

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVID I. DAWLEY	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2018-00259
V.	)	
	)	
DUKE ENERGY KENTUCKY, INC.	)	
	)	
DEFENDANT	)	

ORDER

This matter arises upon a complaint tendered by David I. Dawley (Mr. Dawley) on July 27, 2018, alleging that Duke Energy Kentucky, Inc. (Duke Kentucky), was billing him for an analog meter that Duke Kentucky had not yet installed. The Commission entered an Order on August 3, 2018, finding that Mr. Dawley had not established a *prima facie* case because he failed to provide evidentiary support for his allegations, and affording Mr. Dawley the opportunity to amend his complaint. On August 16, 2018, Mr. Dawley tendered an amended complaint that included copies of bills reflecting that he was billed the Advanced Meter Opt-Out (AMO) fee for service received in April, May, June, and July 2018.

Duke Kentucky's Rider AMO is the tariff that covers the rates and terms of condition for service for the opt-out fees. Rider AMO states:

Applicable to residential customers served under Rate RS who request an electric meter that does not utilize radio frequency communications to transmit data **provided that such a meter is available for use by the company.** At the

Company's option, meters to be read manually **may be either an advanced meter with the radio frequency communication capability disabled or other non-communicating meter**. The meter manufacturer and model chosen to service the customer's premise are at the discretion of the Company and are subject to change at the Company's option, at any time. [Emphasis added]

Mr. Dawley received an early generation "smart meter" in 2007 in conjunction with Duke Kentucky's pilot program for a power line carrier (PLC) system. Duke Kentucky subsequently determined that the PLC meter system had limited abilities that rendered the PLC system inadequate and the Commission granted a Certificate of Public Convenience and Necessity (CPCN) to install advanced metering infrastructure (AMI) for its electric and combination customers, with provisions for customers who wish to opt out of AMI.<sup>1</sup>

Pursuant to KRS 278.160, Duke Kentucky must comply with the rates and terms and conditions of service set forth in its tariffs filed with the Commission. Per the terms of Rider AMO, Duke Kentucky must provide Mr. Dawley with an electric meter that does not utilize radio frequency communications by either disabling the radio frequency module on his existing meter or by providing a non-communicating meter, if one is available. Duke Kentucky's tariff is not required to provide the analog meter that Mr. Dawley requested, but is required, at a minimum, to disable the radio frequency communication ability of his existing meter.

Additional information is needed whether Mr. Dawley's current meter complies with Duke Kentucky's AMO rider before the Commission can determine whether Mr. Dawley's

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<sup>1</sup> Case No. 2016-00152, *Application of Duke Energy Kentucky, Inc., for (1) a Certificate of Public Convenience and Necessity Authorizing the Construction of an Advanced Metering Infrastructure; (2) Request for Accounting Treatment; and (3) All Other Necessary Waivers, Approvals, and Relief* (Ky. PSC May 25, 2017).

amended complaint establishes a *prima facie* case or whether it should be dismissed. As Duke Kentucky, and not Mr. Dawley, can provide that information, the Commission finds that Duke Kentucky should respond to the requests for information attached as an appendix to this Order within ten days of the date of entry of this Order.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky shall file responses to the requests for information attached as an Appendix to this Order within ten days of the date of entry of this Order.

2. a. Duke Kentucky shall file with the Commission the original and six copies of the information requested in the Appendix to this Order.

b. Responses to requests for information shall be appropriately bound, tabbed, and indexed, and shall include the name of the witness responsible for responding to the questions related to the information provided, with a copy to all parties of record.

c. Each response shall be answered under oath or, for representatives of a public or private corporation or partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

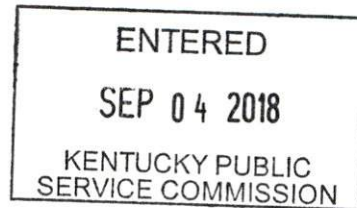
d. Any party shall make timely amendment to any prior response if it obtains information that indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

e. For any request to which Duke Kentucky fails or refuses to furnish all or part of the requested information, it shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

f. Any paper filed by Duke Kentucky containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

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By the Commission



ATTEST:

  
Executive Director

Case No. 2018-00259

## APPENDIX

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2018-00259 DATED **SEP 04 2018**

1. Explain whether analog meters are available for Duke Kentucky to install at Mr. Dawley's residence.
2. If analog meters are available, explain why an analog meter has not been installed at Mr. Dawley's residence.
3. Explain whether Mr. Dawley's existing meter has radio frequency communication ability and, if so, whether Duke Kentucky disabled the radio frequency communication ability pursuant to Rider AMO. If Duke Kentucky has not disabled the radio frequency communication ability of Mr. Dawley's existing meter, explain why it has not been disabled.

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