

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MILLER & WOODWARD/RUSSELL C. PATTIE)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2010-00380
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

O R D E R

On September 27, 2010, Complainant Miller & Woodward/Russell C. Pattie filed a Complaint against Defendant Kentucky Utilities Company ("KU") alleging that it had been "assigned the wrong rate" by KU.

On October 18, 2010, KU filed its Answer to the Complaint. In its answer, KU moved the Commission to dismiss the complaint on grounds that the Complainant had failed to set forth any claim upon which relief could be granted and that Complainant had failed to set forth a prima facie case that KU had violated its tariff or any statute or Commission regulation.

More specifically, KU stated that its tariff (at Original Sheet No. 97) requires that, "if two or more rate schedules are available for the same class of service, it is

Customer's responsibility to determine the options available and to designate the schedule under which customer desires to receive service." KU further stated that Original Sheet No. 97.1 of its tariff provides that, "in no event will [KU] make refunds covering the difference between the charges under the rate in effect and those under any other rate applicable to the same class of service," and, KU asserts, "[a]s a result, KU is prohibited by its Commission-approved tariff from issuing refunds to cover the difference between the charges incurred under Rate PS and those that would have been charged under Rate GS."

On October 29, 2010, the Commission issued an Order to Complainant requiring it to file a written response to KU's Motion to Dismiss within 20 days of the date of the Order, and indicated that failure to file a written response could be grounds for dismissal of the Complaint. To date, however, no such response has been filed by the Complainant.

On August 4, 2011, a Telephonic Informal Conference was conducted at the Commission's offices. During the Informal Conference, Complainant Mr. Pattie indicated that the Complaint had been settled.

On August 10, 2011, KU filed a Motion to Dismiss the Complaint with prejudice stating that the matter had been resolved and the Complainant is satisfied.

Based on the evidence in the record and being otherwise sufficiently advised, the Commission HEREBY ORDERS that:

This case is DISMISSED with prejudice and is hereby removed from the Commission's docket.

By the Commission

ENTERED *AT*
OCT 13 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Lonnie E Bellar
VP - State Regulation
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