

APR 19 2021

PUBLIC SERVICE
COMMISSION

COMPLAINT

(In Re: Notification of Late Fees and Shutoffs)

Complainant:

Larry (Raymond) Bailey
181 Ben Bailey Road
London KY. 40744

Case No. 2021-00307

Email [REDACTED]
Utility account [REDACTED]
Name on Account. Raymond Bailey

Utility:

West Laurel Water Association
1670 E. Hal Rogers Parkway
London Ky. 40744
606-878-9420

HISTORY

On May 8, 2020, the governor issued Executive Order (EO) 2020-323 suspending late fees and disconnects for utilities. I was made aware of this approximately three months ago when I was unable to contact West Laurel to pay my bill. They were closed for about a week but did not inform customers with a recording. I was on hold for about one and a half hours then disconnected. A few days later when they reopened, I was informed they were not charging late fees per executive order.

On April 15, 2021 I called the water district to pay my bill. I was unable to contact the water district due to high caller volume. On April 16, 2021 I contacted the water district and was informed there would be a late charge of \$3.01. I was told that late fees had been reinstated in April 2021. I asked why there had been no notice sent out informing costumers of the reinstatement of late fees and shutoffs. I was told the notice was in the news. I was also informed that direct notice was not required pursuant to Kentucky Public Service Commission (PSC) rules.

On April 16, 2021 I called the PSC to inquire about filing a complaint. I was told by the representative that I could not file a complaint because the late fee/shutoffs ending was published in the news. I disagree with the legitimacy of that claim.

ARGUMENT

Reinstating late fees and shutoffs are not covered by the general rules and regulations. That is because the EO suspended normal adherence to rules and regulations as well as statutes.

Pursuant to KRS § 74.360 publication of notices is required under specific statutes, *The notices required by KRS 74.110, 74.150, 74.160, 74.170, 74.180 and 74.200 shall be given by publication pursuant to KRS Chapter 424.* KRS 74.110 *Change of districts; procedure; deficit* does not mention late fees or shutoffs. KRS 74.150 *Assessment roll; statement of costs; hearing; final order; appeal* has no language considering late fees or shutoffs. Neither does KRS 47.160 *Striking assessments from roll; procedure.* Nor do KRS 74.170 *Payment of assessments in thirty days; constructive consent to bond issue or loan.* Nor KRS 74.180 *Issuance of bonds or temporary financing of unpaid assessments.* Nor KRS 74.200 *Modification of assessment; relevy.* Public notice simply does not relieve a water district from directly notifying its customers of a change in late fees or shutoffs. Those type of changes directly affect customers, not the public at large. Pursuant to KRS § 278.030 utility companies have a duty to use reasonable rules of conduct in its business. The water district could have reasonably sent out notices along with the last water bill alerting customers to the change in policy. They could have easily notified customers who call in with a simple recording. Subjecting customers to unreasonable prejudice or disadvantage is prohibited pursuant to KRS § 278.170.

No statute exists allowing public publication of changes in late fee/shutoff policies to satisfy the requirements notifying customers of changes. Therefore, the PSC cannot add to the statute by allowing it to become its proper procedure, *South Central Bell Telephone Co. v. Utility Regulatory Com'n*, 637 S.W.2d 649 (KY 1982). Also see *Union Light, Heat & Power Co. v. Public Service Com'n*, 271 S.W.2d 361 (KY 1954).

SUMMARY

As aforementioned, this issue is unique because of an EO in wake of a pandemic. Understandably there are no existing laws or rules governing the matter. Nonetheless, the PSC lacks authority to add late fees and shutoff notices to the public notice rules prescribed by existing statutes. Neither is it equitable for a utility company to blindside customers with late fees or shutoffs when they could have easily notified consumers beforehand.

REQUEST

I request the PSC to require the water district to suspend late fees and shutoffs until customers have been properly and timely notified.

I request the PSC to require the water district to refund late fees and reconnect services to any customers who have been affected until they have been properly and timely notified.

Complainant:


Larry Raymond Bailey

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