



Mr. Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

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PUBLIC SERVICE
COMMISSION

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November 29, 2010

**RE: *RICHARD A. GENTNER COMPLAINANT V. KENTUCKY
UTILITIES COMPANY DEFENDANT
Case No. 2010-00438***

Dear Mr. DeRouen:

Enclosed please find an original and ten (10) copies of the Answer of Kentucky Utilities Company Complaint of Richard A. Gentner in the above-referenced docket.

A copy is being mailed to the Complainant.

Please contact me if you have any questions concerning this filing.

Sincerely,

Rick E. Lovekamp

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RICHARD A. GENTNER)	
)	
COMPLAINANT)	
)	
v.)	CASE NO.
)	2010-00438
KENTUCKY UTILITIES)	
COMPANY)	
)	
)	
DEFENDANT)	

* * * * *

ANSWER OF
KENTUCKY UTILITIES COMPANY

In accordance with the Kentucky Public Service Commission’s (“Commission”) Order of November 18, 2010 in the above-captioned proceeding, Kentucky Utilities Company (“KU” or the “Company”) respectfully submits this Answer to the Complaint of Richard A. Gentner (“Mr. Gentner”) filed on November 4, 2010. In support of its Answer, and in response to the specific averments contained in said Complaint, KU states as follows:

1. KU admits the allegations contained in paragraph (a) of the Complaint, on information and belief.

2. With regard to the allegations contained in paragraph (b) of the Complaint, KU states that its primary business address is One Quality Street, Lexington, Kentucky 40507.

3. With regard to the allegations contained in paragraph (c) of the Complaint, KU states as follows:

a. As to the statement that “[o]n or about Feb. 8, 2010, I went to KU & asked to be taken off the ‘budget’ program as my rate rose from \$58.00 monthly to \$67.00. They said it would go into the computer as Feb. was my budget settle month. This never happened until June; all the while, late fees & budget amounts have accumulated,” LG&E affirmatively states that the notes on this account do not reflect a request to be removed from budget billing in February, 2010. According to the Company’s records, Mr. Gentner visited a KU business office on May 6, 2010, and requested to be removed from the budget billing program. Mr. Gentner’s account was removed from the budget billing program on that day.

b. With regard to the averment that “I have made numerous calls; no one “knows why it took so long to remove me from budget.” I have been paying actual usage every month,” KU affirmatively states that KU cannot locate any record of a request from Mr. Gentner to be removed from budget billing in February 2010. KU further states in some months Mr. Gentner paid his budget billing amount, some months he paid his actual usage amount, and in some months he paid a different amount. Because February was Mr. Gentner’s settlement month, he was billed for his actual consumption (\$116.80, including taxes and fees, plus \$13.38 for the true-up). At that time, his monthly budget payment amount was adjusted to \$67.00. Further, Mr. Gentner

was billed less on budget billing during the time period from March through May than he would have been billed had he actually been removed from budget billing in February 2010.

<u>Bill Due Date</u>	<u>Budget Amount Due</u>	<u>Actual Utility Charges</u>
03-15-2010	\$67.00	\$119.81
04-19-2010	\$67.00	\$65.83
05-17-2010	\$67.00	\$40.12

To further demonstrate this fact, after his account was removed from budget billing in May, he was charged \$24.76 to true up the difference between the amount he was billed while on budget billing and the amount he actually owed.

c. With regard to Mr. Gentner's request for relief that "these late fees and budget amounts be removed due to KU's incompetence as I asked to be relieved from 'budget account' in a timely fashion," KU states that Mr. Gentner was not assessed any late charges for the time period between March and May, 2010 due to the fact that his account was credited \$115.00 in March when his deposit was refunded. Removing Mr. Gentner from the budget billing program did not adversely impact Mr. Gentner.

4. KU denies all allegations contained in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

FIRST AFFIRMATIVE DEFENSE

The Complaint, or parts of it, fails to set forth any claim upon which relief can be granted by this Commission and, therefore should be dismissed.

SECOND AFFIRMATIVE DEFENSE

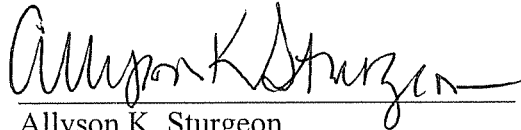
The Complainant has failed to set forth a *prima facie* case that KU has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

WHEREFORE, for all of the reasons set forth above, Kentucky Utilities Company respectfully requests:

- (1) that the Complaint herein be dismissed without further action taken by the Commission;
- (2) that this matter be closed on the Commission's docket; and
- (3) that KU be afforded any and all other relief to which it may be entitled.

Dated: November 29, 2010

Respectfully submitted,



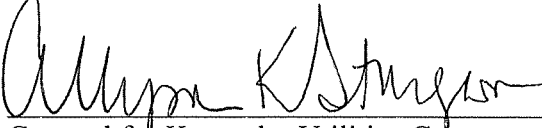
Allyson K. Sturgeon
Senior Corporate Attorney
LG&E and KU Services LLC
220 West Main Street
Louisville, Kentucky 40202
(502) 627-2088

Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following on the 29th day of November, 2010, U.S. mail, postage prepaid:

Mr. Richard A. Gentner
P.O. Box 1893
Richmond, Kentucky 40476


Counsel for Kentucky Utilities Company