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a PPL company

VIA ELECTRONIC FILING

Ms. Linda Bridwell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601-8294

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**PUBLIC SERVICE
COMMISSION**

December 19, 2025

**Re: Michael R. Wilson vs. Louisville Gas and Electric Company
CN 2025-00127**

Dear Ms. Bridwell:

Pursuant to Ordering Paragraph one (1) in the Commission's Order filed on December 10, 2025 in the above-referenced case, Louisville Gas and Electric Company ("LG&E") files its written answer to complaint.

Please contact me if you have any questions concerning this filing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Hornung', is written over a light blue horizontal line.

Michael E. Hornung

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL R. WILSON)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2025-00127
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	
)	

ANSWER AND MOTION TO DISMISS
LOUISVILLE GAS AND ELECTRIC COMPANY

In accordance with the Kentucky Public Service Commission’s (“PSC”) Order of December 10, 2025, in the above-captioned proceeding, Louisville Gas and Electric Company (“LG&E or the “Company”) respectfully submits this Answer to the Complaint of Michael R. Wilson (“Mr. Wilson”) and moves the PSC to dismiss the Complaint with prejudice. In support of its Answer and Motion to Dismiss, LG&E states as follows:

Mr. Wilson is asking the PSC to find unreasonable what it has already previously determined to be reasonable, namely LG&E’s advanced metering infrastructure (“AMI”) opt-out fees. Moreover, he is asking the PSC to order LG&E to treat him differently than every other customer by ordering the AMI opt-out fees “disapproved” and “uncollectable.” Such an action by LG&E would violate its tariffs and the filed rate doctrine. Accordingly, Mr. Wilson’s Complaint fails to state sufficient allegations that, if uncontradicted by other evidence, would entitle him to his requested relief. Mr. Wilson’s Complaint should be dismissed with prejudice.

In support of its Answer and Motion to Dismiss, and in response to the specific averments contained in said Complaint, LG&E states as follows:

1. With respect to the allegations contained in the first paragraph of the Complaint, LG&E admits that Mr. Wilson received the letter dated April 1, 2025 at his address at 3006 Lime Kiln Ln. Louisville, Kentucky 40222. A copy of which he attached to his Complaint. The content of the letter speaks for itself. Mr. Wilson also received an e-mail notification of these monthly AMI opt-out fees in December 2024 when he submitted an online AMI opt-out form. See **Exhibit 1**.

2. LG&E denies the allegations contained in the second paragraph of the Complaint. First, LG&E's AMI opt-out fees are not unreasonable, arbitrary, and inconsistent with KRS Section 278.030. In fact, in 2021, the PSC determined that the AMI opt-out fees for electric and gas meters in the amounts of \$12 and \$5 respectively, were "fair, just and reasonable for LG&E to charge for service rendered on and after July 1, 2021."¹

The reasonableness of the AMI opt-out fees was reinforced in a 2023 PSC Order in *Angela Christine Douglas v. Kentucky Utilities*, where Ms. Douglas, a KU customer, asked the PSC to "cease and desist 'opt out' charges."² In that case, the PSC stated that

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." These charges allow KU to recover costs, such as in-person meter reading that would be unnecessary if AMI readings were used.³

¹ See *In the Matter of Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas 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*, Case No. 2020-00350, Order at Appendix B pp. 10, 14 (Ky. PSC June 30, 2021). ("The rates and charges in Appendix B, attached hereto, are fair, just and reasonable for LG&E to charge for service rendered on and after July 1, 2021.")

² *Angela Christine Douglas v. Kentucky Utilities*, Case No. 2023-00379 (Ky. PSC Nov. 2023).

³ *Angela Christine Douglas v. Kentucky Utilities*, Case No. 2023-00379, Order at p. 2 (Ky. PSC Dec. 20, 2023).

As this Commission has already determined, LG&E's AMI opt-out fees are fair, just, and reasonable.

Additionally, the costs of manually reading meters are not currently factored into LG&E's rates because manual meter reading is not necessary for AMI meters. Consistent with the principles of cost causation, customers who opt out of AMI are charged a fee to cover the costs LG&E will incur to read their meters manually.

3. LG&E denies the allegations contained in the third paragraph of the Complaint. By paying the opt-out fees, Mr. Wilson will not be subsidizing the new costs and labor of the AMI equipment installation, periodic maintenance, and eventual replacement for other LG&E customers. On the contrary, he will be paying for additional costs LG&E will incur to continue to manually read his meter.

4. LG&E denies the allegations contained in the fourth paragraph of the Complaint. LG&E has not moved to every-other-month or other "periodic meter readings" for customers who opt out of the AMI meter program. Like all customers, Mr. Wilson's meter is read in accordance with the PSC's meter reading regulatory requirements set forth in 807 KAR Section 5:006. Estimated readings for Mr. Wilson's electric and gas meters occurred in January, February, April, and May 2025 as part of a planned procedure due to the availability of manual meter readers during the read window. Beginning in June 2025 and every month thereafter, the readings for Mr. Wilson's gas and electric meters have been performed manually and are actual readings.

5. The statements contained in Paragraph 5 of the Complaint appear to be a prayer for relief to which no response is required. To the extent a response is required, LG&E denies any allegations contained in that paragraph.

6. LG&E denies any remaining allegations contained in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

FIRST AFFIRMATIVE DEFENSE

The Complaint is barred by *res judicata* or collateral estoppel.

SECOND AFFIRMATIVE DEFENSE

The Complaint, or parts of it, fails to set forth any claim upon which relief can be granted by this Commission and, therefore should be dismissed.

THIRD AFFIRMATIVE DEFENSE

The Complainant has failed to set forth a *prima facie* case that LG&E has violated its tariffs or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

FOURTH AFFIRMATIVE DEFENSE

The filed rate doctrine requires that utility companies charge only the rates filed with and approved by the Kentucky Public Service Commission (PSC) for service.⁴ Kentucky's state and federal courts have recognized and applied the principle,⁵ and the PSC has labeled the doctrine "the bedrock of utility rate regulation."⁶ Kentucky's treatment of the filed rate doctrine mirrors that of the United States Supreme Court, which declared that the filed rate is "for all purposes, the legal rate....The rights as defined by the tariff cannot be varied or enlarged by either contract or tort of the carrier."⁷

Kentucky codifies the filed rate doctrine at KRS 278.160(2). That provision reads:

No utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its

⁴ *In the Matter of: North Marshall Water District*, Case No. 95-107, Order at 2 (Ky. PSC Oct. 13, 1995).

⁵ *Commonwealth v. Anthem Ins. Cos., Inc.*, 8 S.W.3d 48, 52 (Ky. App. 1999); *Big Rivers Elec. Corp. v. Thorpe*, 921 F. Supp. 460, 464 (W.D. Ky. 1996).

⁶ *In the Matter of: North Marshall*, Case No. 95-107, at 3.

⁷ *Anthem*, 8 S.W.3d at 51, quoting *Keogh v. Chicago & Northwestern Ry.*, 260 U.S. 156, 163 (1922). See also *AT&T v. Central Office Telephone*, 524 U.S. 214 (1998).

filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

Strict adherence to published tariffs is required, and the PSC prohibits any departure therefrom, “either by agreement or conduct.”⁸

Utility companies have no discretion to waive or otherwise refuse to charge a tariffed fee that a customer incurs.⁹ Deviation from the tariffed rates is viewed as discrimination and is strictly proscribed by statute,¹⁰ case law,¹¹ and PSC decisions.¹²

The PSC has repeatedly noted the “strong public policy to ensure rate uniformity.”¹³ The PSC has also recognized that some may view adherence to the filed rate doctrine as “dogmatic,” but that fidelity to the doctrine is necessary and in the public interest; therefore, the filed rate doctrine is “a hard and fast rule which must be applied in all cases.”¹⁴

WHEREFORE, for all of the reasons set forth above, Louisville Gas and Electric respectfully requests and moves:

1. that the Complaint be dismissed with prejudice and without further action taken by the Commission;
2. that this matter be closed and removed from the Commission’s docket; and
3. that LG&E be afforded any and all other relief to which it may be entitled.

⁸ *In the Matter of: North Marshall*, Case No. 95-107, at 2; *Cf. Boone County Sand and Gravel Co. v. Owen County Rural Elec. Cooperative Corp.*, 779 S.W.2d 224 (Ky. App. 1989).

⁹ *See In the Matter of: An Investigation into the Business Practices of Western Pulaski County Water District, Alleged Failure to Comply with Administrative Regulation 807 KAR 5:006, and Alleged Violations of KRS 278.160 and KRS 278.170*, Case No. 2002-00013, Order at 6 (Ky. PSC Aug. 9, 2002).

¹⁰ KRS 278.160; KRS 278.170; *Boone County Sand and Gravel*, 779 S.W.2d at 226 .

¹¹ *See, e.g., Sallee Horse Vans, Inc. v. Pessin*, 763 S.W.2d 149, 150 (Ky. App. 1988).

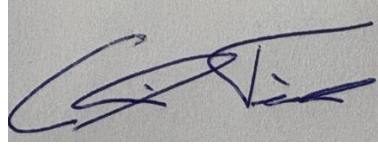
¹² *See, e.g., Joyland Kennel, Inc. v. Boone County Water Dist.*, Case No. 96-218, Order at 2 (Ky. PSC May 23, 1996).

¹³ *See In the Matter of: Leslie County Tel. Co.*, Case No. 95-517, Order at 4 (Ky. P.S.C. June 21, 1996)

¹⁴ *In the Matter of: Leslie County Tel. Co.* at 8.

Dated: December 19, 2025

Respectfully submitted,

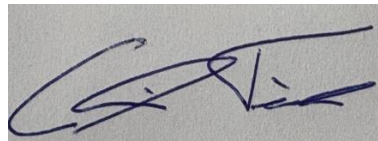


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*Counsel for Louisville Gas & Electric
Company*

CERTIFICATE OF SERVICE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on December 19, 2025 ; and that a true and accurate copy of this filing has been sent via U.S. Mail to Mr. Wilson at the address provided on the Complaint.



*Counsel for Louisville Gas & Electric
Company*

From: [AMI Ombudsman](#)
To: [michael.rollin.wilson](#) [REDACTED]
Subject: RE: FORM: Advanced Meter Opt out
Date: Thursday, December 5, 2024 10:52:06 AM
Attachments: [image001.wmz](#)
[image002.png](#)

Advanced Metering Infrastructure (AMI)

Phone: 888-367-7180

December 5, 2024

Meter upgrade opt-out confirmation

3006 Lime Kiln Ln

Louisville, KY 40222-6013

Dear Michael Wilson,

We received your request to opt-out of the meter upgrade program at the above service address.

To support the manual processes that are required to provide service, your monthly energy bill will include a \$12 charge for the electric meter and a \$5 charge for the gas meter. The monthly charges will begin when all meters in your area have been upgraded.

If you wish to proceed with the meter upgrade, please contact us at 888-367-7180 (Monday – Friday, 8 a.m. – 5 p.m. ET) to arrange a date when we can exchange your meter(s). Once your meter(s) are upgraded, the monthly charges will be eliminated.

Sincerely,

Manda

LG&E and KU Ombudsman

From: michael.rollin.wilson [REDACTED]
Sent: Wednesday, December 4, 2024 10:39 PM
To: AMI Ombudsman
Subject: FORM: Advanced Meter Opt out

AMI – opt-out form

Contact information

First Name

Michael

Last Name

Wilson

Email

michael.rollin.wilson@rollin.com

Phone

[REDACTED]

Phone Type

Mobile

Address

3006 Lime Kiln Ln

City

Louisville

Zip

40222

Contact preference

Phone

Account validation**Authentication type**

Account number and the last 4 of your social

Account number

[REDACTED]

Last 4 digits of the account holder's social security number

xxxx

Message information**Message**

I want to opt out. Not interested in an advanced meter.

Terms and Privacy Policy agreement

checked