

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RUIE FAYE CANTRELL)	
IRA CANTRELL)	
)	CASE NO.
COMPLAINANT)	2017-00431
)	
V.)	
)	
LICKING VALLEY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT		

ORDER

On November 3, 2017, Ruie Faye Cantrell and Ira Cantrell (the “Cantrells”) tendered a formal complaint (“Complaint”) with the Commission against Licking Valley Rural Electric Cooperative Corporation (“Licking Valley”) in which they allege that their mobile home burned down due to an electric short circuit and a “bad transformer.”¹ The Cantrells state that a transformer owned by Licking Valley was making a “frying and popping noise” and that the fuse had been changed between four and five times.² The Cantrells allege that Licking Valley sent an employee to look at the transformer, and the transformer exploded.³ As a remedy, the Cantrells request that Licking Valley reimburse

¹ Complaint at unnumbered page 2.

² *Id.* at 1.

³ *Id.* at 1–2.

them \$6,000 dollars, representing the value of the mobile home as well as the contents of the same.⁴

KRS 278.260 grants the Commission original jurisdiction over complaints as to rates or service of any utility. No provision of KRS Chapter 278 confers upon the Commission the authority to award damages, and the Kentucky courts have refused to extend the Commission's jurisdiction to include monetary damage claims. In *Carr v. Cincinnati Bell, Inc.*, 651 S.W.2d 126 (Ky. App. 1983), a customer brought an action in Kenton Circuit Court seeking, among other things, compensatory damages for tortious breach of contract for telephone service. Holding that the Commission had exclusive jurisdiction over the matter, Kenton Circuit Court dismissed the suit. Reversing the circuit court's opinion on this issue, the Court of Appeals said:

[A]ppellant seeks damages for breach of contract. Nowhere in Chapter 278 do we find a delegation of power to the PSC to adjudicate contract claims for unliquidated damages. Nor would it be reasonable to infer that the Commission is so empowered or equipped to handle such claims consistent with constitutional requirement. Kentucky Constitution Section 14.

Carr at 128.

Therefore, the Commission lacks the authority or jurisdiction to adjudicate Complainants' claim for damages. Having considered the Complaint and being otherwise sufficiently advised, the Commission finds that it does not have jurisdiction to grant the relief requested by the Complainants and that the Complaint should be dismissed.

IT IS THEREFORE ORDERED that the Complaint filed with this Commission on November 3, 2017 is dismissed without prejudice and shall be removed from the Commission's docket.

⁴ *Id.* at 2.

By the Commission

ENTERED
JAN 19 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2017-00431

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