



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

Daniel E. Logsdon Jr.  
Commissioner

September 25, 2015

**PARTIES OF RECORD**

Re: Case No. 2015-00260

Attached is a copy of a memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the memorandum, please do so within five days of receipt of this letter.

If you have any questions, please contact John Park, Staff Attorney, at (502) 782-2589.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Derouen".

Jeff Derouen  
Executive Director

JBP/ph

Attachments

**INTRA-AGENCY MEMORANDUM**  
**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File No. 2015-00260

**FROM:** John B. Park, Staff Attorney

**DATE:** September 24, 2015

**RE:** Informal Conference of September 17, 2015

Pursuant to Commission Staff's Notice of Informal Conference issued on September 11, 2015, an informal conference was held in this matter on September 17, 2015, at 10:00 a.m. EDT. Attached to this Memorandum is a copy of the attendance roster. Complainant Johnny D. Pennington did not attend the conference in person or participate telephonically.

John Park began the meeting by advising representatives of Defendant Kentucky Power Company ("Kentucky Power") that notes would be taken during the conference and that Staff would prepare and issue a memorandum regarding the conference. Mr. Park further advised that the parties would have five days after the memorandum is entered into the record to file comments on the memorandum. Mr. Park also stated that views expressed at the conference are those of Commission Staff and are not binding on the Commission.

Mark Overstreet updated Staff on developments that have occurred since Kentucky Power filed its Answer. He stated that Kentucky Power issued a final bill for electric service at 736 Hager Branch Road, East Point, Kentucky, and after ten days, applied the customer deposit in the amount of \$586 to the balance claimed due. Kentucky Power claims that after application of the deposit, \$1,010.72 (\$653.79 disputed; \$356.93 undisputed) remains due. Mr. Overstreet further stated that an employee of Kentucky Power recently observed that the dwelling located at 736 Hager Branch appeared to be occupied, but that it was not confirmed who was living there. He said that Kentucky Power had not restored electric service, and that a generator had been hooked up to the dwelling.

Mr. Overstreet stated that Mr. Pennington remains current on his account for service at another address, 875 Buffalo Road, Meally, Kentucky, and that he recently applied for new residential service at a 3rd location. Mr. Overstreet said that in accordance with its tariff, Kentucky Power declined to provide service to this location unless Mr. Pennington paid the undisputed portion of the balance due for service to the Hager Branch address, put up a deposit for the new location, and provided personal identification and a deed or lease to show he is a lawful occupant of the new location. Mr. Overstreet further stated that Mr. Pennington had declined to do so.

Mr. Park discussed a possible procedural schedule under which the parties would have 14 days from the entry of a procedural order to serve requests for information. Answers would be due two weeks later, and briefs due two weeks after that. Mr. Overstreet stated that schedule would be acceptable to Kentucky Power.

In response to a question from David Spenard, Mr. Overstreet stated that Kentucky Power's tariff does not address whether an outstanding balance on a previous tenant's account must be paid before new service can be established for a new tenant. Mr. Overstreet indicated that if service in the name of a tenant is disconnected for non-payment, it is not Kentucky Power's practice to require the landlord or a subsequent tenant to pay off the balance due on the prior account before setting up new service.

Under the unusual circumstances in this case, however, Kentucky Power was not willing to re-establish service without addressing the unauthorized usage that occurred subsequent to the December 5, 2014, termination of the account in the name of John Fairchild. Mr. Overstreet stated that Mr. Fairchild's spouse called Kentucky Power on February 9, 2015, about re-establishing service at 736 Hager Branch, and that Mr. Pennington called later that day and applied for service at the same address. Mr. Overstreet further stated that Mr. Pennington represented at the time that he was the landlord and agreed to a payment plan for the balance due for the prior usage. PVA records indicate, however, that Mr. Pennington is not the owner of the property, and in his Complaint, Mr. Pennington states he rents the residence at 736 Hager Branch.

Finding that there were no further questions, Mr. Park then concluded the informal conference.

Attachment

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHNNY D. PENNINGTON )

COMPLAINANT )

v. )

KENTUCKY POWER COMPANY )

DEFENDANT )

CASE NO.  
2015-00260

**Informal Conference**  
September 17, 2015

Please sign in:

NAME

REPRESENTING

Donna Lynn

PSC Commissioner Staff

Mary Whitaker

PSC - FA

John Rogness

KPCO

MARK R. Overstreet

Staff Liaison for KPCO

Kathy Coole

KPCO

Jody Rogqvist

KPCO

Mary Beth Purvis

PSC - FA

John Pugh

PSC - legal

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\*Kentucky Power Company  
101 A Enterprise Drive  
P. O. Box 5190  
Frankfort, KY 40602

\*Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

Johnny D Pennington  
736 Hager Branch  
East Point, KENTUCKY 41216

Johnny D Pennington  
P.O. Box 152  
Meally, KENTUCKY 41234

Johnny D Pennington  
876 Buffalo Road  
Meally, KENTUCKY 41234

\*Ranie Wohnhas  
Managing Director, Reg & Finance  
Kentucky Power Company  
101 A Enterprise Drive  
P. O. Box 5190  
Frankfort, KY 40602