

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ANGELA CHRISTINE DOUGLAS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2023-00379
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

ORDER

On November 20, 2023, Angela Christine Douglas tendered a formal complaint with the Commission against Kentucky Utilities Company (KU), alleging that she should not be assessed smart meter opt-out charges.

Pursuant to Commission regulation 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed.

Ms. Douglas’s complaint stated that “Kentucky Utilities is in violation of my consumer rights regarding a smart meter using a bait and switch technique” and requests KU “to cease and desist ‘opt out’ charges.” The complaint is silent as to what KU has

done to violate any laws or tariff provisions, as well as the facts and circumstances leading to the charging of smart meter opt-out fees.

Based upon a review of the tendered complaint, the Commission finds that Ms. Douglas has not established a *prima facie* case. KU's tariff permits charging of an initial fee of \$39 and a \$15 monthly fee if a customer chooses to opt out of using the Advanced Meter Infrastructure (AMI), also known as smart metering, or if KU imposes opt-out charges because it determines a customer has engaged in "particularly dangerous or repeated instances of tampering with an AMI meter."¹ These charges allow KU to recover costs, such as in-person meter reading that would be unnecessary if AMI readings were used. Ms. Douglas has not stated why KU's assessment of these charges is improper under law or tariff, nor has she indicated whether her payment of these charges was by choice or due to alleged tampering.

Pursuant to 807 KAR 5:001, Section 20(4)(a)(1), Ms. Douglas should be permitted one opportunity to amend her complaint.

IT IS THEREFORE ORDERED that:

1. Ms. Douglas's complaint is rejected for filing for failing to state a *prima facie* case.
2. Ms. Douglas shall have 20 days from the date of service 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.

¹ P.S.C. No. 20, Sheet No. 45.1-45.2 (issued July 20, 2021), effective July 1, 2021.

3. Ms. Douglas may file her 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.

Ms. Douglas shall include the Case No. 2023-00379 in all filings with the Commission.

4. This Order shall be served upon Ms. Douglas by certified mail, return receipt requested, at 132 Fairlawn Avenue, Lexington, Kentucky 40507.

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PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

Case No. 2023-00379

Angela C. Douglas
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