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Mr. Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

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October 30, 2009

**Kentucky Utilities Company**  
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RE: *In the Matter of Mike Williams v. Kentucky Utilities Company*  
Case No. 2009-00346

Dear Mr. DeRouen:

Enclosed please find an original and ten (10) copies of the Answer of Kentucky Utilities Company to the Complaint of Mike Williams in the above-referenced proceeding.

Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Rick E. Lovekamp

cc: Mike Williams

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

**In the Matter of:**

<b>MIKE WILLIAMS</b>	)	
	)	
<b>COMPLAINANT</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 2009-00346</b>
	)	
<b>KENTUCKY UTILITIES</b>	)	
<b>COMPANY</b>	)	
	)	
<b>DEFENDANT</b>	)	

\* \* \* \* \*

**ANSWER OF**  
**KENTUCKY UTILITIES COMPANY**

In accordance with the Kentucky Public Service Commission’s (“Commission”) Order of October 22, 2009 in the above-captioned proceeding, Kentucky Utilities Company (“KU” or the “Company”) respectfully submits this Answer to the Complaint of Mike Williams filed on August 24, 2009. In support of its Answer, and in response to the specific averments contained in said Complaint, KU states as follows:

1. KU admits the allegations contained in paragraph (a) of the Complaint, on information and belief.
  
2. With regard to the allegations contained in paragraph (b) of the Complaint, KU states that its primary business address is 220 West Main Street, Louisville, Kentucky 40202.

3. With regard to the allegations contained in paragraph (c) of the Complaint, KU states as follows:

a. With regard to the averments, “[i]n September 1999 I purchased the building located at 108 East Main St, Mt. Sterling, KY. This building had previously been used as a grocery store. There is a parking lot located immediately to the east of the building; I did not purchase that property. There were four street lights on poles located in or around that lot. I’m not sure what agreement the previous owners of my building had with the owner of this lot but the grocery store used that lot for parking,” KU admits that there were four private outdoor lighting fixtures located in or around the lot adjacent to the building in question, but is without knowledge or information sufficient to form a belief as to the truth of the remainder of the averments.

b. In regards to the statement, “[i]n May of this year I contacted Kentucky Utilities to inquire about adding two street lights to the parking lot directly behind my building which was included in my purchase,” KU affirmatively states that Mr. Williams initially contacted KU on April 2, 2009 about installing two private outdoor lighting fixtures.

c. As to the statement, “[d]uring the course of discussing this with them I was informed that I already had four lights on my electric bill,” KU is without knowledge or information sufficient to form a belief as to the truth of this statement, but notes that the customer’s bills until June 2009 specifically included a line item for the cost of four private outdoor lighting fixtures under the unmetered charges section of the bill.

d. KU admits the statement, “KU later determined that these lights were located in the parking lot on the east side of my building.”

e. KU admits the statement, “[t]hese had been included on my electric bill for the past 9+ years.” Further, KU affirmatively states that these charges have been specifically included on Mr. Williams’ bills as “Unmetered Charges”. When service was taken out of the prior customer’s name and was requested in the name of Mr. Williams’ company, KU did not change the kind or scope of service provided. In addition, KU was not advised that Mr. William’s building was no longer part of the same property as the parking lot in and around the four private outdoor lighting fixtures when he requested electric service at the property. Under the filed rate doctrine, KU is required to bill all of its customers for the amount of electricity that they actually consume.

f. In regards to the averment, “I informed KU that the property was not mine and the utilities should not have been billed to the Downtown Athletic Club all these years,” KU admits that Mr. Williams notified the company about the ownership of the property in April, 2009, and notes that the customer has not been charged for service associated with these lights since April 7, 2009.

g. KU admits the statement, “[a]t [this] point the lights were turned off and two new lights were installed in the area that is on my property.”

h. In regards to the statement, “[a]fter this was taken care of I approached the local KU office and asked about a refund of the money I had paid the previous nine+ years for the utilities for that area,” KU admits Mr. Williams asked for a refund at our local Mt. Sterling office. Further, KU affirmatively states that a request for

a refund was sent to our Field Business Office Manager as a result of Mr. Williams' request.

i. KU admits the averment, "[t]o date I have received no final response from KU concerning the disposition of my request," and affirmatively states that, due to an oversight, KU failed to advise the customer that no refunds prior to April, 2009 would be issued.

j. In regards to the statement, "[i]n mid-July I contacted a KU customer service representative (Paula Anderson)," KU affirmatively states that an employee of Downtown Athletics contacted Paula Anderson on June 23, 2009.

k. KU admits the statement, "[s]he sent me an email stating that the 'There has been several correction orders submitted to that department requesting a refund for the outdoor lights that were charged to you in error.'"

l. In regards to the statement, "Ms. Anderson was contacted again on July 14 asking for an update on the situation," KU affirmatively states that an employee of Downtown Athletics contacted a Business Center Representative on July 13, 2009 and was subsequently transferred to Ms. Anderson's voice mail. Further, KU affirmatively states that an employee of Downtown Athletics wrote Ms. Anderson an e-mail asking for an update on July 14, 2009.

m. KU admits the statement, "[s]he emailed back saying 'the issue has been forwarded to Danny Long for resolving.'"

n. KU admits that "KU was contacted again on July 22 to try to find out about the disposition of this."

o. KU admits the statement, “[a]s of today, we have received no reply,” and apologizes for the delay in responding.

p. KU is without knowledge or information sufficient to form a belief as to the statement that, “I feel that KU has had sufficient to time investigate this matter and resolve it. I would appreciate any assistance you might be able to provide to resolve this matter.”

q. KU admits the statement, “[o]ur KU account number is [deleted] and listed under Dyna Body Fitness Center.”

4. KU denies all allegations contained in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer, as well as the relief requested in Mr. Williams’ Complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint, or parts of it, 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 KU has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

#### **THIRD AFFIRMATIVE DEFENSE**

When service was taken out of the prior customer’s name and was requested in the name of Mr. Williams’ company, KU did not change the kind or scope of service

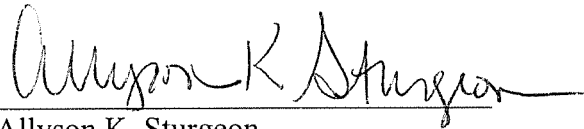
provided. In addition, KU was not advised that Mr. William's building was no longer part of the same property as the parking lot in and around the four private outdoor lighting fixtures when he requested electric service at the property. Under the filed rate doctrine, KU is required to bill all of its customers for the amount of electricity that they actually consume. Further, the customer's bills until June 2009 specifically included a line item for the cost of four private outdoor lighting fixtures under the unmetered charges section of the bill. Copies of bills for Mr. Williams' account during the period from January, 2009 through June, 2009 (when the four streetlights were removed from the account and the two new streetlights were added) are attached hereto as Exhibit A.

**WHEREFORE**, for all of the reasons set forth above, Kentucky Utilities 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 KU be afforded any and all other relief to which it may be entitled.

Dated: October 30, 2009

Respectfully submitted,



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

Counsel for Kentucky Utilities 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 30<sup>th</sup> day of October, 2009, U.S. mail, postage prepaid:

Mike Williams  
Downtown Athletic Club  
108 East Main Street  
Mt. Sterling, Kentucky 40353



Counsel for Kentucky Utilities Company



**EXHIBIT A**