

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JEANNIE NEWSOME	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2026-00102
	)	
KENTUCKY POWER COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On April 16, 2026, Jeannie Newsome tendered a formal complaint against Kentucky Power Company (Kentucky Power) alleging that Kentucky Power billed her for street-lighting service for a streetlight that did not exist. By Order dated May 18, 2026, the Commission required Kentucky Power to satisfy the complaint or file an answer. Kentucky Power filed a response and motion to dismiss on May 28, 2026. Kentucky Power alleged that it already provided a refund for the maximum amount available under the applicable statute of limitations.¹

BACKGROUND

Ms. Newsome’s complaint stated that she has been a customer of Kentucky Power at the service address since June 2017, and referencing billing statements, stated that she has been billed for “Outsight Light” service since she first took service.² The

¹ Response and Motion to Dismiss at 3.

² Complaint at unnumbered 1.

complaint alleged that the street light for which she was billed was not present on her property and no such service was ever provided to her.³ Ms. Newsome sought a refund of all “Outside Light” charges billed to her since June 2017 and sought statutory interest.⁴

Kentucky Power’s response admitted that although the light fixture referenced in billing statements was no longer present at the time an employee visited the premises on March 9, 2026, that a light fixture had previously been attached to a pole located on Ms. Newsome’s property.⁵ Kentucky Power further stated that it had no orders or outage tickets reflecting that the light had been removed and was therefore unaware of when the light was removed from the pole or who removed it.⁶ Nevertheless, Kentucky Power stated that it had issued two refunds totaling \$1,057.57 for five years’ worth of outdoor lighting.⁷ Kentucky Power cited KRS 413.120(2) as applying a five-year statute of limitations to refunds for overcollection by utilities.⁸ Kentucky Power further argued that Ms. Newsome’s assertion that she did not notice the charges on her bill until 2026 would not entitle her to a refund in excess of five years.⁹

Kentucky Power’s motion to dismiss did not address the issue of recovery of interest. Ms. Newsome did not respond to the motion to dismiss within the seven-day period granted by 807 KAR 5:001, Section 5(2).

³ Complaint at unnumbered 1.

⁴ Complaint at unnumbered 1.

⁵ Response and Motion to Dismiss at 1–2.

⁶ Response and Motion to Dismiss at 2.

⁷ Response and Motion to Dismiss at 2.

⁸ Response and Motion to Dismiss at 2.

⁹ Response and Motion to Dismiss at 3.

DISCUSSION AND FINDINGS

Having reviewed the case and being advised, the Commission finds that Ms. Newsome's complaint should be dismissed as satisfied, in part, and denied, in part, because Kentucky Power has already given her a refund in the maximum amount the Commission is permitted by law to order, and the remainder of the requested relief is unavailable.

First, Ms. Newsome is not entitled to recover for charges incurred beyond the five-year statute of limitations found in KRS 413.120(2) for "actions upon a liability created by statute, when no other time is fixed by the statute creating the liability." This statute of limitations has been consistently applied by the Commission for refunds of overcollection.¹⁰

Furthermore, Kentucky Power is correct that Ms. Newsome's assertion regarding first noticing the charge on her bill in 2026. The discovery rule, codified in KRS 413.130(3), only tolls the statute of limitations for actions limited by KRS 413.120(11) for fraud or mistake, not KRS 413.120(2). According to the Kentucky Court of Appeals, "[w]ith the exception of cases involving latent injuries from exposure to harmful substances, Kentucky courts have generally refused to extend the discovery rule without statutory authority to do so."¹¹

Regarding Ms. Newsome's request for statutory interest, the Commission's complaint jurisdiction under KRS 278.260 is limited to issues of rates and service;

¹⁰ See Case No. 2025-00130, *Meffert v. Salt River Electric* (Ky. PSC Apr. 7, 2026), Order at 5, citing Case No. 2023-00331, *Electronic Investigation into Valley Gas, Inc.* for an Alleged Failure to Comply with Commission Orders and KRS 278.160 (Ky. PSC Nov. 4, 2024), Order at 7.

¹¹ *Roman Catholic Diocese of Covington v. Secter*, 966 S.W.2d 286, 288 (Ky. App. 1998); See also *Middleton v. Sampey*, 522 S.W.3d 875, 879 (Ky. App. 2017).

therefore, the Commission does not have authority to grant interest. KRS 360.040 allows interest on judgments—however, an administrative order is not a judgment.¹²

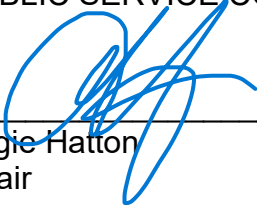
IT IS THEREFORE ORDERED that:

1. The Complaint is dismissed as satisfied, in part, and any additional relief sought by Ms. Newsome's complaint is denied.
2. A copy of this Order shall be served by U.S. mail, on Jeannie Newsome at 154 Tollie Lane, Pikeville, Kentucky 41501.
3. This case is closed and removed from the Commission's docket.

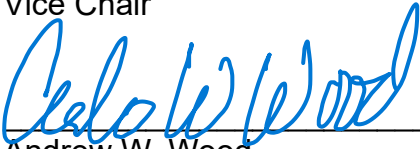
¹² See *Happy Coal Co. v. Brashear*, 92 S.W.2d 23, 28 (Ky. 1935); See also *Lawson v. Commonwealth*, 425 S.W.3d 912, 916 (Ky. App. 2014).

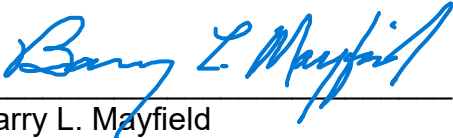
Entered on this 29th day of June, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Case No. 2026-00102

Service List for 2026-00102

Jeannie Newsome
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* Kentucky Power Company
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Ashland, KY 41101

* Kenneth J Gish, Jr.
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