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**Commonwealth of Kentucky  
Public Service Commission  
P.O. Box 615**

**211 Sower Boulevard**

**Frankfort, Kentucky 40602-0615**

**Phone (502) 564-3940**

**Fax (502) 564-3460**

Re: Schmidts vs. Cinergy

Case 2004-00454

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PSC Consumer Services

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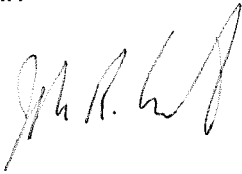
PUBLIC SERVICE  
COMMISSION

This letter covers formal complaint occasioned by wrongful termination of residential gas service by Cinergy ULH&P.

14 Copies of the double-sided documents are provided including business information sheet.

Please confirm your receipt of this Complaint, with assigned Case Number and Date Stamp. A return envelope is provided for your convenience.

Thank you, sincerely,  
john



john r. schmidt, M.S.  
463 Erlanger Rd  
Erlanger, KY 41018-1427  
859-727-9999

COMMONWEALTH OF KENTUCKY  
BEFORE THE **PUBLIC SERVICE COMMISSION**

No. \_\_\_\_\_

In the matter of:

Deborah B. Schmidt & John R. Schmidt, Complainants

vs.

Cinergy Union Light Heat & Power, Defendant

**COMPLAINT**

The complaint of Deborah Schmidt and John Schmidt respectfully shows:

(a) Deborah Schmidt & John Schmidt  
463 Erlanger Rd  
Erlanger, KY 41018-1427

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(b) 1. Cinergy ULH&P  
139 E. Fourth St.  
Cincinnati, OH 45202

2. The Union Light, Heat and Power Company  
1697 A Monmouth St  
Newport, KY 41071

(c) That:

1. Defendant wrongfully terminated gas service to residence Account # 7600-0403-24-1 at 3126 Hulbert Ave, Erlanger, KY 41018, on 2004 October 4.

2. The 2004 August 25 billing statement was accompanied by the yellow Disconnection Notice which stated that payment was required by September 17, 2004 in order to avoid disconnection.

3. Prior to September 16, 2004, in a conversation between Deborah Schmidt and Cinergy representative "Toya", it was confirmed that the amount needed in order to avoid disconnection was \$177.12, the amount of the unpaid July 29 billing statement.

4. Payment in the amount of \$177.12 (check #1517) was personally deposited into the Cinergy depository by John Schmidt at above address # 1, at 2004 September 16, 3:10 pm, along with yellow Disconnection Notice stating the September 17 deadline.

5. The said check was deposited and negotiated by Cinergy on September 17, 2004.

6. Payment of \$375 on subject account on 2004 July 20 represents further evidence of due diligence in meeting the obligation accrued since 2002 November 1 by Deborah Schmidt to Cinergy.

7. The 2004 September 24 billing statement did not include a "separate, distinct disconnect notice" as had the August 25 bill. It did note the **undated** payment of 177.12, and a due date of **October 18**, and provided no other deadline **date** by which to make payment. On the same Sep 24 statement, small-print occurrence of the term "immediately", in the context of above-noted due diligence, can have only indeterminate meaning, but was interpreted as emphasizing the printed **October 18** deadline.

8. On October 4, 2004, employees of Cinergy appeared at subject property and indicated to Deborah Schmidt that they were "cleaning the line," without indicating they were turning off the service.

- 9. On October 5, 2004 without notice and by deception, the gas service was discovered terminated.
- 10. On October 5, 2004 Cinergy representative "Shan" falsely stated payment was received (too late) on "Saturday" September 18, contradicting the fact, learned by Schmidt on 2004 October 17, of item 5.
- 11. On October 20, in eMail conveyed to Schmidt by PSC, Cinergy admitted the false witness of item 10, coupled with new assertion contradicting the printed date on the yellow Disconnection Notice of the August 25 billing.
- 12. After meeting the stated deadline of September 17, 2004, no "separate, distinct disconnect notice" was received by Deborah and John Schmidt, as required prior to disconnection, as provided by 807 KAR 5:006 Section 13.
- 13. Deborah Schmidt and John Schmidt have been inconvenienced by not having hot water and not having heat in their primary residence since October 4, 2004.
- 14. Subsequent to repeated requests by John Schmidt to change the account name from Deborah Schmidt, who now has no ownership of the subject property, to John Schmidt, Cinergy has not effected said request.
- 15. John Schmidt diligently paid on 2002 Nov 11 the final bill on the same account prior to assumption of the account by Deborah Schmidt effective 2002 Nov 1. John Schmidt is a well-established Cinergy customer who for 30 years has managed several Cinergy accounts. Late in 2003, Cinergy finally admitted wrongful behavior commencing early 2001 on a Cinergy CG&E account, wrongfully and irreversibly harming Schmidt's Credit Score, directly affecting the capacity for his company NCAD Corporation to provide public and private service to customers, including government and professionals.

Wherefore, complainant prays for justice asking:

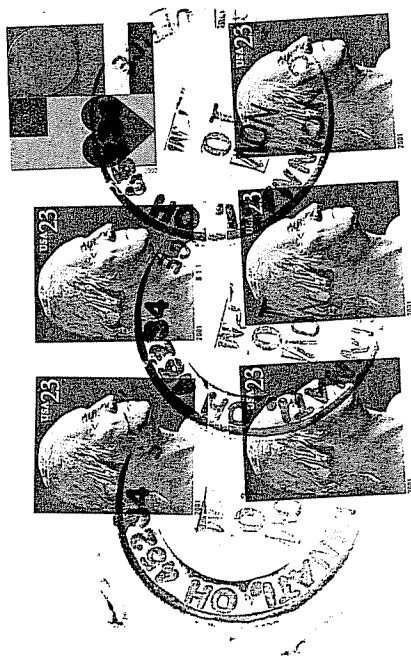
- 1. Restoration of gas service to 3126 Hulbert Ave, under the name John R. Schmidt, at no additional fee.
- 2. Compensation for wrongfully imposed inconvenience to the Schmidt family, at \$20/day, for each day of disconnection, or such other remedy as the Commission may ascribe. Said compensation may be applied to the subject account as a credit against amount owing, and subsequent usage charges.

Dated at Erlanger, KY, this 10 day of November, 2004.

Deborah B Schmidt Deborah B. Schmidt

John R Schmidt John R. Schmidt, M.S.

Schmidt  
463 Erlanger Rd  
Erlanger, KY 41018-1427



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