

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOSHUA GRANT)	
COMPLAINANT)	
V.)	CASE NO.
)	2014-00438
DUKE ENERGY KENTUCKY, INC.)	
)	
DEFENDANT)	

ORDER

On December 10, 2014, Joshua Grant ("Complainant") filed with the Commission a complaint against Duke Energy Kentucky, Inc. ("Duke Kentucky") alleging that Duke Kentucky wrongfully disconnected electric service to Complainant's residence by failing to provide the required notice of disconnection. Complainant requested a return of the \$30.00 security deposit he paid when his service was reconnected, that the Commission impose a fine upon Duke Kentucky, and that Duke Kentucky pay damages to Complainant for the alleged wrongful conduct.

On January 5, 2015, Duke Kentucky filed its answer and motion to dismiss. Duke Kentucky denied that it wrongfully terminated Complainant's electric service, asserting that it acted in accordance with Kentucky statutes, Commission regulations, and Duke Kentucky's filed tariffs regarding billing for and disconnection of electric service.

An Informal Conference was conducted on February 24, 2015, to determine whether the parties could stipulate to the facts and any other matters that could aid in

the handling or disposition of this case. Complainant repeated that his requests for relief were: 1) a refund of his \$30.00 security deposit; 2) imposition of fines on Duke Kentucky; and 3) damages. The Commission does not have the statutory authority to award damages to a utility customer.¹ While the Commission has authority to assess a civil penalty for violations of KRS 278 and Commission regulations,² such fines are imposed only after a separate case is opened and investigated, and not in a complaint case. At the conclusion of the Informal Conference, Complainant accepted Duke Kentucky's offer to credit the \$30.00 security deposit to his account and withdrew his complaint.

The Commission takes note that this case raises an issue regarding the lapse of time between when Complainant received required notice of disconnection and when Complainant's electric service was disconnected. Pursuant to 807 KAR 5:006, Section 14(5), notice of disconnection for nonpayment "shall be in writing, distinguishable and separate from a bill." As the parties stipulated,³ there was a delay of nine months between February 13, 2014, when Complainant received notice of disconnection that was separate from his monthly bill, and November 6, 2014, when his electric service was disconnected. Between February and November 2014, Duke Kentucky sent Complainant a monthly bill that included a disconnection notice in the body of the bill. However, Duke did not send another disconnection notice separate from a monthly bill prior to disconnecting Complainant's electric service.

¹ *Carr v. Cincinnati Bell, Inc.*, 651 S.W.2d 126 (Ky. App. 1983).

² KRS 278.990.

³ The parties agreed to a stipulation of facts that was filed as an attachment to an Informal Conference Memo (filed on Mar. 6, 2015) ("IC Memo").

The Commission also takes note that, after this Complaint was filed, Duke Kentucky developed procedures so that the issue does not reoccur. Duke Kentucky stated that the delay between notice and disconnection was due to an internal processing error.⁴ The work order to disconnect Complainant's electric service for nonpayment was scheduled for dispatch, and then cancelled. Once the work order was not dispatched, it was placed into a queue of undated work orders to be rescheduled when Duke Kentucky employees were next in the area, rather than retaining date priority for rescheduling dispatch. Duke Kentucky now keeps the original date for disconnection work orders that must be rescheduled and segregates them into a queue, which prevents the work orders from losing dispatch rescheduling priority.⁵ Duke Kentucky also runs a monthly report to ensure there are no pending disconnection work orders that have not been rescheduled for dispatched.⁶

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that Duke Kentucky has satisfied the complaint and good cause exists to dismiss this proceeding.

IT IS THEREFORE ORDERED that Complainant's complaint is dismissed with prejudice and removed from the Commission's docket.

⁴ IC Memo.

⁵ Duke Kentucky's responses to Staff's First Request for Information, Item 1 (filed Apr. 16, 2015).

⁶ *Id.*

By the Commission

ENTERED
MAY 01 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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