

order for which the Commission may grant relief.¹ A complaint establishes a prima facie case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested. If the Commission determines that the complaint does not establish a prima facie case, then the Commission affords the complainant the opportunity to amend the complaint within a specified time.

Rate change notice requirements are set forth in 807 KAR 5:001, Section 17. Subsection (4)(b) requires notice to include “[t]he present rates and proposed rates for each customer classification to which the proposed rates will apply” and Subsection (5) states, “Upon written request, the commission may grant a utility permission to use an abbreviated form of published notice of the proposed rates, provided the notice includes a coupon that may be used to obtain all of the required information.”

During the corresponding rate case,² KU filed a motion to use an “abbreviated form of notice containing complete content for the residential rate changes”³ and supplied a copy of its proposed form of notice.⁴ The Commission allowed KU to publish this abbreviated notice, noting that KU spent \$450,000 on publishing notices in that rate case and that the balancing of reasonable notice was necessary to save ratepayers from being assessed greater cost associated with publishing long form notice.⁵ In its 2016 rate case,

¹ 807 KAR 5:001, Section 20(4)(a).

² Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*.

³ Motion for Deviation (filed Oct. 23, 2020) at 4.

⁴ *Id.*, Exhibit A.

⁵ Case No. 2020-00349, *Kentucky Utilities* (Ky. PSC Nov. 10, 2020), Order at 4.

KU spent \$1.78 million on publishing a long form notice,⁶ so the savings to ratepayers is significant. The November 10, 2020 Order did not specify what was required to be included in the abbreviated notice but did approve the use of the form of notice supplied by KU with its motion.⁷ KU did not include peak hour changes in the abbreviated notice. The abbreviated notice contained a statement that “KU also is proposing changes in the text of some of its rate schedules and other tariff provisions” and directed customers to its website to review additional changes.⁸ The long form notice was available on KU’s website and included the changes to the peak hours.⁹

Having reviewed Mr. Mollett’s complaint, the Commission finds that he has not established a prima facie case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief because he has not alleged that KU violated any statute, regulation, tariff, or order. The notice used by KU included the present rates and proposed rates for each customer classification as well as all other items required by 807 KAR 5:001, Section 17(4)(b). The form of notice was approved by the Commission, so conformed to the applicable Order. Although the abbreviated notice may not have contained complete content for the residential rate changes, to include all information for every change to every rate would have defeated the purpose of the abbreviated notice. The long form notice was 48 pages long versus the four-page abbreviated notice. The Commission must balance the feasibility and cost passed on to

⁶ *Id.* at 3.

⁷ *Id.* at 5.

⁸ Complaint at unnumbered 7.

⁹ <https://lge-ku.com/sites/default/files/media/files/downloads/2020-Filing-Req-KU-Attach-Tab-06-Sec-16-1b5-C-Long-Newspaper-Notice.pdf>

ratepayers versus the adverse effect to customers who might be affected by changes but do not choose to review the full notice of changes.

Additionally, Mr. Mollett may not seek remedy on behalf of other subscribers as this would constitute the unauthorized practice of law.¹⁰ As 807 KAR 5:001, Section 4(4), states in part: “A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).” Mr. Mollett may only seek relief for himself.

In accordance with 807 KAR 5:001, Section 20(4)(a)(1)-(2), the Commission finds that Mr. Mollett should be afforded the opportunity to amend the complaint. The Commission further finds that Mr. Mollett should file an amended complaint within 20 days of the date of this Order. Mr. Mollett may file his amended complaint by U.S. mail or by email to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. Mr. Mollett’s complaint is rejected for filing for failing to state a prima facie case.
2. Mr. Mollett shall have 20 days from the date of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a prima facie case.
3. Mr. Mollett may file his amended complaint with the Commission by U.S. mail to P.O. Box 615, Frankfort, Kentucky 40602-0615, or by email to PSCED@ky.gov. Mr. Mollett shall include the case number, 2021-00456, in all filings with the Commission.

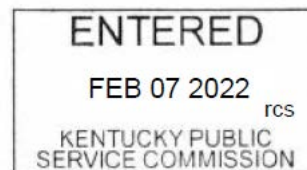
¹⁰ See Case No. 2021-00307, *Larry Raymond Bailey v. West Laurel Water Association, Inc.* (Ky. PSC Aug. 18, 2021), Order at 3.

4. A copy of this Order shall be served upon Mr. Mollett by U.S. mail to 3837 Muirfield Place, Lexington, Kentucky 40509.

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By the Commission

Commissioner Marianne Butler did not participate in the deliberations or decision concerning this case.



ATTEST:


Executive Director

Case No. 2021-00456

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