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Talina R. Mathews
Commissioner

January 30, 2018

PARTIES OF RECORD

Re: Case No. 2017-00403

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 Nancy J. Vinsel, Assistant General Counsel, at 502-782-2582.

Sincerely,

Gwen R. Pinson
Executive Director

njv

Attachments

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File No. 2017-00403

FROM: Kyle Melloan, Commission Staff Attorney *KMM*

DATE: January 29, 2018

RE: Informal Conference of January 25, 2018

An informal conference ("IC") was conducted in this case on January 25, 2018. Attached is a copy of the attendance roster.

The purpose of the IC was to discuss the recent disconnect of utility services to Christina Rule ("Ms. Rule") by Duke Energy Kentucky, Inc. ("Duke Kentucky") in the context of Ms. Rule's pending Complaint.

Commission Staff explained the role of the Kentucky Public Service Commission ("Commission") to act as a fact-finder in this matter, and that, because of this role, the Commission is neutral as to the parties and does not advocate for any one party.

Commission Staff further explained the procedural background of this case. This matter arises upon a Complaint tendered by Christina Rule ("Ms. Rule") on September 27, 2017, alleging that Duke Kentucky overcharged Ms. Rule for gas and electric service beginning in January 2016. The Commission found that Ms. Rule established a *prima facie* case regarding alleged overcharges for gas service between March 21, 2017, and May 19, 2017. The Commission was unable to determine whether the Complaint established a *prima facie* case regarding alleged overcharges for electric and gas service at other times. By Order entered November 2, 2017, the Commission directed Ms. Rule to file a more definitive statement within 20 days to allow the Commission to make a determination regarding the remaining allegations. Because the Commission did not receive this additional information in that timeframe, the Commission issued an Order on January 9, 2018, dismissing the Complaint without prejudice regarding all allegations with the exception of alleged overcharges for gas service between March 21, 2017, and May 19, 2017. The Commission's Order further directed Duke Kentucky to answer or satisfy the matters complained of regarding alleged overcharges for gas service between March 21, 2017, and May 19, 2017. Duke Kentucky has not yet filed a written answer or satisfied those portions of the Complaint.

The IC was scheduled because Ms. Rule contacted the Commission on January 25, 2018, stating that her gas and electric services had been disconnected. At the IC, Duke Kentucky explained that only Ms. Rule's electric service had been disconnected and that, as a result of the scheduling of the IC, that service had been reconnected prior

to the IC's start. Duke Kentucky further stated that if Ms. Rule intended to file the additional information the Commission had requested, Duke Kentucky would make a notation on Ms. Rule's account that the matter was pending so that her service would not be inadvertently disconnected until the Commission had made a decision about what services and time periods were at issue, so long as Mr. Rule remained current on her continuing payment obligations. Ms. Rule indicated that she had attempted to send the documents the Commission requested in its November 2, 2017 Order and that, because the Commission did not receive those documents, she would send them again for consideration.

The parties agreed to the following initial schedule in the matter:

1. Ms. Rule shall submit to the Commission the information requested in the Commission's November 2, 2017 Order within 15 days of the IC, which is February 9, 2018. Commission Staff indicated that the Commission would determine whether Ms. Rule had established a *prima facie* case on all services and time periods as soon as practically possible.

2. Duke Kentucky shall file an answer or satisfy Ms. Rule's Complaint within 10 days of the Commission making a determination as to those services and time periods on which Ms. Rule has established a *prima facie* case. Ms. Rule agreed that Duke Kentucky should not be required to file an answer or satisfy those portions of the Complaint on which Ms. Rule has previously established a *prima facie* case, as described in the Commission's November 2, 2017 and January 9, 2018 Orders, until the Commission has made a determination as to whether Ms. Rule has established a *prima facie* case for all of her claims and issues, described above.

3. In the event, however, that Ms. Rule does not submit to the Commission the information requested in the Commission's November 2, 2017 Order on or before February 9, 2018, Duke Kentucky shall then have until February 22, 2018, to answer or satisfy those portions of the Complaint on which Ms. Rule has previously established a *prima facie* case, as described in the Commission's November 2, 2017 and January 9, 2018 Orders.

There being no further discussion, the IC was then adjourned.

cc: Parties of Record

Attachment: Sign in sheet

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRISTINA RULE

V.

DUKE ENERGY KENTUCKY, INC.

)
)
) CASE NO.
) 2017-~~00190~~ 00403
)
)
)

January 25, 2017

Please sign in:

NAME

REPRESENTING

Nancy Vinsel

PSC - Legal

Rocco D'Ascenzo

Duke - Telephone

Melissa Boffman

Duke (Telephonic)

Kyle Melloan

PSC - Legal

William Foley

PSC - Financial Analyst

Mina Rolf

Duke - Telephone

Christina Rule

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