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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Case 2005-00135

EARL Thomas Mitts )  
(Your Full Name) )  
COMPLAINANT )  
VS. )  
Cinergy ULH&P )  
(Name of Utility) )  
DEFENDANT )

RECEIVED  
MAR 29 2005  
PUBLIC SERVICE  
COMMISSION

COMPLAINT

The complaint of EARL Thomas Mitts respectfully shows:  
(Your Full Name)

(a) Earl Thomas Mitts  
(Your Full Name)

1000 ISABELLA ST. NEWPORT, KY 4107  
(Your Address)

(b) Cinergy ULH&P  
(Name of Utility)

P.O. Box 960 Mail Drop 309 C Cincinnati, OH 45201  
(Address of Utility)

(c) That: See Attachment  
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

Earl Thomas Mitts vs. Cinergy/ULHIP

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Wherefore, complainant asks See Attachment  
(Specifically state the relief desired.)

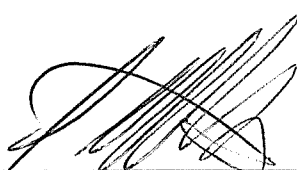
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Dated at Newport, Kentucky, this 28 day  
(Your City)  
of March, 2005  
(Month)

  
\_\_\_\_\_  
(Your Signature)

\_\_\_\_\_  
(Name and address of attorney, if any)

Dear Sirs:

I am a residual Gas Customer. I was unwittingly overcharged for 57 months as a commercial customer. There was nothing on the billing statements to indicate that I was paying a Commercial account. The account was called "General Service" which did not catch my attention as anything out of the ordinary. I always felt like my bills were higher than others who I have asked, but just chalked it up to having an old furnace and a big house.

Eventually after about four and a half years I contacted Cinergy about the issue. What caught my attention was the gas main replacement rider fee. Mine was considerably higher than others. Cinergy said that was because I had a commercial account. I told them that I am not a commercial business.

After about two months worth of calls to Cinergy they decided that I was in fact a residential customer and refunded me 17 months worth overpayments. This amounted to a credit of \$327.62. I was very happy to get that money back.

But... I called them and said thank you very much and that the credit was all fine and dandy but what about the previous 40 months of overpayments? They assured me in a conversation with a gentleman at Cinergy (after being on hold 20 Minutes) that I would in fact get a return for the overpayments but that Cinergy had to pull the old bills by hand to calculate the amount.

After waiting a few more billing cycles there was no credit to my account. I called Cinergy back repeatedly and eventually was told that they made a mistake and I should have only been given back 12 months worth of overpayments and that they were not going to refund my overpayments.

This whole process has been very aggravating. It seems to me to be a very simple proposition, someone overpaid – give his or her money back. That is all I am asking for is the amount that I overpaid. I do have all my bills from Cinergy for this five-year period. I would love to be compensated for time that I have wasted on the phone with Cinergy (about 6 hours over a 5 month period) and interest on the money, but I know that is futile.

I request your help in retrieving the 40 months worth of overpayments.

Thank you for your time and consideration in this matter

Sincerely,  
Tom Mitts