown's or someone else's name legally, it didn't matter that electricity was being used.

My Son put new locks on the trailer and left about 6:00-6:30 on the 10th and - after cleaning a little - he came straight to my home and stayed there there until 9:30PM and then went to go to sleep in a camper at my home. I know the

time because my wife gets up early and takes my Mom to church in Nashville Sunday morning. I have a security camera and will be glad to furnish it to the Police dept to get exact times.

My Son went to the trailer Sunday about 4:00 PM on the 11th and stayed until 10:00 or so. The airconditioner was on during all that time. The power was on all during the time frame 4:00 PM through 10:00 PM Sunday. William Brown was there part of the time that my Son was there during the 10th and 11th. He was there on the 9th to meet me and Bob Legate. The meter was not tampered with during the 4-10 PM time frame nor any other time that I or my Son was there.

I tried to file a police report on the meter tampering but the deputy (Rick Lawrence) told me I couldn't file a charge for tampering with the meter because kenergy was the only one who could file that charge. The deputy was called to my home at 9282 Ridgewood RD to file the report. I am enclosing a copy of the report.

I will answer or get answers to any questions you may have.  
Thank you,  
Bill Spainhoward

update: 6-30-2017

As of today, I still have not heard from the utility whether they have ever checked on tampering evidence that occurred before 6-9-2017 nor explained to me how electricity was on every time I checked it before that date.

Thank you,  
William C. Spainhoward

# HENDERSON COUNTY COMMUNICATION CENTER



## Incident Run Sheet

1-17-024693

Printed On: 06/23/2017 3:39 PM

### Incident Information

Bus./Common: Date: 06/14/2017  
Address: 9282 RIDGEWOOD RD Time: 08:53:47  
Suite: How Received:  
City/State/Zip: HENDERSON, KY 42419 Call Taker: AMJ17  
Cross Streets: RIDGELANE DR Subdivision:  
                  OLD US HWY 60  
Nature: Larceny, All Other Nature Code: 41 Priority: 3

### Disposition

1. 3.  
2. 4.

[RL129 09:57:58]: BOUGHT PROPERTY FROM BILLY BROWN. BROWN ALLEGEDLY WENT INTO RESIDENCE AND USED UTILITIES AFTER SELLING PROPERTY. SPAINHOWARD'S SON GAVE BROWN PERMISSION TO BE INSIDE. NO REPORT.

### Response

Law Grid: Fire Grid:  
EMS Grid District:

### Caller Information

SPAINHOWARD Address: 400 N KELSEY ST  
WILLIAM Suite: C3  
DALTON City/State/Zip: STURGIS, KY 42459  
Phone: Latitude: 37.8527886809546  
Contact: Longitude: -87.445203481141  
Phone:

### Comments

Responder	Date	Time	Comment
AMJ17	06/14/2017	08:55:28	SOMEONE TAMPERED WITH HIS ELECTRIC METER
AMJ17	06/14/2017	08:56:02	STEALING ELECTRICITY - KENERGY IS TRYING TO CHARGE HIM FOR IT

### Involved Parties

Type	Name	Birth Date	Sex	Race
IP	SPAINHOWARD, WILLIAM DALTON		Male	W

### Disposition

1. Assistance Rendered/Assignment Comp 3.  
2. 4.

[RL129 09:57:58]: BOUGHT PROPERTY FROM BILLY BROWN. BROWN ALLEGEDLY WENT INTO RESIDENCE AND USED UTILITIES AFTER SELLING PROPERTY. SPAINHOWARD'S SON GAVE BROWN PERMISSION TO BE INSIDE. NO REPORT.

### Response

Law Grid: HENDERSON COUNTY RESPONSE GRID Fire Grid:  
EMS Grid District:

### Responders

Responder	Dispatched	Enroute	On Scene	To Hospital	At Hospital	Cleared	In Service	In Quarters
129	09:11:31	09:11:37	09:26:48			09:57:59		





## MEMORANDUM

June 30, 2017

TO: William C. Spainhoward  
FROM: Ken Stock, Vice President Operations  
RE: **Unauthorized meter tampering**

On **6/12/2017** the meter was reconnected at Kenergy member **William C. Spainhoward** at **6772 Hatchett Mill Road** residence in **Spottsville KY**, by someone other than an qualified/authorized representative of Kenergy.

This type of incident violates Kenergy policy and NEC and NESC standards. Kentucky law KRS 514.060. Section 3 states that in the prosecution of theft of service where the utility supplying the service has installed a meter, proof that (b) Service has been, after having been disconnected by the utility supplying service, reconnected without authorization of the utility shall be prima facie (at first glance) evidence of the intent to commit theft. Section 4 states that this is a Class A Misdemeanor and punishable by a fine of between \$500 - \$10,000.

Please follow Kenergy policy and Kentucky State Law when working on an electrical service connected or to be connected to the Kenergy system. Any further disregard for Kenergy policy and Kentucky State law will not be tolerated and legal action may be taken.

Sincerely,

*Kenneth A. Stock*

*They have sound me guilty. Neither  
I nor my son tampered with meter*

William C Spainhoward  
9282 Ridgewood Rd  
Henderson, KENTUCKY 42419

\*Kenergy Corp.  
6402 Old Corydon Road  
P. O. Box 18  
Henderson, KY 42419

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Kenergy Corp.  
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Henderson, KY 42419