



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Charles R. Borders
Commissioner

April 22, 2010

TO: DIVISION OF FILINGS

RE: Case No. 2009-00364
Mary Smyly v. Louisville Gas and Electric Company

Please file in the administrative record of the above-referenced case the enclosed Response to Louisville Gas and Electric Company's ("LG&E") February 12, 2010 motion to dismiss, which was sent by electronic mail to Commission Staff by LG&E, on April 12, 2010.

Complainant, Mary Smyly, served a copy of the Response on LG&E on or about March 18, 2010. However, the original Response, which Ms. Smyly mailed to the Public Service Commission was apparently lost in the U.S. mail system, as the Commission has no record of having received it.

Ms. Smyly approved the filing of the April 12, 2010 .pdf copy of her Response in the attached e-mail to Commission Staff dated April 15, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

Enclosures

cc: Parties of Record

Bertelson, Rick (PSC)

From: Sturgeon, Allyson [Allyson.Sturgeon@eon-us.com]
Sent: Monday, April 12, 2010 12:54 PM
To: Bertelson, Rick (PSC)
Subject: RE: 2009-00364 - Smyly v. LG&E
Attachments: Smyly_Response_032210.pdf

Hi Rick –

Sorry for the delay in responding, I just got back into the office today. I think the document you are looking for is attached. On a different note, when do you expect the Commission to issue an order in LG&E's and KU's most recent 6-month ECR review cases? Thanks, Allyson

From: Bertelson, Rick (PSC) [mailto:Rick.Bertelson@ky.gov]
Sent: Thursday, April 08, 2010 3:03 PM
To: Sturgeon, Allyson
Subject: 2009-00364 - Smyly v. LG&E

Allyson,

Do you have a copy of the document Ms. Smyly sent you all around March 18, 2010? We did not get a copy and she did not keep a copy for her records. Thank you in advance.

-Rick Bertelson

Richard W. Bertelson, III

Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
(502) 564-3940 ext. 260

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Bertelson, Rick (PSC)

From: ChrIttMry [REDACTED]
Sent: Thursday, April 15, 2010 8:33 PM
To: Bertelson, Rick (PSC)
Subject: RE: FW: 2009-00364 - Smyly v. LG&E

Rick,

It appears that the pdf file sent to you by Allyson is an accurate copy of the hardcopy sent by me to the PSC and E-ON/LG&E.

But my paperwork was in compliance to the Public Service Commission's order dated March 2, 2010 not in response to E-ON/LG&E's paperwork dated February 12, 2010.

You have my permission to submit the documents into the record for the subject case especially since I sent it to the Director's attention for that purpose per the cover letter and your and Quan's advice.

Mary Smyly

--- On Tue, 4/13/10, Bertelson, Rick (PSC) <Rick.Bertelson@ky.gov> wrote:

From: Bertelson, Rick (PSC) <Rick.Bertelson@ky.gov>
Subject: RE: FW: 2009-00364 - Smyly v. LG&E
To: [REDACTED]
Cc: "Sturgeon, Allyson" <Allyson.Sturgeon@eon-us.com>
Date: Tuesday, April 13, 2010, 9:27 AM

Dear Ms. Smyly,

I received your below e-mail this morning. It appears that you believe the attached .pdf copy of the document you sent to LG&E is a true and accurate copy of your response to LG&E's February 12, 2010 data response and offer of settlement. Do you give me your permission to request that the Executive Director enter this document into the administrative record of Case No. 2009-00364?

-Rick Bertelson, Staff Attorney

Richard W. Bertelson, III

Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
(502) 564-3940 ext. 260

From: ChrIttMry [REDACTED]

Sent: Tuesday, April 13, 2010 9:03 AM
To: Bertelson, Rick (PSC)
Subject: Re: FW: 2009-00364 - Smyly v. LG&E

This appears to be accurate imagery of the mail I sent to the PSC and E-ON/LG&E.

--- On **Mon, 4/12/10, Bertelson, Rick (PSC)** <Rick.Bertelson@ky.gov> wrote:

From: Bertelson, Rick (PSC) <Rick.Bertelson@ky.gov>
Subject: FW: 2009-00364 - Smyly v. LG&E
To: [REDACTED]
Date: Monday, April 12, 2010, 1:21 PM

Dear Ms. Smyly,

Please see the attached document, which was emailed to me today by LG&E's attorney.

-Rick Bertelson

Richard W. Bertelson, III

Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
(502) 564-3940 ext. 260

18 March 2010

Subject: Mary Charlotte Smyly vs Louisville Gas and Electric Company,
Case No 2009-00364, Public Service Commission Order dated Mar 2 2010

Given the circumstances the refunded late fees are insufficient.

LG&E states that it sent an e-mail to me on January 20, 2010 about my registering in the FLEX program. E-ON/LG&E states that I would only communicate with E-ON/LG&E through the US mail (provably not true) although it says I told Commission Staff on February 17, 2010 that I intended to respond by e-mail to sign up for the FLEX program. If E-ON/LG&E thought that I would only respond to them via the US postal service then why send e-mail to me, supposedly expecting a reply, prior to that.

My point being that E-ON/LG&E lies and, to date, lies with impunity.

LG&E asserts that my service was disconnected properly because they provided a "proper "brown bill"" prior to the December 3, 2008 disconnect. I maintain that I did not receive a brown bill - proper or otherwise. Subsequent to the disconnection and after a phone conversation with Timothy Melton, Manager of Customer Commitment, and their attorney, Allyson Sturgeon, I received a letter dated December 16 2008 with a disconnect notice dated November 21, 2008, and a bill with a pay date of December 4, 2008 from Timothy Melton. (Attachment A, pages 1-3)

- 1) This letter does not say that the disconnect notice is a copy of something I allegedly had already received. It says it is the disconnect notice. I wondered at the time what was the point of sending it to me after the fact.
- 2) The alleged disconnection notice Timothy Melton sent and, I must assume since I have not seen their evidence, to which LG&E has referred indicates that the amount due was (\$156.89). That is not the amount Timothy Melton says was the reason for the disconnect (\$101.62). It is not quite the amount the man who parked a truck marked "meter reader" said (\$102) was the reason for the disconnect. (I must say that he did not knock on the door to tell me what he was about in which case I would have had the opportunity to power down my electronics and pay whatever charges they alleged I owed).
- 3) Timothy Melton's attachments, which is all I have ever had, do not include a "proper brown bill" nor any "brown bill" at all in the amount of \$101.62. It could not have, unless they conjured up one because there were none. And because there were none in either amount I could not have received any.

It must be noticed that because I am a woman of at least average intelligence I would not have had my electronics running if I knew they were in peril because of an impending

disconnect.

In January 2009 E-ON/LG&E again failed to send a bill. I e-mailed Timothy Melton who sent the bill via e-mail. E-ON/LG&E does make mistakes which should not penalized the customer. Sometimes they acknowledge them but more often they don't. (Attachment C)

Also, it must be noted that E-ON/LG&E misappropriated funds that I sent to pay for usage of service. EON-US/LG&E applied them to their post disconnect fees. This was without my knowledge (even with average intelligence their creative accounting was way beyond me) until the bill dated 04/06/09 was sent. It indicated that the fees had been paid and I questioned it. (Attachment B). Please note that EON-US/LG&E's statements for 03/09/09 and 02/09/09 show "remaining deposit" of \$0.00. This fact was brought up at a meeting at EON-LG&E attended by Katrina Clark, LG&E's lawyer, Allyson Sturgeon, the attorney I hired, Terry Wetherby, and a friend, Richard Reynolds. who was kind enough to take me downtown to the meeting.

Based on the order of the Commission - (page 4)

- 1) I understand from the documents that have been send to me that "the Commission has consistently recognized that it lacks jurisdiction to award damages for claims arising out of the provision of utility service." Be that as it may, it does not absolve EO-US/LG&E from liability for damage to my property.
- 2) E-ON/LG&E may have resolved my complaint regarding my being able to select my billing date (I cannot say since I have not seen what they are proposing). But they are remiss in refunding late charges to my account.
- 3) In compliance with the Commission's order I am filing this statement in timely fashion. E-ON/LG&E has not resolved all my issues, I seek relief from the Commission
- 4) If issues are not resolved, I do desire a formal hearing before the Commission.
- 5) I certify that I am in compliance to items 3, 4, 5, and 7 of the Commission's order.

Mary Smyly
Victim

E.ON | U.S.

ATTACHMENT A

December 16, 2008

Mary Smyly
1412 N English Station Rd
Louisville, KY 40223

RE: Account Number - [REDACTED]

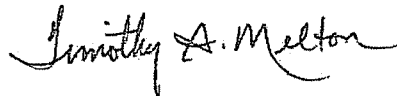
Dear Ms. Smyly:

In response to our recent telephone conversation, I am enclosing the disconnect notice (\$156.89) that had a final payment date of 11/21/2008. Also, you will find enclosed the following bill showing a previous balance of \$101.62 which was subject to disconnection. Your account was disconnected for this unpaid balance.

In 2007, concerning your request for a change in the accounts due date, we have notes from your discussions with Diaz Crawford and Julie Stethen where you wanted your bills due near the 15th of each month which our billing system could not do. However, from your recent contacts with the company, we have changed your account to where the due date will occur between the 6th-9th each month. If the bill is not paid by the due date then a late fee is accessed and would need to be paid.

We value you as our customer and if you have any questions, please contact me at 502-627-3539.

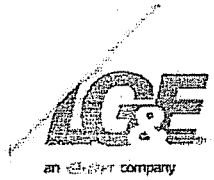
Sincerely,



E.ON U.S. LLC
Timothy A. Melton
Manager, Customer Commitment

Enclosure

Cc: file



ATTACHMENT A-2

Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM
Walk-In Center Hours: Mon-Fri 8AM-5PM
Telephone Payments: (800) 780-9723
Power Outage Reporting: (502) 589-3500
www.eon-us.com

FINAL PAY DATE	DELINQUENT AMOUNT DUE
11/21/08	\$156.89

Reconnection of Service:
Service will be reconnected within 24 hours after verification of full payment of the delinquent amount due. A reconnect fee will be billed to your account at the time of reconnection. If another deposit is required, it will be billed to your account. If paying by credit card, debit card, or electronic check or at one of our Authorized Payment Agent locations, you will need to call LG&E Customer Service at (502) 589-1444 after payment is made in order to have your service restored.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	MARY SMYLY
Service Address:	1412 N English Station Rd Louisville, Ky

Unauthorized reconnection of service is a crime - punishable by law.

DISCONNECTION NOTICE

Utility Charges	Delinquent Amount Due as of 11/07	\$156.89
-----------------	-----------------------------------	----------

BILLING INFORMATION

Your account is past due. If full payment of the delinquent amount due is not received by the final pay date shown above, your service will be subject to disconnection.

CUSTOMER ASSISTANCE

If you are unable to pay the total delinquent amount by the final pay date, call our Customer Service department. You may also contact the Commonwealth of Kentucky's Cabinet for Families and Children at (800) 372-2973 for information about the availability of local, state or federal programs for assistance.

- Full payment of the delinquent amount due can be made:
- By credit card, debit card, or electronic check by calling (800) 780-9723. (Transaction fees may apply.)
 - On-line at www.eon-us.com. (Transaction fees may apply.)
 - By mail. (Payment must be received by the Final Pay Date listed above to avoid disconnection of service.)
 - At one of our Authorized Payment Agent locations. (You must present a recent bill at the time you make your payment.)
 - At your local LG&E Customer Service Center.

The final pay date will not change upon receipt of future bills. If you dispute the reason for termination, call LG&E at (502) 589-1444.

Customer Service (502) 589-1444

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number
[REDACTED]

Final Pay Date	Delinquent Amount Due	Amount Enclosed
11/21/08	\$156.89	\$

OFFICE USE ONLY:
C08, R0000, G



PO BOX 537108
ATLANTA, GA 30353-7108

[REDACTED]
MARY SMYLY
1412 N ENGLISH STATION RD
LOUISVILLE KY 40223-2112

PRINTED ON RECYCLED PAPER
Rev. 08/02/04

Service Address: 1412 N English Station Rd
Home Phone [REDACTED]

01900109185600160000000156890000001568900000000000014

ATTACHMENT A-3

Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM(EST)
 Walk-In Center Hours: Mon-Fri 8AM-5PM(EST)
 Telephone Payments: (800) 780-9723
 Power Outage Reporting: (502) 589-3500
 www.eon-us.com

DUE DATE	AMOUNT DUE
12/04/08	\$217.42

Current due date applies to the current bill only. Previous amount due may be subject to disconnection.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	MARY SMYLY
Service Address:	1412 N English Station Rd
Next Read Date:	12/10/08

Averages for Billing Period	This Year	Last Year
Average Temperature	56°	57°
Number of Days Billed	31	29
Electric/kwh per day	45.6	15.5

BILLING SUMMARY	
Previous Balance	154.26
Payment as of 11/11	(52.64)
Balance as of 11/11	101.62
Electric Charges	104.57
Gas Charges	8.60
Utility Charges as of 11/11	113.17
Other Charges	2.63
Total Amount Due	217.42

ELECTRIC CHARGES			
Rate Type: ELECTRIC RESIDENTIAL		Meter Reading Information	
Customer Charge	5.00	Meter # 805509	
Energy Charge	90.55	Actual Reading on 11/10	51609
		Previous Reading on 10/10	50195
Other Charges For Above Rates		Current kwh Usage	1414
Electric Fuel Adjustment (\$.00428 x 1414 kwh)	6.05	Meter Multiplier	1
Electric Residential DSM (\$.00260 x 1414 kwh)	3.68	Metered kwh Usage	1414
Environmental Surcharge (0.740% x \$105.28)	0.78		
Merger Surcredit (1.499% CR x \$106.06)	-1.59		
Home Energy Assistance Fund Charge	0.10		
Total Electric Charges	\$104.57		

Please see reverse side for additional charges.
 Customer Service (502) 589-1444

Bring entire bill when paying in person.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number	Payment Due Date	Amount Due by Due Date	Amount Due After Due Date	Winter Help Donation	Amount Enclosed
[REDACTED]	12/04/08	\$217.42	\$223.08		\$

Home Phone [REDACTED]
 OFFICE USE ONLY: 00
 CDB, R0084, G999999
 P154.26



PO BOX 537108
 ATLANTA, GA 30353-7108

Service Address: 1412 N English Station Rd

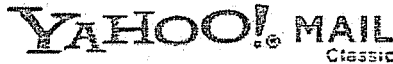
Check here if plan(s) requested on back of stub

[REDACTED]
 MARY SMYLY
 1412 N ENGLISH STATION RD
 LOUISVILLE KY 40223-2112

PRINTED ON RECYCLED PAPER
 Rev. 08.10.03

0190010918560016000000022308000000217420000000000011

ATTACHMENT B-1



Friday, July 24, 2009 7:55 AM

Fw: RE: Account Information

From: "ChrittMry" <[redacted]>

To: [redacted]

1 File (54KB)



Billing Histor

— On Tue, 6/30/09, Clark, Katrina <Katrina.Clark@eon-us.com> wrote:

From: Clark, Katrina <Katrina.Clark@eon-us.com>

Subject: RE: Account Information

To: [redacted]

Cc: "Melton, Timothy" <Timothy.Melton@eon-us.com>, "Stethen, Julie" <Julie.Stethen1@eon-us.com>

Date: Tuesday, June 30, 2009, 10:33 AM

Ms. Smyly,

Mr. Melton asked me to re-send the response that I sent to you on Thursday, June 25, 2009.

Katrina Clark
Customer Commitment (502-627-2202)
PSCComplaints@eon-us.com

From: Clark, Katrina

Sent: Thursday, June 25, 2009 9:04 AM

To: [redacted]

Cc: Melton, Timothy

Subject: Account Information

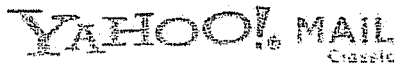
Ms. Smyly,

Mr. Melton has asked me to respond to your recent e-mail.

I have updated the billing and payment history that Ginny Smith forwarded to you some time ago.
(See Attached)

In reference to your question about the deposit billing;

- Your bill due on 2/9/09 indicates a required deposit of \$240
- Your bill due on 3/9/09 indicates a required deposit of \$240



ATTACHMENT C-1

LG&E bill

Wednesday, January 7, 2009 11:01 AM

From: "Melton, Timothy" <Timothy.Melton@eon-us.com>
To: [REDACTED]
Cc: "Melton, Timothy" <Timothy.Melton@eon-us.com>
1 File (21KB)



bill_view_fm

Ms. Smyly,
<<bill_view_image.pdf>>
Please acknowledge receipt.
Thanks.
E.ON U.S. LLC
Timothy A. Melton
Manager-Customer Commitment
Louisville - (502) 627-3539
Lexington - (859) 367-5324
Mobile - (859) 221-3221

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Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM(EST)
 Walk-In Center Hours: Mon-Fri 8AM-5PM(EST)
 Telephone Payments: (800) 780-9723
 Power Outage Reporting: (502) 589-3500
 www.eon-us.com

ATTACHMENT C-2

DUE DATE	AMOUNT DUE
01/09/09	\$266.12

See the Billing Information section of this bill for important information regarding a possible problem with your meter(s).

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	MARY SMYLY
Service Address:	1412 N English Station Rd
Next Read Date:	01/13/09

Averages for Billing Period	This Year	Last Year
Average Temperature	39°	46°
Number of Days Billed	30	32
Electric/kwh per day	116.7	43.3

BILLING SUMMARY	
Previous Balance	217.42
Payment as of 12/11	(217.42)
Balance as of 12/11	0.00
Electric Charges	237.52
Gas Charges	8.60
Utility Charges as of 12/11	246.12
Other Charges	20.00
Total Amount Due	266.12

ELECTRIC CHARGES

Rate Type: ELECTRIC RESIDENTIAL	
Customer Charge	5.00
Energy Charge	224.33
Other Charges For Above Rates	
Electric Fuel Adjustment (\$.00024 x 3503 kwh)	0.84
Electric Residential DSM (\$.00260 x 3503 kwh)	9.11
Environmental Surcharge (0.730% x \$239.28)	1.75
Merger Surcredit (1.499% CR x \$241.03)	-3.61
Home Energy Assistance Fund Charge	0.10
Total Electric Charges	\$237.52

GAS CHARGES

Rate Type: GAS RESIDENTIAL	
Customer Charge	8.50
Other Charges For Above Rates	
Home Energy Assistance Fund Charge	0.10
Total Gas Charges	\$8.60

Please see reverse side for additional charges.

Bring entire bill when paying in person.

Customer Service (502) 589-1444

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number
[REDACTED]

Payment Due Date	Amount Due by Due Date	Amount Due After Due Date	Winter Help Donation	Amount Enclosed
01/09/09	\$266.12	\$278.43		\$

Check here if plan(s) requested on back of stub

Home Phone (502) 245-4236
 OFFICE USE ONLY: 00
 C08, R0084, G999999
 P217.42



PO BOX 537108
 ATLANTA, GA 30353-7108

#9001091856001 0 2#
 MARY SMYLY
 1412 N ENGLISH STATION RD
 LOUISVILLE KY 40223-2112

PRINTED ON RECYCLED PAPER
 Rev. 03.10.03

Service Address: 1412 N English Station Rd

0190010918560016000000027843000000266120000000000017