

**From:** [REDACTED]  
**To:** [PSC Executive Director](#)  
**Subject:** Re: Item Logged For Case: 2021-00456  
**Date:** Monday, February 14, 2022 9:45:18 PM

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Continuing my previous amendment.

In my original complaint, Appendix A is the notice that KU sent to customers. Nowhere in this notice is any indication that this is an abbreviated notice. Without such a notice, an ordinary person of average intelligence would have no reason to suspect that there are proposed changes that are NOT included in the document.

There is a paragraph that states

KU also is proposing changes in the text of some of its rate schedules and other tariff provision, including its terms and conditions for electric service. Complete copies of the proposed tariffs containing the proposed text changes and rates may be obtained by contacting Kentucky Utilities Company by mail at 220 West Main Street, Louisville, Kentucky 40202; by phone at 800-981-0600; or by visiting KU's website at [lge-ku.com](http://lge-ku.com).

Presumably, this is where KU thinks that customers will realize that they need to dig further to find out how their rates are going to be affected. But, the table on the previous page clearly states that the expected increase is 10.68% for Residential time-of-day customers. This rate is exactly in line with the expected increase for Residential single-rate customers. No footnote. Nothing to entice the ordinary person to think they need to delve deeper.

It is this vagueness that is the issue. KU's notice lacked sufficient clarity to cause a reasonable person to want or need to review the data on their web site. It doesn't matter that KU's legal team would have gone to that web site. It doesn't matter that the Kentucky Public Service Commission would have gone to that web site. That notice was for KU's customers and as such, is subject to how their customers would interpret it. The average customer is going to see a 10.68% expected increase, note that percentage is in line with single-rate customers' increase, and not suspect or expect any other changes. In fact, a reasonable person is going to expect that if there were any other relevant changes, those changes would be clearly identified.

It is not reasonable that KU would expect its customers to read pages of legal jargon to understand how their rates were going to change. KU knew exactly how each customer's rates were going to change and had the opportunity to include notice in their billing statements, in lieu of blank space, advertisements, or graphs. But KU didn't do that. Instead, KU chose to continue to hide behind the cloak of complex and lengthy documents.

Quite simply, KU's notice of the change of peak times for time-of-day rate customers was not reasonably clear and conspicuous, rendering it exactly the same as changing rates without notice. Attempting to state that they had the information on their web site is like putting fine print on the bottom of contact; if the information is pertinent, it needs to be in plain view.

**From:** [REDACTED]  
**To:** [PSC Executive Director](#)  
**Subject:** Re: Item Logged For Case: 2021-00456  
**Date:** Tuesday, February 15, 2022 7:40:33 AM

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One last thing that I would like to add.

Now that ample time has passed since KU changed the peak hours for Residential time-of-day rate customers, it would be very interesting to actually see what the average increase was for Residential time-of-day rate customers. If it is anything higher than the expected 10.69% then either KU's mathematicians made a mistake or, more likely, many Residential time-of-day rate customers were caught by surprise by the peak hour change, proof positive that KU's notice was inadequate.