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PUBLIC SERVICE
COMMISSION

Kent A. Chandler
Acting Executive Director
Kentucky State Service Commission
211 Sower Blvd
PO Box 615
Frankfort Ky. 40602

July 24th, 2020

Re: William Fox v. Louisville Gas and Electric Company
Case No. 2020-00116

Mr. Chandler

Please find enclosed Complainant's response to Defendants answers dated July 20th, 2020.

Sincerely,

Billy Fox
Complainant

2020-00116

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

Dated July 24th, 2020

Case No. 2020-00116

Complainants Response to Louisville Gas and Electric
Company Answers Dated July 20th. 2020

Defendant states in their answer to Q-2. “ Mr Fox did not offer any evidence that his business’s usage would be substantially different from prior occupant’s or that the infrastructure had Change”

This statement is False - The Load sheet for gas usage was presented to Defendant’s representative, Bob White by Complainant in 2012. Attached load sheet (attachment A) Further informing Mr White, our operations were considerably smaller than the prior business. (Culinary Standard)

The prior Owner of the property Culinary Standard and Soup Coop do perform the same function. Which is cooking food. Culinary Standard had a portfolio of many third party national accounts. Such as Honey Baked Ham, Dairy Queen etc. Along with state and federal cooking contracts. Soup Coop LLC prepared food for its own Brand JGumbos.

When comparing Soup Coop and Culinary Standards utility usage. Culinary Standard usage would far out pace the usage of Soup Coop. I would estimate by a factor of 10 or more. This would be evident and proven by the production of Culinary Standard usages reports for the years 2000-2011 by LGE.

Culinary Standard occupied the premises 2000-2011. Both companies produce food products. But there are two different classification. Culinary Standard was classified as a Commercial user for 11 years. Soup Coop for approximately 2 years as a commercial user. Then considered an industrial user for roughly 7 years.

Defendant indicates in its answer to Q2- "At that time, there was no indication of more than one business operating at the location. Further, when Mr Fox recently raised a concern representatives of LGE conducted a site visit on November 8, 2019 and concluded operations of the business continued to be cooking."

This answer is False - In 2012 Complainant notified LGE through its representative, Mr Bob White, that the property was to be used for several different businesses.

Also, via a phone conversation and then again through email. Complainant conveyed to Tyler Bush, another LGE representative. That several different businesses operate at the property at 138 Buchanan St. (email attachment B pg.6)

The signage in front of the property was erected in 2012. It shows the businesses that operate at the location. Along with vinyl lettering on the entrances to the building. (photo attachment C). These were plainly visible at the time of any visits throughout the years since 2012. Any LGE representatives would have clearly seen these signs on any of their visits. Including the visit on November 8th, 2019 that was reference by defendant.

Lastly, Defendant contends the verbiage in the Tariff definition industrial, "as the business changes raw products into another form through the application of heat"

Defendant is referring to the cooking of food as changing of raw product into another form.

Defendant is using the wording "Raw material" as anything that further needs to be processed. As taking a tomatoes and making Tomato Soup. This is using the term "Raw material" in its vaguest since and surely not what the the framers of the Tariff intended.

Complainant contends the wording " raw materials" is referring to Copper, Iron ore, Gold , Silver and the like. Further processing these materials into another form. Examples of this would be taking Iron and transforming it into an engine. Processing coal for energy.

If Defendant is correct in its contention of using the term "raw material" as referring to a cooking process of food. " Taking tomatoes and making Tomato Soup". Or for that matter, any use of gas in the cooking process. Any and every restaurant that uses gas to cook , would fall under the category of Industrial classification.

Since we know Defendant does not classify restaurants as Industrial Users. It is using a double standard for classifying Complainant as an Industrial user.

Attachment A:

8/1/12

J. Gumbo's Mail - Gas load

COMMERCIAL LOAD DATA SHEET

LOUISVILLE GAS & ELECTRIC
COMMERCIAL & INDUSTRIAL GAS LOAD DATA SHEET
Revision (B)

This Sheet is Required When the Total Connected Meter Load is Greater Than (>) 500,000 BTU/H. This Sheet should be submitted in addition to The LG&E/ KID/ ODP Electric and Gas Load Data Sheet. This Sheet does not fulfill the requirement of application for service.

Please Fax Completed Sheet to: (502) 364- 8296

Facility Name: Star The Pot
Address: 1097 E. Washington St
City & Zip: Louisville, KY 40204

Preliminary Construction BIM Use Final Construction Construction Revision
Note: All preliminary submissions must be re-submitted as final when the customer applies for service. All plan revisions that affect total loading must be re-submitted.

Service Request Type: New Construction Existing Construction

Service Information

LG&E-CID Office Use Only

Length of Service Line _____ (feet)
Estimated Service Completion Date _____
Requested Gas Meter Date _____

Total Gas Connected Loads on Property

	Building 1	Building 2	Building 3	Building 4
Requested House Line Pressure Please Circle Units.	(in / psig)	(in / psig)	(in / psig)	(in / psig)
Gas Load Type	(BTU/H)	(BTU/H)	(BTU/H)	(BTU/H)
Space Heating, Comfort Conditioning, & Make Up Air	200,000			
Water Heaters	19,391			
Boilers	N/A			
Cooling Equipment	53,000			
Emergency/ Standby Power Generation	N/A			
Full Time Power Generation	N/A			
Production Equipment	N/A			
TOTAL CONNECTED METER LOAD				

How Many Hours A Day Will the Production Equipment Run: 4 8 12 16 24
Please Circle the Days Production Equipment will Typically Operate: SU M TU W TH F SA

Submitted By Name: _____
Company: _____ Address: _____
Phone () _____ Fax () _____ Cell Phone/ Pager () _____

Questions? Contact the LG&E Gas Commercial Service Designer at 502-364-8275 Page 92 of 132

Handwritten notes in a speech bubble:
2000
\$30000
173,000
Ford Taurus
Wagon
28 mi
502-712-1979

B
Sent from my iPhone

Attachment B:

2020-00116

Begin forwarded message:

From: Billy Fox <billyf@jgumbos.com>

Subject: Meeting

Date: January 5, 2020 at 12:59:08 PM EST

To: Tyler Bush <BSC@lge-ku.com>

Cc: Jason Cardwell <jasonc@jgumbos.com>, Tracy Jackson <tracyj@jgumbos.com>

Tyler,

I'd like to come in for a meeting with you Supervisor this week and present the case for the refund and further understand how you are determining we are an Industrial customer.

Ive included the regulations below, in case you haven't seen it before. You referred to our operation and application of taking one product and making it into something else. The provision clearly states:

"processes which either involve the extraction of raw materials from the earth, or a change of raw or unfinished materials into another form or product through the application of heat or heat treating, steam agitation".

We are not changing the molecular structure of raw material as this provision is suggesting. We take tomatoes and make tomato soup. Nor do we fall under any other of the industrial standards listed. We should be considered commercial. Even if you were to consider us industrial which can not apply to our process. Gas usage for this is a very small percentage.

By our conversation on Friday, I realize your lack of understanding of the service classifications. Further, Your explanation of not issuing a refund and pivoting from excuse to excuse was off putting. From your initial defense being, "we the customer, did not notify LG&E and its representatives of a gas load change", Emails and employees of our business will attest to this is not the case. Secondly, Stating you have no record of anyone coming out to our locations to verify the new gas load. The fact you have no records does not make it factual that we did not turn in a gas load change. It just makes it clear your record keeping is inadequate. LG&E's record keeping is not my responsibility as you suggested. Your accusations that this documentation was never presented or somehow it was my responsibility that it made it to your records is inaccurate and absurd on its face. Seemed you saved your best hopes and grounds for not issuing a refund, for last " Its the customers responsibility to insure being charged correctly. How ludicrous to make such a statement ! I could not imagine this is LG&E's' policy of the customer being the unlimited decider of what they are charged.

The businesses that operate under this service are Real Estate Company, Franchising Company , and Commercial kitchen (Not an industrial kitchen). The commercial gas usage is a

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very small percentage of our over all usage. This was made clear to Bob White in 2012. There is no difference between what we do and any restaurant.

I requested from you in my previous email, Rates charged from 2012 and any rate increase to present to accurately calculate my over payment. I further asked you for the "research" you did in our case to justify not giving us a refund. I received neither. Can you please provide this information as requested along with all prior gas bills from 8/1/2012 to present.

As a valued customer of LG&E. Paying not Thousand, but Millions of dollars through the years. One would think I would receive the appropriate attention to a legitimate request for a refund. Instead given lip service and all but called a liar.

After our call on Friday. Your refusal to even entertain a refund when provided with the facts and existence of documentation. I filed a complaint with the Ky Public Service Commission.

We will be seeking full over payment which is estimated at more than \$70,000 and interest compounded annual until to this is

resolved.

Please forward documentation as requested along with any possible date/time for a meeting with your supervisor.

Sincerely

Billy Fox

2020-00116

Attachment C:

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