



RECEIVED

OCT 03 2008

PUBLIC SERVICE  
COMMISSION

Stephanie L. Stumbo  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Kentucky Utilities Company  
State Regulation and Rates  
220 West Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
www.eon-us.com

Rick E. Lovekamp  
Manager - Regulatory Affairs  
T 502-627-3780  
F 502-627-3213  
rick.lovekamp@eon-us.com

October 3, 2008

**RE: JIM DEVERS COMPLAINANT V. KENTUCKY UTILITIES  
COMPANY DEFENDANT  
CASE NO. 2008-00199**

Dear Ms. Stumbo:

Kentucky Utilities Company files herewith the original and five (5) copies of its Response to the Second Data Request of Commission Staff dated September 24, 2008 in the above-cited case along with a Petition for Confidential Protection.

A copy is being mailed to the Complainant.

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

Sincerely,

Rick E. Lovekamp

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**JIM DEVERS**

**COMPLAINANT**

**V.**

**KENTUCKY UTILITIES COMPANY**

**DEFENDANT**

)  
)  
) **CASE NO.**  
) **2008-00199**  
)  
)  
)  
)  
)

**RESPONSE OF**  
**KENTUCKY UTILITIES COMPANY**  
**TO**  
**COMMISSION STAFF'S SECOND DATA REQUEST**  
**DATED SEPTEMBER 24, 2008**

**FILED: OCTOBER 3, 2008**





**KENTUCKY UTILITIES COMPANY**

**Response to Commission Staff's Second Data Request  
Dated September 24, 2008**

**Case No. 2008-00199**

**Question No. 1**

**Witness: Butch Cockerill**

Q-1. Refer to KU's response to Commission Staff's First Data Request, Question No. 4, page 2. Provide a detailed explanation of the information labeled "Readings Installed" and "Readings Removed" and how it is pertinent to Jim Devers' usage calculation and the meter testing procedure.

A-1. The "Readings Removed" information reflects the reading of meter C402182 which was removed on April 18, 2008. Meter C402182 was tested for accuracy of registration as shown in KU's Response to the First Data Requests herein.

The "Readings Installed" information reflects the reading of meter L134454 which was installed on April 18, 2008.



**KENTUCKY UTILITIES COMPANY**

**Response to Commission Staff's Second Data Request  
Dated September 24, 2008**

**Case No. 2008-00199**

**Question No. 2**

**Witness: Butch Cockerill**

Q-2. Explain why Mr. Devers' meter was not removed for testing prior to April 2008, given that the higher than average usage occurred in June 2007.

A-2. Mr. Devers' meter was read on March 30, 2007, when the meter reader entered the meter read, a message was generated in the meter reading device noting the usage was not within parameters and requesting verification. When this occurs, the meter reader must reread the meter to verify the reading being entered is correct. The meter reader did verify the meter read and noted the premise as being vacant.

When Mr. Devers' billing, due April 13, 2007, was produced, a system exception was generated noting the billing was not within parameters. Billing Integrity accepted the billing because the vacancy explained the drop in usage.

When Mr. Devers' meter was read on June 29, 2007, a message was generated noting the usage was not within parameters and requesting verification. The reading was verified.

When Mr. Devers' billing, due June 17, 2007 was produced, a system exception was again generated noting the billing was not within parameters. Billing Integrity accepted the billing because during vacancies it is common for usages to vary significantly due to realtors showing the property or workers possibly being present on the premise.



**KENTUCKY UTILITIES COMPANY**

**Response to Commission Staff's Second Data Request  
Dated September 24, 2008**

**Case No. 2008-00199**

**Question No. 3**

**Witness: Butch Cockerill**

- Q-3. Does KU have a policy in place as required by 807 KAR 5:006, Section 10(3) to monitor customers' usages for unusual deviations? If yes, did KU perform any timely investigation to determine the reasons for Mr. Devers' unusual usage deviations?
- a. If yes, describe in detail the steps taken to determine the reason for the unusual deviations.
  - b. if no, explain fully the reasons why no such investigation was carried out.
- A-3. Yes, KU has a policy in place to monitor customers' usages for unusual deviations as required by 807 KAR 5:006, Section 10(3).
- a. See response to Question No. 2.



**KENTUCKY UTILITIES COMPANY**

**Response to Commission Staff's Second Data Request  
Dated September 24, 2008**

**Case No. 2008-00199**

**Question No. 4**

**Witness: Butch Cockerill**

Q-4. Mr. Devers stated that he sold his house on July 2, 2007 and requested termination of his electric service on the same date. Provide information on the usage amount and total billing for Mr. Devers' former residence at 126 Cherry Hill Drive, Georgetown, Kentucky for the three months following his request to terminate service at that address under his name, i.e., the remainder of July, August, and September of 2007.

A-4. The usage amount and total billing for Mr. Devers' former residence for the months requested following his request to terminate service are being filed pursuant to a Petition for Confidential Protection.

However, KU believes that usage by another customer is of limited, if any, use in assessing the usage of Mr. Devers, since the number of residents and appliance mix can vary significantly by household. This is especially true in light of the verified meter readings and meter test results in this case. KU has no reason to doubt Mr. Devers' veracity, but Mr. Devers reports that he was not present to monitor or control the electric consumption on his property. It is KU's view, based on Commission precedent, that, barring evidence of a meter failure, the metered usage must be billed.

## CONFIDENTIAL INFORMATION REDACTED

CUSTOMER:  
ON SERVICE DATE  
ADDRESS:  
ACCOUNT NUMBER:



READ_DT	USAGE (KWH)	AMT_TOTAL BILLING
31-Jul-07		
30-Aug-07		
28-Sep-07		



**KENTUCKY UTILITIES COMPANY**

**Response to Commission Staff's Second Data Request  
Dated September 24, 2008**

**Case No. 2008-00199**

**Question No. 5**

**Witness: Butch Cockerill**

Q-5. Provide information on the usage amount and total billing of any and all of Mr. Devers' immediate neighbors for each month of April through September 2007.

A-5. The usage amount and total billing for any and all of Mr. Devers' immediate neighbors at his former residence for the months requested are being filed pursuant to a Petition for Confidential Protection.

However, KU believes that usage by another customer is of limited, if any, use in assessing the usage of Mr. Devers, since the number of residents and appliance mix can vary significantly by household. This is especially true in light of the verified meter readings and meter test results in this case.

**CONFIDENTIAL INFORMATION REDACTED**

ADDRESS: [REDACTED]

READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07	[REDACTED]	[REDACTED]
31-May-07	[REDACTED]	[REDACTED]
29-Jun-07	[REDACTED]	[REDACTED]
31-Jul-07	[REDACTED]	[REDACTED]
30-Aug-07	[REDACTED]	[REDACTED]
28-Sep-07	[REDACTED]	[REDACTED]

ADDRESS: [REDACTED]

READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07	[REDACTED]	[REDACTED]
31-May-07	[REDACTED]	[REDACTED]
29-Jun-07	[REDACTED]	[REDACTED]
31-Jul-07	[REDACTED]	[REDACTED]
30-Aug-07	[REDACTED]	[REDACTED]
28-Sep-07	[REDACTED]	[REDACTED]

ADDRESS: [REDACTED]

READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07	[REDACTED]	[REDACTED]
31-May-07	[REDACTED]	[REDACTED]
29-Jun-07	[REDACTED]	[REDACTED]
31-Jul-07	[REDACTED]	[REDACTED]
30-Aug-07	[REDACTED]	[REDACTED]
28-Sep-07	[REDACTED]	[REDACTED]

ADDRESS: [REDACTED]

READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07	[REDACTED]	[REDACTED]
31-May-07	[REDACTED]	[REDACTED]
29-Jun-07	[REDACTED]	[REDACTED]
31-Jul-07	[REDACTED]	[REDACTED]
30-Aug-07	[REDACTED]	[REDACTED]
28-Sep-07	[REDACTED]	[REDACTED]

**RECEIVED**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**OCT 03 2008  
PUBLIC SERVICE  
COMMISSION**

**In the Matter of:**

**JIM DEVERS**

**COMPLAINANT**

**V.**

**KENTUCKY UTILITIES COMPANY**

**DEFENDANT**

)  
)  
) **CASE NO.**  
) **2008-00199**  
)  
)  
)  
)  
)

**PETITION OF  
KENTUCKY UTILITIES COMPANY  
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU” or the “Company”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the information described herein, which the Company seeks to provide in response to a request from Commission Staff on October 3, 2008. In support of this Petition, the Company states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain types of information.
2. Commission staff has requested KU to produce certain billing information reflecting utility usage by customers other than Complainant in this action. Specifically, those requests are made in Q-4 and Q-5 of the Commission staff’s Second Data Request dated September 24, 2008. Such information is personal to those customers and is not otherwise known to or released to the general public or made part of the public record. These customers,

therefore, have a reasonable expectation that KU will maintain the confidentiality of their usage information, and the disclosure of such information could constitute an unwarranted invasion of personal privacy in contravention of KRS 61.878(1)(a). Accordingly, KU is seeking confidential protection for this information.

3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Company's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. KU will disclose the confidential information, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, the Company files with the Commission one copy of the above-discussed information with the confidential information highlighted and ten (10) copies of the information without the confidential information.

**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: October 3, 2008

Respectfully submitted,



J. Gregory Cornett  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company

**CERTIFICATE OF SERVICE**

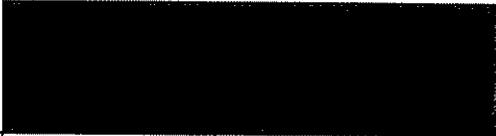
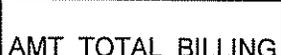
I hereby certify that a true copy of the foregoing was served via U.S. mail, first-class, postage prepaid, this 3<sup>rd</sup> day of October 2008 upon the following:

Jim Devers  
20 Travelers Tr.  
Corbin, Kentucky 40701



Counsel for Kentucky Utilities Company

# CONFIDENTIAL INFORMATION REDACTED

<b>CUSTOMER:</b>		
<b>ON SERVICE DATE</b>		
<b>ADDRESS:</b>		
<b>ACCOUNT NUMBER:</b>		
READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
31-Jul-07		
30-Aug-07		
28-Sep-07		

## CONFIDENTIAL INFORMATION REDACTED

ADDRESS:



READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07		
31-May-07		
29-Jun-07		
31-Jul-07		
30-Aug-07		
28-Sep-07		

ADDRESS:



READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07		
31-May-07		
29-Jun-07		
31-Jul-07		
30-Aug-07		
28-Sep-07		

ADDRESS:



READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07		
31-May-07		
29-Jun-07		
31-Jul-07		
30-Aug-07		
28-Sep-07		

ADDRESS:



READ_DT	USAGE (KWH)	AMT_TOTAL_BILLING
30-Apr-07		
31-May-07		
29-Jun-07		
31-Jul-07		
30-Aug-07		
28-Sep-07		