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PUBLIC SERVICE
COMMISSION

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

**Louisville Gas and Electric
Company**

State Regulation and Rates
220 West Main Street
PO Box 32010
Louisville, Kentucky 40232
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August 10, 2007

Rick E. Lovekamp
Manager - Regulatory Affairs
T 502-627-3780
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rick.lovekamp@eon-us.com

**Re: In the Matter of: Donald G. Simpson v. Louisville Gas and Electric
Company
Case No. 2007-00213**

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten (10) copies of Louisville Gas and Electric Company's Response of Donald G Simpson or alternatively, Answer to Second Complaint of Donald G. Simpson in the above-referenced proceeding.

Please file-stamp the extra copy of the Response as received. Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Rick E. Lovekamp'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rick E. Lovekamp

Enclosures

cc: Donald G. Simpson (w/Encl.)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

AUG 10 2007

PUBLIC SERVICE
COMMISSION

DONALD G. SIMPSON)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 2007-00213
)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY)	
)	
DEFENDANT)	

REPLY OF LOUISVILLE GAS AND ELECTRIC COMPANY
TO RESPONSE OF DONALD G. SIMPSON OR ALTERNATIVELY, ANSWER TO
SECOND COMPLAINT OF DONALD G. SIMPSON

On July 12, 2007, the Kentucky Public Service Commission (“Commission”) issued an order permitting Donald G. Simpson (“Mr. Simpson”) to file a written response to the Motion to Dismiss filed by Louisville Gas and Electric Company (“LG&E”) on June 28, 2007. The Commission also ordered LG&E to file its reply within ten days thereafter. On August 2, 2007, counsel for LG&E received notice from Staff Counsel that Mr. Simpson had filed a response that was received by the Commission on July 27, 2007. LG&E was not provided a copy of the pleading by Mr. Simpson, and did not have an opportunity to review Mr. Simpson’s filing until accessing a copy of the pleading through the Commission’s website on August 2, 2007. Although the filing made by Mr. Simpson is captioned as a complaint, LG&E will treat the pleading as a response (“Response”). LG&E, therefore, respectfully submits this Reply to the Response filed by Mr. Simpson on July 27, 2007.

1. With regard to the allegations contained in paragraph (a) of the Response, LG&E admits, on information and belief, that Mr. Simpson's address is 1726 Garland Avenue, Louisville, Kentucky 40210.

2. With regard to the allegations contained in paragraph (b) of the Response, LG&E states that its primary business address is 220 W. Main Street, Louisville, Kentucky 40202.

3. With regard to the allegations contained in paragraph (c) of the Response, LG&E states as follows:

a. LG&E denies the averment that "LG&E did not disconnect my service as requested in December 2004 as requested because they wanted to keep my deposit of \$180.00 made on 6-11-2004 when I established service." LG&E did not disconnect service when contacted by Jacqueline Keith, because the Commission's regulations require any customer who wants service terminated to give the utility three working days' notice in person, in writing, or by telephone." Mr. Simpson, not Ms. Keith, was the customer.¹ Further, at the time of Ms. Keith's call, LG&E informed her that Mr. Simpson's service would not be discontinued as a result of her call. LG&E advised her that, if Mr. Simpson was unable to contact LG&E directly, LG&E would agree to only discontinue service if: (1) court documentation was presented which would provide information on the term of incarceration; or (2) Mr. Simpson's power of attorney contacted LG&E to discontinue service. In addition, Ms. Keith was advised at that time that Mr. Simpson would remain liable on the account.

b. As to the averment that "I want LG&E to return my deposit of \$180.00 and refund payment of \$196.43 made by West End charities," LG&E again denies that this relief is appropriate.

¹ 807 KAR 5:006 Section 1 (2) "Customer" means any person, firm, corporation or body politic applying for or receiving service from any utility.

c. As to the averment that “I was incarcerated in December 2004 and had a friend to call LG&E and request service to be disconnected,” LG&E is without knowledge or information sufficient to form a belief as to what Mr. Simpson thought. Although LG&E acknowledges that Ms. Keith contacted the Company to request discontinuance of service to 5101 Valiant Drive, Apartment 1, LG&E explained that it could only disconnect service with authorization from someone with documentation giving them Mr. Simpson’s power of attorney or with production of court documentation showing the date Mr. Simpson was incarcerated. Until that time, LG&E explained that Mr. Simpson would remain liable for the account.

d. As to the averment that “LG&E acknowledges that Jacqueline Keith a friend called and requested service to be disconnected,” LG&E admits that Ms. Keith contacted the Company, but had no way to confirm at that time that the request was made at Mr. Simpson’s direction.

e. As to the averment that “807 KAR 5:006 Section 12 – states utility is to disconnect service within three days of a customer’s request,” LG&E states that the regulation speaks for itself.

f. LG&E denies the averment that “This does not state that the “customer” must be the one that calls.”

g. As to the averment that “If I had wanted service established LG&E would establish service with a telephone call,” LG&E affirmatively states service may be established over the telephone so long as sufficient information is provided to confirm the identity of the customer. In addition, the caller must also be listed on the account in question.

h. As to the averment that “If LG&E had discontinued service as requested LG&E would have had to return a deposit and there would not have been a bill for service I did

not use,” LG&E states that the Commission’s regulation requires the Company to discontinue service only if the customer provides the appropriate notice.

i. LG&E denies the averment that “LG&E has found a way to keep deposits and fraud money from Community Assistance Agencies and harass customers.”

j. As to the request of Mr. Simpson that “I want LG&E to provide the number of customers to PSC that were not or have not been disconnected when the disconnect was requested regardless of reason disconnect was denied,” LG&E states that this information is not available nor is it relevant to this proceeding.

4. LG&E denies all allegations contained in Mr. Simpson’s Response which are not expressly admitted in the foregoing paragraphs.

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

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

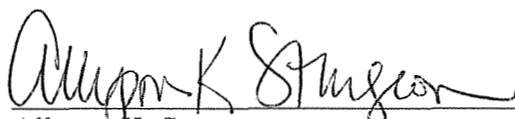
For all of the reasons set forth above, LG&E acted in full compliance with its tariff and the Commission’s statutes and regulations. Accordingly, Mr. Simpson’s Complaint should be dismissed.

WHEREFORE, for all reasons set forth above, Louisville Gas and Electric Company respectfully requests:

- (1) that the Complaint herein be dismissed without further action taken by the Commission;
- (2) that this matter be closed on the Commission's docket; and
- (3) that LG&E be afforded any and all other relief to which it may be entitled.

Dated: August ^{9th}10, 2007

Respectfully submitted,



Allyson K. Sturgeon
Senior Corporate Counsel
E.ON U.S. LLC
220 West Main Street
Louisville, Kentucky 40202
(502) 627-2088

Counsel for Louisville Gas and Electric
Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following on the 10th day of August, 2007, U.S. mail, postage prepaid:

Donald G. Simpson
1726 Garland Avenue
Louisville, Kentucky 40210


Counsel for Louisville Gas and Electric
Company