

MAR 08 2010

PUBLIC SERVICE COMMISSION

Louisville Gas and Electric 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



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

March 8, 2010

RE: KIMBERLY NICOLE MEYER V. LOUISVILLE GAS AND ELECTRIC COMPANY DEFENDANT CASE NO. 2010-00070

Dear Mr. DeRouen:

Enclosed please find an original and ten (10) copies of Louisville Gas and Electric Company's Answer to Complainant's Complaint.

Also enclosed are an original and ten (10) copies of a Petition for Confidential Protection regarding certain information provided in answer.

A copy is being mailed to the Complainant.

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

Sincerely,

Tomkanp

Rick E. Lovekamp

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

MAR 08 2010

KIMBERLY NICOLE MEYER	PUBLIC SERVICE COMMISSION
COMPLAINANT)
v.)) CASE NO.) 2010-00070
LOUISVILLE GAS AND ELECTRIC)
COMPANY)
)
)
DEFENDANT)

* * * * * *

ANSWER OF LOUISVILLE GAS AND ELECTRIC COMPANY

In accordance with the Kentucky Public Service Commission's ("Commission") Order of February 25, 2010 in the above-captioned proceeding, Louisville Gas and Electric Company ("LG&E" or the "Company") respectfully submits this Answer to the Complaint of Kimberly Nicole Meyer ("Ms. Meyer") filed on February 12, 2010. In support of its Answer, and in response to the specific averments contained in said Complaint, LG&E states as follows:

1. LG&E 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, LG&E 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, LG&E states as follows:

a. With regard to the averments that "My complaint involves the fact that LG&E shut my electric off on January 18, 2010. Each month I pay my bill in full. Matthew Rhody, who I have been in communication with at the Public Service Commission, has a copy of my bills from the past two years as proof of this statement," LG&E affirmatively states that, since May, 2009, Ms. Meyer has made payments as follows:

Bill Due Date	Amount Due	Payment Date	Amount Paid
04-29-2009	\$121.34	05-08-2009	\$127.41
06-01-2009	\$70.67	05-26-2009	\$70.67
06-29-2009	\$80.98	07-13-2009	\$85.03
07-29-2009	\$85.19	08-07-2009	\$89.45
08-31-2009	\$84.84	09-08-2009	\$89.08
09-28-2009	\$84.44	10-05-2009	\$88.66
10-27-2009	\$58.85	11-06-2009	\$61.79
11-25-2009	\$67.84	12-11-2009	\$71.23
12-28-2009	\$122.56	01-18-2010	\$128.69
02-01-2010	\$211.23	02-02-2010	\$211.23

As noted above, although Ms. Meyer has paid her bill in full each month, except for two months since May, 2009, she has been 6 to 21 days late in making her payment in any particular month. In addition, Ms. Meyer was sent five brown bills in that same period.

b. With regard to the averment that "[u]sually, I receive my bill the first or second week of the month, proceed to my computer and make an online payment," LG&E is without knowledge or information sufficient to form a belief as to the truth of this statement. However, LG&E notes that Ms. Meyer's meter is typically read mid-month, and the bill is mailed the next day. Ms. Meyer's payment history shows payments on the 2nd, 5th, 6th, 7th, 8th, 11th, 13th, 18th, and 26th of the month.

c. With regard to the statement that "I have never received a brown bill notice from LG&E. While I more than certain people often make this remark with arguments such as this, in my case it happens to be true," LG&E is without knowledge or information sufficient to form a belief as to the truth of this statement, but affirmatively states that brown bills were sent to Ms. Meyer in May, August, September, and October of 2009 and in January of 2010. Copies of the referenced brown bills are attached hereto as Exhibit A.

d. With regard to Ms. Meyer's statements that "[m]y argument that the electric was shut off in error is as follows: 1) I am not in receipt of my monthly bills in time to make a payment by the due date; 2) I am not in receipt of my monthly bills in time to make my payments prior to a late charge being issued; 3) I pay my bill in full each month; 4) My electric was cut off before the February bill had printed which seems extreme, considering my past due amount was from the month of December;" LG&E affirmatively states that its billing practices are in compliance with the Company's tariff and the Commission's regulations. Although Ms. Meyer does pay her bills, her payments are not always timely received, and therefore her account is subject to disconnection of service if payment is not made within ten days of issuance of a brown bill.

e. With regard to the averment that "I did not receive my December bill until the first week of January. It was due on December 28, 2009. A late charge was assessed on January 2, 2010. I did not receive the bill until after this date, which would have made it impossible to pay without penalty. Furthermore, if a bill is due on the 28th, customers of LG&E should receive their bill with enough time to budget the money and make the payment, with consideration of the time it takes the post office to deliver the mail," LG&E states that Ms. Meyer's December bill was issued on December 16th, 2009 and therefore should have been received within the approved timeframe to allow her to pay without penalty.

f. With regard to the statement that "When I spoke with Lisa at LG&E, I was told it is not LG&E's problem the mail is slow. LG&E has a duty to their customers to allow a window for both receiving their bills and delivery of payment of those bills. While I realize the 12-day billing cycle was put in place by EON early in 2009, I would point out that it puts LG&E in an excellent position to collect late fees, nothing, as Lisa did state, the mail is slow," LG&E states that the LG&E customer service representative did not comment on the timeliness of the mail. Rather, she merely stated that the bill and brown bill notice had been sent in a timely fashion.

g. With regard to the statement that "[f]urthermore, shutting off someone's electric in the middle of winter should be a last recourse. A new bill had not even printed on my account. Like most people I get paid bimonthly. If LG&E expects me to pay my bill by the 2nd, I would expect to have the bill in my hand at least around the 20th of the month. Any business usually charging for goods operates in this manner," LG&E states that its billing practices are in compliance with the Company's tariff and the Commission's regulations.

h. With regard to the averment that "[i]n not allowing enough time for customers to receive the bill, they are also not allowing customers to make payments without being penalized by the late fees which are issued a whopping two days after the bill is due. Lisa sent me a hand-printed bill on the 27th of January. I received both her bill as well as my LG&E bill on February 4, 2010. The due date was February 2nd. Because I was checking the online forum at LG&E's website, I know the bill became available online on Sunday January 31, 2010. I would like to reiterate the bill was due on February 2, 2010. This is problematic. Unless LG&E customers are supposed to daily check when their bill becomes available online and thereafter submit a payment online, there is no other alternative to making payments without being assessed a late fee and without living in fear your electric will be turned off," LG&E affirmatively states that its billing practices are in compliance with the Company's tariff and the Commission's regulations. In addition, on January 28, 2010, Ms. Meyer's account was added to the FLEX option which allows her an additional 16 days each billing period to in which to pay her bill each month.

i. With regard to the statement that "I also would like to reiterate my electric was turned off before my next bill had printed. Anyone looking at the history of my account will see I pay my bill in full each month. While LG&E will argue there have been brown bills issued threatening disconnect, I can promise you that I did not receive

them. I can also promise you that each month when I receive the hard copy of my bill, whenever that is, I go to my computer and make a payment," LG&E states that its billing practices are in compliance with the Company's tariff and the Commission's regulations. Please refer to part 3(a) of this response regarding the payment history of Ms. Meyer.

j. With regard to the averment that "[a]s it happens in January, my bill arrived the first week of January. Had it arrived in late December I would have budgeted the necessary monies for that out of the first paycheck I am issued. However, arriving when it did, it was necessary the funds that would be used to make that payment would have to come from the second monthly paycheck I receive which was on January 22nd," LG&E states that its billing practices are in compliance with the Company's tariff and the Commission's regulations.

k. With regard to the statement that "While noting, that I usually pay late fees, there is no way that turning one's electric off was a reasonable response. If LG&E does not allow you enough time to receive your bills each month, they should understand how it is that people are constantly late. Changing the billing cycle from 18 days to 12 days is done to increase the likelihood of collecting late fees. This is to the advantage of LG&E, not the customer," LG&E denies that its billing cycle was changed from 18 days to 12 days. Although the due date was moved from 15 days from the issuance of the bill to 12 days from the issuance of the bill, accounts are not considered late until after the 15th day from the issuance of the bill. LG&E further states that its billing practices are in compliance with the Company's tariff and the Commission's regulations. 1. With regard to the statement that "[f]urthermore, taking this into consideration, using the fact a customer pays late each month as a result of such new policies can hardly be used to legitimize shutting someone's electric off. I pay my bill in full each month. My new bill had not printed. If anyone is clueless about why LG&E might have turned my electric off – please refer to my latest bill which is almost \$400 as a result of the fees they are now charging as a result of their action," LG&E states that its billing practices are in compliance with the Company's tariff and the Commission's regulations. If a customer's account is disconnected for nonpayment, the customer is charged a reconnect fee and a deposit, if there is not already one on the account.

m. With regard to the statement that "I hope that you will consider the above statement and direct LG&E to return those fees assessed to my account, since their practices are not ethical, including the \$130 which is currently in dispute (that has not been paid). I also hope that you will look into these policies and how they are affecting other LG&E customers," LG&E states that the filed rate doctrine requires the Company to charge customers its filed rates. The charges on Ms. Meyer's bill are in compliance with the Company's tariff and the Commission's regulations.

n. As to the averment contained in the addendum that "I would be open to purchasing a Post Office box and having the Post Office personnel sign/date my mail so that there is absolutely no confusion about the date it is being received," LG&E affirmatively states that, while Ms. Meyer is certainly welcome to take that course of action, LG&E does not believe that such action is necessary. Rather, to ensure receipt of timely billing information without relying on the United States Postal Service, Ms. Meyer could simply sign up for LG&E's electronic billing system and she would be sent an email letting her know when her bill is ready for viewing. This way, there should never be a doubt as to when notification of billing information was sent.

4. LG&E denies all allegations contained in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

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 LG&E has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

WHEREFORE, for all of the 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: March 8, 2010

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 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 8th day of March, 2010, U.S. mail, postage prepaid:

Kimberly Nicole Meyer 425 S. Hubbards Lane #239 Louisville, Kentucky 40207

Counsel for Louisville Gas and Electric Company

EXHIBIT A



www.eon-us.com

Reconnection of Service:

Service will be reconnected within 24 hours after verification of full payment of the delinquent amount due. A reconnect fee and a new or additional deposit will be required as a condition of reconnection. 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.

FINAL PAY DATE	DELINQUENT AMOUNT DUE
05/15/09	\$121.34

ACCOUNT INFORMATION

Account Number: Account Name: Service Address:

KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY

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

DISCONNECTION NOTICE

Payment required by the final payment date to avoid disconnection:

121.34

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 <u>www.eon-us.com</u>. (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

Date	Amount Due	Enclosed
05/15/09	\$121.34	\$

OFFICE USE ONLY: C11, R0000, G000000

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PO BOX 538612 ATLANTA, GA 30353-8612 #BWNGGLS #412401601 7# KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY 40207-4091

Service Address: 425 S HUBBARDS LN APT 239 Home Phone (502) 749-3208

If financial assistance is necessary, please call the Crisis and Information Line to find the assistance agencies in your area: 589-4313

If financial assistance is needed during the heating season (Nov. - Mar.) please contact one of the following:

Central Jefferson County -Louisville Community Action Partnership 810 Barrett Ave. Louisville, Ky. 40204 (502) 574-1157

South Jefferson County -Louisville Community Action Partnership 7219 Dixie Hwy. Louisville, Ky. 40258 (502) 574-1272 East Jefferson County -Louisville Community Action Partnership 4810 Exeter Ave. Louisville, Ky. 40218 (502) 574-1270



www.eon-us.com

Reconnection of Service:

Service will be reconnected within 24 hours after verification of full payment of the delinguent amount due. A reconnect fee and a new or additional deposit will be required as a condition of reconnection. 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.

FINAL PAY	DELINQUENT
DATE	AMOUNT DUE
08/14/09	\$89.45

ACCOUNT INFORMATION

Account Number: Account Name: Service Address:

KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY

Unauthorized reconnection of service is a crime punishable by law.

DISCONNECTION NOTICE

Payment required by the final payment date to avoid disconnection:

89.45

BILLING INFORMATION

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Customer Service (502) 589-1444



Γ Т Т Final Pav Delinquent

Final Pay	Delinquent	Amount
Date	Amount Due	Enclosed
08/14/09	\$89.45	\$

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

OFFICE USE ONLY: MRU110000, G000000

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PO BOX 538612 ATLANTA, GA 30353-8612

#BWNGGLS #421501215 6# **KIMBERLY N MEYER** 425 S HUBBARDS LN APT 239 LOUISVILLE KY 40207-4091

Service Address: 425 S HUBBARDS LN APT 239 Home Phone (502) 749-3208

If financial assistance is necessary, please call the Crisis and Information Line to find the assistance agencies in your area: 589-4313

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www.eon-us.com

Reconnection of Service:

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FINAL PAY DATE	DELINQUENT AMOUNT DUE
09/14/09	\$89.08

ACCOUNT INFORMATION

Account Number:	
Account Name:	KIMBERLY N MEYER
Service Address:	425 S HUBBARDS LN APT 239 LOUISVILLE KY

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

DISCONNECTION NOTICE

Payment required by the final payment date to avoid disconnection:

89.08

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.

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- 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.)
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 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

Date	Amount Due	Amount Enclosed
09/14/09	\$89.08	\$

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PRINTED



PO BOX 538612 ATLANTA, GA 30353-8612 #424602757 9# KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY 40207-4091

Service Address: 425 S HUBBARDS LN APT 239 Home Phone (502) 749-3208

If financial assistance is necessary, please call the Crisis and Information Line to find the assistance agencies in your area: 589-4313

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Central Jefferson County -Louisville Community Action Partnership 810 Barrett Ave. Louisville, Ky. 40204 (502) 574-1157

South Jefferson County -Louisville Community Action Partnership 7219 Dixie Hwy. Louisville, Ky. 40258 (502) 574-1272 East Jefferson County -Louisville Community Action Partnership 4810 Exeter Ave. Louisville, Ky. 40218 (502) 574-1270



www.eon-us.com

Reconnection of Service:

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FINAL PAY DATE	DELINQUENT AMOUNT DUE
10/12/09	\$88.66

ACCOUNT INFORMATION

Account Number: Account Name: Service Address:

KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY

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

DISCONNECTION NOTICE

Payment required by the final payment date to avoid disconnection:

88.66

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

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Customer Service (502) 589-1444



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PO BOX 538612 ATLANTA, GA 30353-8612 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

	Final Pay	Delinquent	Amount
	Date	Amount Due	Enclosed
ſ	10/12/09	\$88.66	\$

#427402113 0# KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY 40207-4091

Service Address: 425 S HUBBARDS LN APT 239 Home Phone (502) 749-3208

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FINAL PAY DATE	DELINQUENT AMOUNT DUE
01/14/10	\$128.69

ACCOUNT INFORMATION

Account Number: (Account Name: Service Address:

KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY

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DISCONNECTION NOTICE

Payment required by the final payment date to avoid disconnection:

128.69

BILLING INFORMATION

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PO BOX 538612 ATLANTA, GA 30353-8612 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Final Pay	Delinquent	Amount
Date	Amount Due	Enclosed
01/14/10	\$128.69	\$

#400301860 5# KIMBERLY N MEYER 425 S HUBBARDS LN APT 239 LOUISVILLE KY 40207-4091

Service Address: 425 S HUBBARDS LN APT 239 Home Phone (502) 749-3208

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