

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                              |   |            |
|------------------------------|---|------------|
| PAMELA EMILYROSE SUE SAMUELS | ) |            |
|                              | ) |            |
| COMPLAINANT                  | ) |            |
|                              | ) |            |
| V.                           | ) | CASE NO.   |
|                              | ) | 2008-00486 |
| KENTUCKY POWER               | ) |            |
|                              | ) |            |
| DEFENDANT                    | ) |            |

O R D E R

Complainant, Pamela Emilyrose Sue Samuels, brought this action against Defendant, Kentucky Power Company (“Kentucky Power”), on November 21, 2008, claiming that in a dispute over an electricity bill arrearage<sup>1</sup> Kentucky Power had refused an offer by Ms. Samuels to pay an initial sum of \$400 and to make reasonable arrangements to pay the remainder of the arrearage over a period of months. Ms. Samuels also claimed that Kentucky Power had refused to reconnect her electricity under the Commission’s Winter Hardship Reconnection regulations (pursuant to 807 KAR 5:006, Section 15). In her complaint, Ms. Samuels requested that Kentucky Power

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<sup>1</sup> The complaint states that the arrearage totaled \$858. Complaint at 1. In its December 4, 2008 Answer, Kentucky Power stated that the arrearage totaled only \$730, due to the application of Mr. Samuels’ deposit and accrued interest when the account was closed out on November 5, 208. Kentucky Power Answer at 3. However, as discussed herein, further information gathered during the pendency of the case has revealed that Ms. Samuels’ total arrearage to Kentucky Power is over \$4,600.

be required to reconnect service<sup>2</sup> to her residence at 140 McKnight Street, Ashland, Kentucky, and that she be allowed to pay the arrearage via an initial payment of \$400 and equal monthly payments on the balance thereafter.

Kentucky Power filed its Answer to the complaint on December 4, 2008 and moved the Commission to dismiss the complaint with prejudice, alleging that Kentucky Power had “worked diligently and in good faith with the Samuels since August of this year,” and that its actions have been in full compliance with Kentucky laws and regulations.<sup>3</sup> In its Answer, Kentucky Power offered to resolve the bill dispute pursuant to terms substantially similar to Ms. Samuels’ request for relief.

Pursuant to a request by Kentucky Power, the parties participated in a telephonic informal conference with Commission Staff on February 6, 2009. During the February 6, 2009 conference, the parties agreed to the terms of a settlement agreement. However, during a follow-up telephonic conference on February 10, 2009, Kentucky Power revealed that, based on information provided by Ms. Samuels to its company representatives, it had discovered another delinquent account in Ms. Samuels’ name at another service address in Ashland, Kentucky, with an outstanding arrearage of over \$2,000. This fact was not disclosed to the parties by Ms. Samuels prior to

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<sup>2</sup> Kentucky Power denied that it terminated service to Ms. Samuels’ Ashland, Kentucky residence. Kentucky Power Answer at 1. During the February 6, 2009 telephonic informal conference, Ms. Samuels confirmed that, as of that time, Kentucky Power had not yet terminated her electric service at 140 McKnight Street, Ashland, Kentucky.

<sup>3</sup> Id. at 6.

February 10, 2009, and when questioned by Commission Staff, Ms. Samuels claimed to have forgotten about the prior arrearage.<sup>4</sup>

Despite the newly-discovered arrearage, Kentucky Power made another offer of settlement to Ms. Samuels. However, Ms. Samuels stated that she could not agree to the terms of the settlement, and the parties did not agree to settle the case during the February 10, 2009 conference.

Further settlement discussions took place between the parties, outside the presence of Commission Staff, between February 10, 2009 and February 17, 2009. On February 17, 2009, counsel for Kentucky Power e-mailed Commission Staff to provide an update on the status of the settlement discussions. In the e-mail, which was filed into the record of this matter, counsel for Kentucky Power revealed that the company had discovered two additional delinquent accounts in Ms. Samuels' name. As such, the total arrearage owed by Ms. Samuels was determined by Kentucky Power to exceed \$4,600.

Again, despite the additional arrearages, Kentucky Power made yet another settlement offer to Ms. Samuels. This settlement offer required Ms. Samuels to make an initial payment of \$1,000 by February 27, 2009 and six equal monthly payments thereafter on the remaining arrearage. However, Ms. Samuels was unable to agree to the terms of that settlement offer, and service was terminated to her 140 McKnight Street address in Ashland, Kentucky. Ms. Samuels has had no further contact with Commission Staff since February 12, 2009.

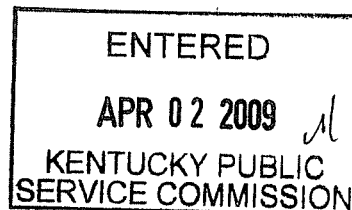
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<sup>4</sup> See February 12, 2009 Informal Conference Memorandum at 2.

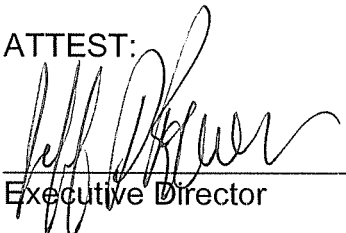
The Commission finds that the Complainant has not presented any evidence to support her claims against Kentucky Power as stated in her Complaint filed on November 21, 2008. The Commission also finds that, pursuant to KRS 278.260(2), a hearing is not necessary in this matter. Finally, the Commission finds that Kentucky Power was reasonable in its attempts to resolve Ms. Samuels' electric bill arrearage – particularly considering the facts which came to light during the pendency of the case regarding Ms. Samuels' multiple delinquent accounts.

IT IS THEREFORE ORDERED that the Complaint filed by Pamela Emilyrose Sue Samuels on November 21, 2008 is hereby dismissed with prejudice.

By the Commission



ATTEST:



Executive Director

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