

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VICKI ANN ANSERMET	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2023-00255
	)	
DELTA NATURAL GAS COMPANY, INC.	)	
	)	
DEFENDANT	)	

ORDER

On July 27, 2023, Vicki Ann Ansermet filed a complaint alleging that Delta Natural Gas Company, Inc. (Delta) failed to send her a final notice prior to disconnection in the fall and winter of 2022-2023, despite her having a negative balance on her account, thereby preventing her from receiving assistance through the Low-Income Home Energy Assistance Program (LIHEAP). For the reasons discussed below, the Commission finds that a *prima facie* case has not been established and that Ms. Ansermet should be given 20 days to amend the complaint to establish a *prima facie* case or the case should be dismissed.

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service. Commission regulation 807 KAR 5:001E, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or

order for which the Commission may grant relief.<sup>1</sup> A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested.

If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001E, Section 20(4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001E, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

Commission regulation 807 KAR 5:006, Section 15 regulates the refusal or termination of service by a utility. In particular, Section 15(1)(f) states that “[a] utility may terminate service at a point of delivery for nonpayment of charges” and requires gas utilities to give a 10-day written notice before terminating service for non-payment.

KRS 278.160 requires a utility to file a schedule, in this case a tariff, containing all rates and conditions of service, and prohibits a utility from charging more or less for service than the amounts in its schedule on file with the Commission.

### BACKGROUND

Ms. Ansermet lives on a monthly income of about \$600-650 per month. Ms. Ansermet stated that she normally receives assistance with her gas bills from two programs, Home Energy Assistance (HEA) and Low-Income Home Energy Assistance Program (LIHEAP). In order to receive support through LIHEAP, Ms. Ansermet stated that she needs to present the program with a “Final Notice Prior to Disconnection” from her gas utility. Ms. Ansermet states that this has not previously been an issue but alleged

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<sup>1</sup> 807 KAR 5:001E, Section 20(4)(a).

that in the winter of 2022-2023 Delta did not send her that final notice despite her calling and visiting Delta's Berea office on multiple occasions. Ms. Ansermet stated that one of Delta's customer service representatives told her that Delta was recently purchased by a new company and that the new company was not following the usual protocol for sending out final notices.

Ms. Ansermet stated that her final notice for the winter of 2022-2023 was not sent until April 10, 2023. Ms. Ansermet stated that at that point the assistance through LIHEAP was no longer available. Ms. Ansermet indicated that she was left with a negative balance owed to Delta of \$377.60 that would otherwise have been paid off through LIHEAP's assistance, though she indicated that the BUURR Church Group covered \$100 of the balance. Ms. Ansermet requested \$277.60 from Delta and that Delta return the \$100 paid by the church group to that group.

Ms. Ansermet filed copies of her bills for the winter of 2022-2023, an email from LIHEAP stating that they need the final notice to provide assistance, an email from her bank verifying her income, and the final notice from Delta sent on April 10, 2023.

#### DISCUSSION AND FINDINGS

Ms. Ansermet's complaint does not indicate that Delta violated any statutes or regulations, or its tariff on file with the Commission. Section 15(1)(f) of 807 KAR 5:006 permits a gas utility to terminate service for non-payment so long as the utility provides ten days written notice before terminating service for non-payment. However, nothing in that or other Commission regulations requires a utility to terminate service within a specified period. Delta's tariff on file with the Commission similarly permits it to terminate

service for non-payment of bills after ten days written notice separate from the bill but it does not require it to send a final notice within a specified period.<sup>2</sup>

Having reviewed Ms. Ansermet's complaint and the evidence submitted, the Commission finds that she has not established a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. In accordance with 807 KAR 5:001E, Section 20(4)(a)(1)-(2), the Commission finds that Ms. Ansermet should be afforded the opportunity to amend her complaint. The Commission further finds that Ms. Ansermet should file an amended complaint within 20 days of the date of service of this Order. Ms. Ansermet may file her amended complaint by U.S. mail or by email to [PSCED@ky.gov](mailto:PSCED@ky.gov).

IT IS THEREFORE ORDERED that:

1. Ms. Ansermet's complaint is rejected for filing for failing to state a *prima facie* case.
2. Ms. Ansermet shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001E, Section 20(1), and that states a *prima facie* case.
3. Ms. Ansermet may file her 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](mailto:PSCED@ky.gov). Ms. Ansermet shall include the case number, 2023-00255, in all filings with the Commission. A copy of this Order shall be served upon Ms. Ansermet by U.S. mail to 210 Boone Street, Berea, Kentucky 40403-1605.

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<sup>2</sup> Delta P.S.C. No. 13, Original Sheet No. 24.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
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Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
OCT 26 2023 bsb  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Vicki Ansermet  
210 Boone Street  
Berea, KENTUCKY 40403

\*John B Brown  
Chief Financial Officer  
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Winchester, KY 40391

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