

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL L. PAWLEY)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2022-00019
)	
COLUMBIA GAS OF KENTUCKY, INC.)	
)	
DEFENDANT)	

ORDER

On January 18, 2022, Michael L. Pawley (Mr. Pawley) submitted a complaint against Columbia Gas of Kentucky, Inc. (Columbia Kentucky's) alleging that he was overbilled for natural gas usage in November 2021, due to the timing of Columbia Kentucky reading Mr. Pawley's meter and the effective date of a recent rate increase.

On November 22, 2021, Columbia Kentucky was granted a rate increase for its gas cost adjustment (GCA),¹ with the rates effective "for billing beginning on November 29, 2021."² Mr. Pawley stated that Columbia Kentucky read his meter on November 30, 2021. Mr. Pawley asserted that Columbia Kentucky read his meter three days later than the usual meter reading cycle in order to take advantage of the GCA rate increase. Mr.

¹ A gas cost adjustment is a pass-through mechanism that permits a natural gas distribution utility to adjust the price of natural gas supplied to customers to reflect the utility's cost of purchasing and transporting natural gas to the utility's system. Through regular filings, the actual cost of purchasing and transporting natural gas is reconciled with the amount collected from ratepayers, with ratepayers receiving a credit for over collection or the utility collecting the difference for under collection.

² Case No. 2021-00403, *Electronic Purchased Gas Adjustment Filing of Columbia Gas of Kentucky, Inc.* (Ky. PSC Nov. 22, 2021), Order at 3.

Pawley further asserted that Columbia Kentucky should have prorated his bill for November 2021 usage, applying the GCA rate effective prior to November 29, 2021, for natural gas usage prior to November 29, 2021, and the increased GCA rate for November 29 and November 30, 2021 usage. According to Mr. Pawley's manual calculations included in the complaint, Columbia Kentucky allegedly overcharged Mr. Pawley in the amount of \$7.72 based upon 4.5 Mcf per day natural gas usage over 33 days.

LEGAL STANDARD

The legal standards applicable to a formal complaint are set forth in 807 KAR 5:001 Section 20. Commission regulation 807 KAR 5:001, Section 20(1)(c) requires a complaint to state “[f]ully, clearly, and with reasonable certainty” the utility’s act or omission that result in the utility’s failure to comply with a statute, regulatory, or Commission Order. Commission regulation 807 KAR 5:001, Section 20(4)(a) requires the Commission to determine whether the complaint establishes a *prima facie* case that a utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. A complaint establishes a *prima facie* case when, on its face, the complaint states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If the Commission determines that that complaint does not establish a *prima facie* case, 807 KAR 5:001, Section 20(4)(a)(1) provides that the complainant should be provided an opportunity to amend the complaint within a specified time.

DISCUSSION AND FINDINGS

Based upon a review of the complaint and being otherwise sufficiently advised, the Commission finds that Mr. Pawley’s complaint does not conform to the requirements of 807 KAR 5:001, Section 20(1) and does not establish a *prima facie* case because it does

not state sufficient allegations, on its face, that Columbia Kentucky's act or omission failed to comply with, and thus violated, a statute, regulation, or Commission Order.

First, Mr. Pawley's complaint is predicated upon his assertion that Columbia Kentucky should have read his meter on a date certain, which would have resulted in a final meter reading prior to November 29, 2021, for natural gas usage in November 2021. Mr. Pawley offers no basis for his assertion that his meter should have been read on November 27, 2021, that his account is on a 30-day billing cycle, or that the meter reading on November 30, 2021, was outside a date or time period for reading the meter that was established by statute, regulation, Commission Order, tariff, or contract.

Commission regulation 807 KAR 5:006, Section 7(5) establishes a minimum frequency for reading meters of at least once per quarter. The Commission's Order in Case No. 2021-00403 approved rates for billing beginning on November 29, 2021. Columbia Kentucky's Third Revised Tariff Sheet (Tariff Sheet) No. 73 requires a meter to be read once each billing month, with an exception of once each two billing months for certain customers.³ Columbia Kentucky's Tariff Sheet No. 99 defines "billing month" as "the period elapsed between consecutive monthly meter readings, whether actual or estimated." Tariff Sheet No. 100 defines a customer's "billing cycle" as the monthly period that occurs between monthly meter readings taken" by Columbia Kentucky for billing purposes. According to Tariff Sheet No. 73, bills are submitted to customers on or before the tenth day following the date of the final monthly meter reading for each billing month,

³ Mr. Pawley did not provide a bill or indicate the customer class under which he receives service from Columbia Kentucky, so it is not clear which meter reading schedule applies to his account.

and the bill includes a statement of the total amount of gas delivered during the preceding billing month.

Based on the above, Mr. Pawley has not stated with sufficient detail that Columbia Kentucky was required to read Mr. Pawley's meter on November 27, 2021, or that reading Mr. Pawley's meter on November 30, 2021, was a violation of a statute, regulation, or Commission Order.

Second, Mr. Pawley's complaint is also predicated upon an unsupported amount that he was allegedly overcharged. Even if he were entitled to prorated billing amount, Mr. Pawley did not provide any basis to support his assertion regarding his daily usage or the amount for which he was allegedly overcharged. Mr. Pawley did not provide his November 2021 bill, which would have documented natural gas consumed in November 2021, or the alleged daily use of 4.5 Mcf. Mr. Pawley has not stated with sufficient detail the basis for his allegation that Columbia overcharged Mr. Pawley a specific amount in violation of a statute, regulation, or Commission Order or that he is due a refund for the overpayment.

For the above reasons, the Commission finds that Mr. Pawley's complaint neither conforms to the requirements of 807 KAR 5:001, Section 20(1) nor establishes a *prima facie* case. The Commission, in accordance with 807 KAR 5:001, Section 20(4)(a)(1) will provide Mr. Pawley an opportunity to amend his complaint to addresses the deficiencies discussed above.

IT IS THEREFORE ORDERED that:

1. Mr. Pawley's complaint is rejected for failing to conform to the requirements of 807 KAR 5:001, Section 20(1)(c) and for failing to state a *prima facie* case.

2. Mr. Pawley shall have 20 days from the date of entry of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, 20(1) and that states a *prima facie* case.

3. Mr. Pawley may file the amended complaint with the Commission by U.S. mail to P.O. Box 615, Frankfort, Kentucky 40602-0615 or by email to PSCED@ky.gov. Mr. Pawley shall include the Case No. 2022-00019 in all filings with the Commission.

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By the Commission



ATTEST:



Executive Director

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