

SEP 25 2018

PUBLIC SERVICE
COMMISSION

Sept 23, 2018

To: Public Service Commission

Subject: Case Number 2018-00273

Time Stamped: By PSC on Sept 11, 2018

In response to your order to file a response in the above matter I respectively submit the following.

First, I am not a lawyer. Obviously, I am responding to a lawyer prepared document. I was told by the PSC I would not need a lawyer to pursue this matter. If you find my response to be insufficient due to my lack of legal expertise, I request the opportunity to engage legal representation prior to this case being dismissed.

The KU response regarding the sequence of events is incorrect in several areas and contradictory in one. I will indicate these below.

On page 4, section k. This is the contradiction. KU states they told me on July 23 there was no record of anyone attempting to establish service in their name at this address. Referencing section d. on page 2, you will see that KU did in fact have a record and the correct name of a person who attempted to establish service on June 1, 2018. It is not my fault nor should I be financially responsible for KU information systems to not be robust enough for the CCT area to be able to see this. While there may have been no attempt to fraud me with this reply on behalf of the CCT agent, KU is clearly responsible for passing out accurate information and in this example clearly failed to do so. KU clearly had a record of someone trying to establish service in their name at this residence, after it had been removed from mine.

On page 4, section k. KU states I refused to provide the new tenants names. I have no recollection of this. I did tell the CCT agent that the point I was making about not being responsible for the bill had nothing to do with the tenant names. I should not be responsible regardless of who they were and that I didn't check drivers license or other forms of identification so I wasn't sure if I even had the real names. At that time I do recollect providing the names to the agent. By the way, as noted in the above statement, KU already had the names from the failed attempt of Jennifer Owens to establish service. Jennifer Owens is the name I have.

On page 4, section k. KU states I was contacted by a CCT agent in an attempt to reconcile the situation. This is a false statement. At no time has KU attempted to reconcile this. The lower level agent did call me and was prepared to read to me his scripted version of the company policy. I explained to him I was looking the speak with a decision maker who could understand the situation and make the correct decision on behalf of the customer. At this time, I was referred to his manager, Julie Stethen.

On page 5 section I. KU falsely reports that I said and felt that it was KU's responsibility to know who was living at the residence. Again, this is a false statement. I explained to Julie Stethen that KU has the ability to monitor electric usage at the meter at this residence and did so frequently. The technology is available for KU to know the usage from all meters that are currently not assigned to an account name. My conversation with Ms. Stethen explained my point of view that KU was trying to force the property owners to police the KU meters and usage on behalf of the KU company. This undue burden transfers the responsibility and cost of protecting KU's product from theft from the KU company to the customer regardless of the customers knowledge of this rule, their ability to correctly monitor KU usage, **and the** ability to pay the addition cost that were transferred. Ms. Stethen made no attempt to resolve the situation. She did provide suggestions as to how I could monitor KU usage to avoid future billings like this. She told me she was "attempting to educate me" about this matter. I found this to be a highly offensive statement. I assure Ms. Stethen and the KU company that I need no further education as to their company policy regarding this matter or the motive of their actions to burden unsuspecting honest customers with additional cost to further enhance the KU earnings statements.

My further response is as follows,

KU has provided no evidence that the meter was tampered with. The electricity was off when I entered the house and prior to KU being called on July 5th. I have no way of knowing if this was a KU documentation or field technician error.

I do not fully understand the legal wording of the First and Second affirmative defense. If I need to engage legal help with this I will do so if given a second attempt to respond.

Responding to the Third Affirmative Defense on page 6. KU designates me as a customer in this situation. I was clearly not a customer at this time. Per KU's own records I had contacted them on May 29, 2018 and clearly requested to not be a customer at this address until further notice. KU confirmed this by turning off the electricity to the residence and by sending me a bill marked Final. Clearly, we were all in agreement that I had correctly executed my requirements to not be their customer at this time and at this residence. Further in this defense KU states that they alone made up an interpretation of the Tarriff that allows them to designate me as a customer even after they clearly indicate to me that I am not. I think this is a very important action for the PSC to consider. I was not their customer at this residence at this time. I also understand the tariff to mean the customers are responsible for any damage THEY do to the meter of other KU equipment. I challenge if any customer is financially responsible for all damage done to a KU meter or other equipment regardless of the cause of such damage. KU owns the meter and any damage to it should be a legal or police matter. It should not be placed go any innocent, unaware property owner. I think this is another matter the PSC should look in to. KU should not be allowed to act as judge and jury on equipment damage.

Responding to the Fifth Affirmative Defense on page 7. KU states they have no discretion to waive or otherwise change the scheduled rate fee. I am not requesting a change to the rate fee. I am requesting a correction be made to fix a billing error based on KU's incorrect interpretation that they can designate me to be a "customer" after they have clearly told me I was not. We all know KU has the capability and the legal authority to correct incorrect billings. KU also has the legal authority to waive any fees that are solely designated by them. Not included in this defense but certainly a major issue is the \$90.00 "reconnection" fee. This is excessive, should not apply in this case, and appears to be punitive in nature. I don't think KU is legally permitted to unilaterally establish punitive charges to customers and then threaten to discontinue service if these made up charges are not paid.

In summary, I am looking to the PSC to help make me whole from the financial damage caused to me by an overreach in KU's billing policies. I am also requesting that the PSC look at the entire KU billing policies and ensure other customers are not incorrectly and negatively impacted by KU's attempt to reduce cost and maximize cash flow at the expense of other defenseless customers who encounter similar situations.


KU is a monopoly. I have no alternative providers to purchase electricity from. I am forced to live with their actions regardless of if they are correct or not. I am a poor, retired, senior citizen that relies on the essential service KU is authorized to provide. I am looking to the PSC to represent me and the voice of all the customers to ensure that everyone is treated fairly and with respect. In this case KU has failed to treat me with either. The PSC should serve to protect the public from aggressive billings and policies like the ones explained in this complaint.

I did not steal electricity from KU. I did not touch the meter or alter it in any way. I do not know who did. I was unaware it had happened at all until KU told me about it. My property is very well managed.

How does an average old guy get a fair shake when they are ordered to respond to a legal document signed by a job title of Managing Senior Counsel, especially when that document purposely references documents (Tarriffs) and uses language unknown and unavailable to the general public? Can the PSC help with a citizens response to highly paid lawyers representing massive utility companies?

I'm hoping the PSC considers their mission to include correcting situations where a customer has clearly been wronged.

Thank you for your consideration in this matter


Stephen W. Peyton

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