

270-821-4288-w
270-383-3275-IT

85
1
of 7
plus
photo

RECEIVED

APR 29 2004

PSC Consumer Services

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the matter of:

APR 29 2004

John Arthur Yarbrough
(Your Full Name)

PUBLIC SERVICE
COMMISSION

COMPLAINANT

VS.

Case 2004-00189

Kentucky Utilities
(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of John Arthur Yarbrough respectfully shows:
(Your Full Name)

(a) John Arthur Yarbrough
(Your Full Name)

1575 ILSLEY Rd Madisonville Ky 42431
(Your Address)

(b) Kentucky Utilities
(Name of Utility)

Earlinton Kentucky
(Address of Utility)

(c) That: see additional page
(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

Formal Complaint

John Arthur Yarbrough vs. Kentucky Utilities

Page 2 of 2

Wherefore, complainant asks Replacement costs of:
(Specifically state the relief desired.)

JVC-VCR-HR S59004 @ 250⁰⁰, JVC-CD-XL F254-200
Yamaha Receiver-CR-2040-850⁰⁰, Drake Satell. R-1024e4
Ambico^{8mm} Rewinder-V0758e45⁰⁰, repair of TV @ 150⁰⁰
Total 1895⁰⁰

Dated at Madisonville Ky, Kentucky, this 28 day
(Your City)
of April _____, 2004
(Month)

John Yarbrough
(Your Signature)

NONE
(Name and address of attorney, if any)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
In the matter of John A. Yarbrough VS. Kentucky Utilities

In approximately the year 2000, K.U. linemen, Laffoon and Brinkley, repaired my electrical service that had been pulled off the wall by a falling limb. They cut and shortened the service wire to my house to lessen the swag and installed a wire-clamp type connector. On November 29, 2002 this connector let go, that windy night, causing 220 volts to run through my 110 volt outlets damaging my TV and stereo equipment. When I came home all the lights were extra bright, the refrigerator was cycling strangely and there was smoke coming from my stereo. I went outside and checked my electric service but it looked ok. I called an electrician who said it must be a disconnected neutral so I went outside again and pointed a flashlight up at the service and could see that my neutral wire was separated at the wire connector that K.U. had installed. The meter was still connected to the wall and the pipe the wires run through was still vertical. Mr. Utley's report that I have only recently received thanks to your help, despite my own attempts to acquire it. (see enclosed fax) says that my service was torn loose. I have never had a chance to challenge this report till now. If his report were accurate, as I understand it, there would have been nothing holding my service to the wall so it would have been pulled horizontal by the weight of the span of wires. This wasn't the case. I am sure the service was still vertical. (see enclosed recent photo, with wrong date setting)

When K.U. came out to repair this, I walked around the yard with lineman, Perry Utley looking for the cause. I thought we were in agreement that the small rotted limb we found, which I remember being no more than four inches in diameter at one end, couldn't have weighed enough to break loose the wire connector since these are supposed to be as strong as the wire itself. If a big enough limb had fallen on the wire, I believe it should have pulled the service and meter as well as the single insulator holding it, off of the wall before breaking. I have a clear memory of going outside, after talking to the electrician on the phone, and pointing a flashlight up at the wiring and seeing that my neutral had become separated at the wire clamp connector. My meter was still connected to the house and the pipe the wires run through was still vertical.

If there is a measured value for the strength of this wire connector, it will surely be enough to pull the insulator holding my service out of my wall, if not enough to pull the whole wall down on my old house. If I had known the wire connector might easily come apart, I would never have accepted the patch. K.U. installed the connector and should be responsible for damage to my equipment due to it's poor performance for whatever reason, whether it was improperly installed or faulty in some way. They should also replace this wire as I asked, with one without a connector before I have more trouble.

I didn't want to turn this in to my insurance company because it might endanger my record. I feel I have been treated unfairly by K.U. and brushed aside by their Risk Management Service. I only recently found out about the Public Service Commission. I have enclosed copies of my correspondence with K.U. and welcome any questions. I appreciate your time. I can be contacted at work at (270) 8214288 phone/fax or at home at (270) 383-3275. I understand there was also supposed to have been some record made of my damage at the time. This wasn't done.



Risk Management Services Corporation

copy

"Helping you chart the right course."

March 20, 2002

Providing Risk Management Solutions for:
Claims Administration
Workers Compensation
Health Benefits
Excess Insurance
Loss Control
Industrial Hygiene
Professional Liability
Automobile Liability
General Liability

Arthur Yarbrough
1575 Ilsley Road
Madisonville, Kentucky 42431

Re: Claim Number: GL01-04132
D/A: November 29, 2001
Our Insured: Kentucky Utilities

Dear Mr. Yarbrough:

This letter is in response to your recent call concerning the above referenced incident and in response to your claim for damages against Kentucky Utilities. We did not have an incident report on your location and incident until the local Kentucky Utilities office completed researching your incident.

Our records show that a tree/limb fell on the transformer and pulled your neutral into which could have caused a surge that would have caused damaged to appliances in your house. The tree/limb falling was the proximate cause of the surge that damaged your equipment. The company exercises reasonable care and diligence in an effort to supply service continuously and without interruption, however, we cannot guarantee continuous service. Kentucky Utilities tariff agreement with the Public Service Commission does not hold Kentucky Utilities liable for damages resulting from interruptions of electrical service not caused by the willful negligence of the Company, or resulting from any cause or circumstance beyond the reasonable control of the company, including trees/limbs that fall. You may have a compensable claim under your Homeowner's insurance. We apologize for the delay in not getting this letter to you any sooner.

We regret that our decision cannot be more favorable to your position; however, we must be guided by the facts of the incident.

Sincerely,

Ann B. Westmeyer, AIC, PCLA, CCLA
Risk Management Services Corporation
Case Manager

270-746-9077

LOUISVILLE
P.O. Box 22989
Louisville, KY 40252-0989

BENEFITS DIVISION
P.O. Box 221409
Louisville, KY 40252-1409

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Fax: (502) 326-5909 -
Fax: (502) 412-5921
Toll Free: (800) 372-5402

Colby Krauen - 144

LEXINGTON
P.O. Box 55606
Lexington, KY 40555

Phone: (859) 543-1716
Fax: (859) 543-1987
Toll Free: (888) 255-1099 #109
Ann Westmeyer

BOWLING GREEN
P.O. Box 10058
Bowling Green, KY 42102

Phone: (270) 781-8181
Fax: (270) 781-3908 -
Toll Free: (888) 824-1842

A.W on vacation tel
8-25-03

John Yarbrough
1575 Iisley Rd.
Madisonville, Ky 42431
July, 15, 2003
270-383-3275-H 821-4288-W

⑥
3 Number
July 15, 03
6:10 PM
NO REPLY
Refax 8-28-03
2:55 PM

RISK MANAGEMENT
SERVICES CORPORATION
Ann B. Westmeyer
Case Manager
RE: Claim GL01-04132

Dear Ms. Westmeyer

In approximately the year 2000 I had a tree limb fall on my elec. wire to my house. This pulled the meter etc. off of the side of my house. When Laffoon and Brinkley put it back up they cut and installed a wire clamp type repair on the neutral to shorten the wire to lessen the swag.

On Nov. 29, 2001 during a windy period the repair let go disconnecting my neutral and causing voltage problems which damaged my TV and stereo equipment before I got home

I didn't want to turn this in to my insurance because the amount wasn't that high and I asked you for a decision on your liability for this and you responded negatively in your letter on March 20, 2002

I feel you have decided this incorrectly since your letter says you relied on your record of a tree limb having fallen on a transformer (wire ?) The KU lineman named Utley and I walked around the yard and we agreed no limbs had fallen recently. If someone made a record to the contrary I would like to read it. In fact I am asking you for the record you relied on so I can see if it is accurate. I feel that if I had known the shortening of the wire wouldn't hold I wouldn't have accepted it. I also feel this wire should be replaced with an unpatched wire before I get a computer.

Sincerely





**Risk
Management
Services
Corporation**

"Helping you chart the right course."

August 29, 2003

7
of 7
plus
photo

*Providing Risk Management
Solutions for:*

- Claims Administration*
- Workers Compensation*
- Excess Insurance*
- Loss Control*
- Industrial Hygiene*
- Professional Liability*
- Automobile Liability*
- General Liability*

**John Yarbrough
1575 Ilsley Road
Madisonville, Kentucky 42431**

**Claim Number: GL01-04132
D/A: November 29, 2001
Our Insured: Kentucky Utilities**

Dear Mr. Yarbrough:

LOUISVILLE

P.O. Box 22989
Louisville, KY 40252-0989
Phone: (502) 326-5900
Fax: (502) 326-5909
Fax: (502) 412-5921
Toll Free: (800) 372-5402

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P.O. Box 10058
Bowling Green, KY 42102
Phone: (270) 781-8181
Fax: (270) 781-3908
Toll Free: (888) 824-1842

This is in regard to the above referenced incident and in response to your letter of July 2003. We have checked back with KU and gone over all of the details with the manager of your area. He checked again with Perry Utley and we find that the version of the occurrence is essentially the same as what we described to you in our letter of March 20, 2002.

KU records indicate that Mr. Utley and Mr. Brumfield noticed a large dead tree limb lying under the service. They remember the limb to be approximately 4-6 inches in diameter and 6-8 feet long. He remembers telling you at the time that it was most likely the limb that had fallen and torn the service loose. Kentucky Utility does not cut the secondary lines; they are the responsibility of the property owner. KU does trim the primary on a rotation basis. They remember the night as being very stormy and extremely windy. We have Mr. Utley's statement, which is part of our file, and the above information was included in his statement.

I realize that this was not what you wanted to hear but based on the above, we will have to respectfully deny your claim for damages. The splice to the wire did not cause this service to fail. As far as requesting that the wire be replaced with a non-spliced wire, you would have to do that through your local service office. You do/did have a compensible claim with your Homeowner's insurance. Please share this letter and your list with them and have them call me with any questions. We regret that our decision cannot be more favorable to your position; however, we must be guided by the facts of the incident.

Sincerely,

**Ann B. Westmeyer, AIC, SCLA
Sr. Claims adjuster
Risk Management Services Corporation**

