

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OWEN J. MEREDITH)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2011-00050
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

ORDER

On February 7, 2011, Complainant Owen J. Meredith filed a complaint against Kentucky Utilities Company ("KU") requesting a refund of certain amounts paid on his bills from 1993 until 2010. The refund amounts are the difference between what he was actually billed (and paid) each month and the different amounts that he would have been billed had he been on a different tariff.

The Complainant states he owns and operates Magaline's Antique Mall, and that he purchased the building from an individual who ran a sewing factory in the building. The Complainant alleges that in 2010 the building was evaluated for energy efficiency by Earth Well Energy Efficiency, and that as a result of that evaluation, he was informed that the rate criteria for the building was too high for its current use as an antique mall. The Complainant further alleges that he called KU's customer service and informed KU what had been told to him. He further alleged that his bill went from \$435.00 a month to \$286.42 a month.

On February 21, 2011, the Commission entered an Order directing KU to satisfy or answer Mr. Meredith's complaint. In its Answer, KU states that Mr. Meredith contacted the Company and was moved to Electric Rate Schedule GS in January 2010. KU further states that Mr. Meredith's bills have varied each month under each of the rates which he received service. During 2009, while Mr. Meredith was served under Electric Rate Schedule Power Service – Secondary, his bills ranged from \$311.28 to \$547.90. While he was served under Electric Rate Schedule GS during 2010, Mr. Meredith's bills varied from \$251.21 to \$439.35.¹

KU further points to its tariff at Original Sheet No. 97 which provides 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. Company will, at any time, upon request, advise any customer as to the most advantageous rate for existing or anticipated service requirements as defined by the customer, but Company does not assume responsibility for the selection of such rate or for the continuance of the lowest annual cost under the rate selected.”²

KU's Answer additionally states that its tariff indicates that in no event will the Company 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.”³ As a result, KU states that it is prohibited by its tariff from issuing refunds to cover the difference between charges incurred under optional rate schedules.⁴

¹ Answer of Kentucky Utilities Company filed March 7, 2011, paragraph 3. c.

² Id. at paragraph 3.d.

³ Id.

⁴ Id.

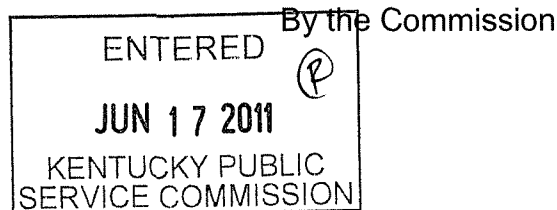
The record shows that Complainant's bills for service rendered from mid-May 2009 through mid-to late-January 2010 reflect service rendered under Rate Schedule Power Service - Secondary. Commencing with service rendered from mid-to late-January 2010, and reflected on his February 2, 2010 bill, Complainant received service under Rate Schedule GS.

Pursuant to KU's tariff, it was Complainant's responsibility to determine the options available to him and to designate the schedule under which he desired to receive service. Complainant contacted KU and was moved to Electric Rate Schedule GS from Electric Rate Schedule Power Service – Secondary in January 2010. Had Complainant desired to be moved to a different rate schedule prior to that date, it was his responsibility to contact KU and request advice as to the most advantageous rate for his service.

Based on the evidence in the record, the Commission finds that Complainant has failed to allege that KU has violated any tariffs, statutes, or regulations, and there is no evidence in the record that KU has violated any tariffs, statutes, or regulations.

Based on the foregoing, the Commission HEREBY ORDERS:

This case is DISMISSED and hereby removed from the Commission docket.



ATTEST:

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