### RECEIVED

AUG 07 2012

PUBLIC SERVICE COMMISSION

Louisville Gas and Electric Company State Regulation and Rates 220 West Main Street PO Box 32010 Louisville, Kentucky 40232 www.lge-ku.com

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

a PPL company

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

August 7, 2012

RE: STEVE N. NICHOLS COMPLAINANT V. LOUISVILLE GAS AND ELECTRIC COMPANY DEFENDANT
Case No. 2012-00218

Dear Mr. DeRouen:

Enclosed please find an original and ten (10) copies of the Answer of Louisville Gas and Electric Company to the Commission Staff's First Request For Information in the above-referenced case.

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

A copy is being mailed to the Complainant.

E Lowless

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

Sincerely,

Rick E. Lovekamp

#### COMMONWEALTH OF KENTUCKY

#### BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 07 2012

In the Matter of:

PUBLIC SERVICE COMMISSION

STEVE N. NICHOLS	)
COMPLAINANT	)
v.	) CASE NO. 2012-00218
LOUISVILLE GAS AND ELECTRIC COMPANY	) ) )
DEFENDANT	)

\* \* \* \* \* \*

## PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company ("LG&E") hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(a) to grant confidential protection for the items described herein, which LG&E has provided in support of its Answer to Commission Staff's First Request For Information in this proceeding. In support of this Petition, LG&E states as follows:

- 1. The Kentucky Open Records Act exempts from disclosure certain information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. KRS 61.878(1)(a).
- 2. In its Answer, LG&E attached information from Mr. Nichols' accounts. This information contains account numbers and other personal information, and merits

confidential protection because LG&E believes that revealing their contents in the public record could result in an unwarranted invasion of personal privacy.

- 3. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect LG&E'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. <u>Utility Regulatory Commission v. Kentucky Water Service</u> Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).
- 4. LG&E will disclose the confidential documents, 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, LG&E herewith files with the Commission one copy of the above-discussed documents with the confidential information highlighted and ten (10) copies of its response without the confidential information.

WHEREFORE, Louisville Gas and Electric 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: August 7, 2012

Respectfully submitted,

Allyson K. Sturgeon

Senior Corporate Attorney

LG&E and KU Services Company

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 7<sup>th</sup> day of August, 2012, U.S. mail, postage prepaid:

Steve N. Nichols 4920 Chenoweth Run Road Louisville, KY 40299

Counsel for Louisville Gas and Electric

Company

## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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STEVE N. NICHOLS	)
COMPLAINANT	)
v.	) CASE NO. 2012-00218
LOUISVILLE GAS AND ELECTRIC COMPANY	) ) )
DEFENDANT	)

RESPONSE OF LOUISVILLE GAS AND ELECTRIC COMPANY TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION DATED JULY 24, 2012

FILED: August 7, 2012

#### **VERIFICATION**

COMMONWEALTH OF KENTUCKY	)	SS
COUNTY OF JEFFERSON	)	00
COUNTROL	,	

The undersigned, **Cheryl E. Bruner**, being duly sworn, deposes and says that she is Director – Customer Service & Marketing for LG&E and KU Services Company, and that she has personal knowledge of the matters set forth in the responses for which she is identified as the witness, and the answers contained therein are true and correct to the best of her information, knowledge and belief.

Cheryl E. Bruner

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 4 day of 2012.

Notary Public

My Commission Expires:

#### LOUISVILLE GAS AND ELECTRIC COMPANY

#### Response to Commission Staff's First Request for Information Dated July 24, 2012

Case No. 2012-00218

#### Question No. 1

Witness: Cheryl E. Bruner

- Q-1. Refer to LG&E's Answer filed July 2, 2012 at page 2. The Answer states that LG&E had an Owner Allocation Agreement on file with Mr. Nichols for all of the properties during the periods in question that authorized LG&E to leave on the electric and gas services in Mr. Nichols' name when the properties became vacant and the tenants ordered services turned off. Provide copies of the Owner Allocation Agreement or Agreements that were entered into by LG&E and Mr. Nichols.
- A-1. An owner who leases property to a tenant where LG&E services are set up in the tenant's name has the option to have the electric and gas services revert to the owner's name when the tenant requests a "move out" from the property (also called a "landlord revert"). This is done for the convenience of the owner. Absent such an agreement with the owner, LG&E will turn off the utilities upon the tenant's move out request, and turn them back on at some point in the future either at the request of the owner or the new tenant. The owner is responsible for services incurred during the time services are in the owner's name.

For at least 18 years, Mr. Nichols has utilized the landlord revert option for his convenience for numerous rental properties. During the period LG&E had its legacy CIS billing system in place (until April 2009), this was referred to as a "Lessor Agreement." Currently, as part of LG&E's Customer Care System ("CCS"), this same arrangement is referred to as an "Owner Allocation Agreement." (Hereafter, they will be referred to as "Agreement.") Since at least 1994, properties were added and removed from said Agreement at the request of Mr. Nichols, most recently in January 2011. Currently, Mr. Nichols has six rental properties set up for landlord revert.

Attached are the following records in response to Question No. 1:

#### Attachment No. 1

Page 1 - An Agreement signed by Mr. Nichols from 1994 or earlier, for eleven rental properties, including the five that are the subject of Mr. Nichols'

Complaint; specifically: 155 N. Keats Ave., Apts. 1, 2 and 3; and 1051 Barret Ave., Apts. 2 and 3.

**Pages 2-5** - A listing from CIS of Mr. Nichols' rental properties as of May 10, 1996, noting that Mr. Nichols contacted LG&E to change his mailing address.

**Pages 6-7** – A Lessor Agreement signed by Mr. Nichols dated January 26, 2000 requesting the addition of two new properties to his Agreement, and the entry of his request in CIS.

**Pages 8-9** – An email dated June 24, 2002 evidencing a contact from Mr. Nichols to remove a property from his Agreement, and the entry of his request in CIS.

**Pages 10-12** – CIS screenshots dated March 17, 2008 evidencing a contact from Mr. Nichols to remove two properties from his Agreement and update his personal information.

**Page 13** – CCS screenshot evidencing a contact from Mr. Nichols on January 14, 2011 to remove a property from his Agreement.

#### Attachment No. 2

Sample letter that is system-generated from CCS and mailed by LG&E to Mr. Nichols each time an account reverts back to him as the responsible party. This automated mechanism was developed as part of the new CCS system in April 2009. Prior to April 2009, notice letters were not mailed. Also included in Attachment No. 2 is a CCS generated report showing all the dates such a letter was mailed to Mr. Nichols and for which properties;

#### Attachment No. 3

Current listing from CCS showing all rental properties for which LG&E has an Agreement with Mr. Nichols. Note that one of the accounts listed (1051 Barret Ave HSMT) is the one gas meter that serves this property, and it has always been in Mr. Nichols' name;

#### Attachment No. 4

Sample letter that is periodically mailed by LG&E to owners to confirm the rental properties on the landlord revert. Also included in Attachment No. 4 is a CCS screenshot showing such a letter was mailed to Mr. Nichols confirming his removal of three properties from his Agreement on January 14, 2011; and

#### Attachment No. 5

LG&E records indicate that at least since 1996, the rental property at 1051 Barret Ave., Apt. 2, Louisville, Kentucky, has not been included in Mr. Nichols'

Agreement for a landlord revert. As such, when Mr. Nichols' tenant moved out in December 2008, Mr. Nichols called LG&E and requested that service to the property be transferred to his name. Screenshots from CIS and CCS marked as Attachment No. 5, show the service order request created by LG&E to transfer service at this location to Mr. Nichols' name effective December 19, 2008, and the service order request created by LG&E at Mr. Nichols' request on August 11, 2000 to "move out;" electric service at this address has not been in Mr. Nichols' name since that time.



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Date: Customer Service Dopt. Louisville Gas & Electric Co. When the following apartments and/or single residences become vacant and tenant orders service turned off, I as owner or agent authorize you to leave the gas and electric service on and mail all bills to the mailing address shown. The addresses are: 218047 155 N KENTS AVE 11,8080 2606 FRANKFORT AVE APT 3 678649 1051 BARRET AVE 108173 1419 STORY AVE AFT. Lessor Name 3500 Hayour Mailing Address Telephone Number NICHOLS Service Man 5TouT 3624

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Louisville Gas and Electric Company 820 West Broadway P.O. Box 32020 Louisville, Kenucky 40232

DATE: //Z6/00

#### LESSOR AGREEMENT

When a tenant orders service off at one of the following apartments and/or single family residences, I as owner or agent authorize Louisville Gas and Electric to Icave the gas and/or electric service on in my name and mail all invoices to the mailing address indicated below.

The Addresses Are:

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\* \* \* ARE THERE MORE RECORDS NO \* \* \* DSPLY 62 KEY 6 tll TO NEW SS DSPLY KEY From:

41 V4 114 11 W

Sent: Monday, June

To:

Monday, June 24, 2002 1:39 PM

Lessor Program

Subject:

remove address of 1051 barrel av apt 1 only off lessor agreement Thanks

ACCT NO 6005 LAST-BILL RD CYC BL CYC NAME STATUS LAST-TRAN

LANDLORD NO

NAME.. LN NICHOLS FSTEVE N BUS

ALT-ADR 4920 CHENOWETH RUN

CS LOUISVILLE KY Z 402990000

ADD-NAME LN FN I BUS.

LN FN I BUS.

PHONE NO.

CONTACT INFO

NAME CHANGE AUTH YA ... SPECIAL HANDLING., Y ... PRINT GROUP... 6884

\*\*\*\*\* BANK COLLECTIONS \*\*\*\*\*

LL BANK ACCOUNT NUMBER

TYPE OF ACCOUNT(CHECK/SAV/OTHER)
BANK NUMBER 000000000

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LAST UPDATE 03/17/08 BY 4812 FN STEVE

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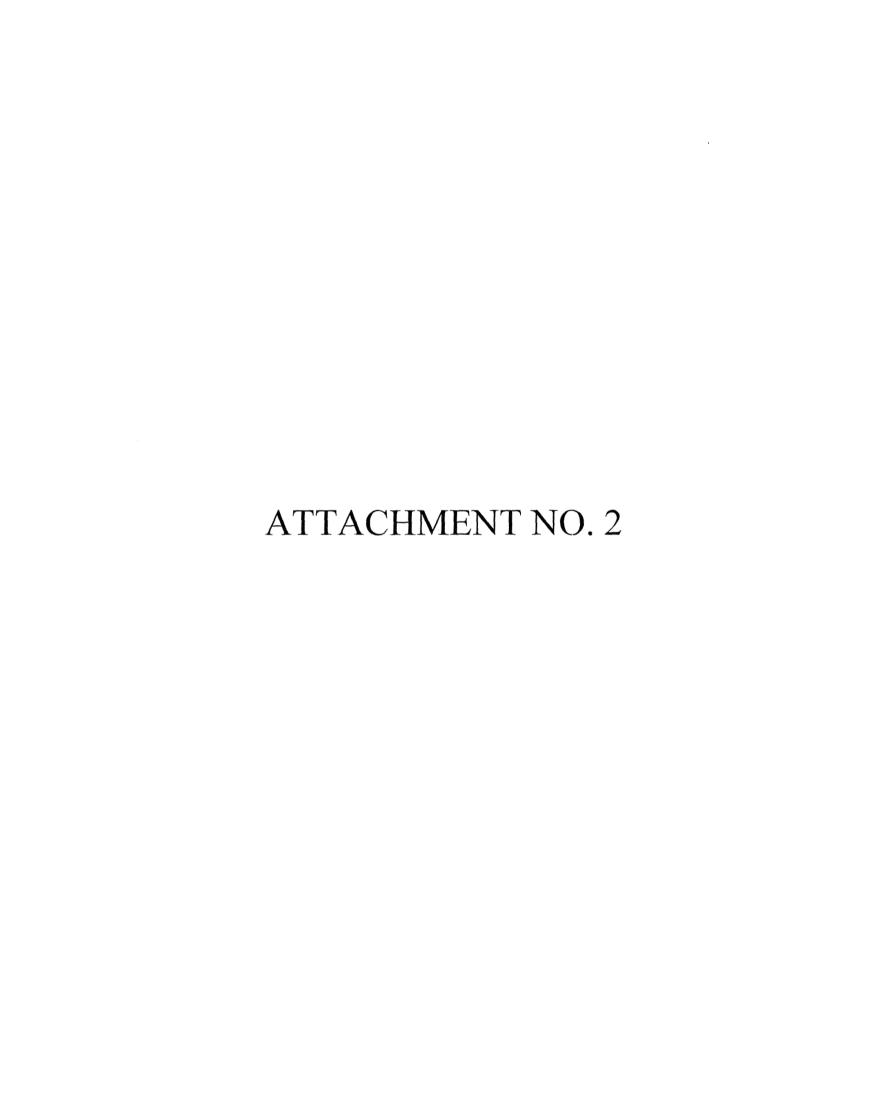
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Attachment No. 1 Page 13 of 13

SADAQOSTEVE N NICHOLS / 4920 CHENOWETH RIN RD / LOUISVILLE KY 40299-4342-G





(CUSTOMER NAME)

Louisville Gas and Electric Company Business Service Center 820 West Broadway Louisville, Kentucky 40202

T 502-627-3313 T 800-331-7370 F 502-627-4297

## SAMPLE

(DATE)

#### Dear Customer:

Recently, your tenant at (property) notified us to request that service be discontinued in his/her name. As part of your Owner Allocation Agreement with us, the service at this address will revert to your name as of (date). The Owner Allocation Agreement allows us to keep the service on at this location but to have the billing revert to your name rather than the tenant's name until such time as we are notified by a new tenant to place the service in his/her name.

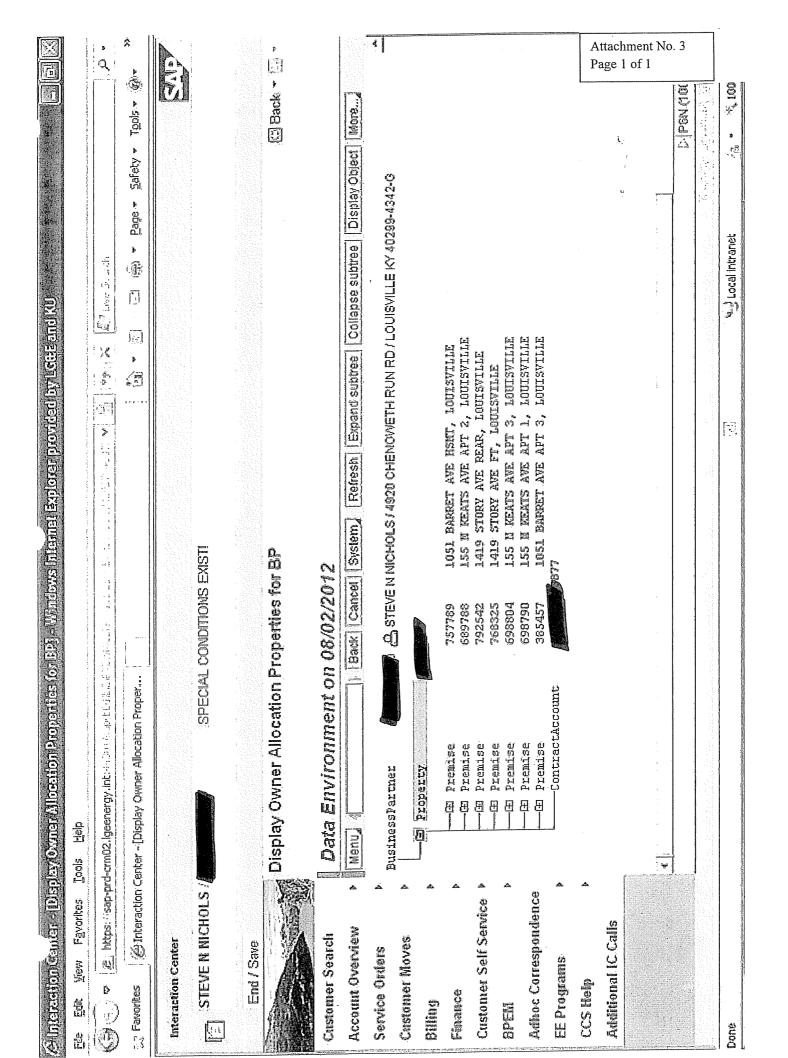
Please do not hesitate to contact us if you have any questions or need additional information about this issue.

Sincerely,

**Business Service Center** 

Create Date Contact Number		Business Partner	Type	Class	Action	Long Text
7177549	155 N. Keats Ave Apt 2	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Serve Revertd Note was delivered by RATCH
7329606	1051 Barrett Ave Apt 3	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Serve Revertd Note was delivered by RATCH
7550864	155 N Keats Ave Apt 1	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Servc Revertd Notc was delivered by BATCH
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8468528	1051 Barrett Ave Apt 3	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Serve Revertd Note was delivered by BATCH
8955823	1419 Story Ave Front	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Serve Revertd Note was delivered by RATCH
9910566	2606 Frankfort Ave Apt 1	7001388330	08) System Generated	Landlord	Property Transferred to LL Name-Letter Sent	Form Owner Alloc Servc Revertd Note was delivered by RATCH
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# SAMPLE

Attachment No. 4 Page 1 of 3

STEVE N NICHOLS 4920 CHENOWETH RUN RD LOUISVILLE KY 40299-4342

(DATE)

Louisville Gas and Electric Company Business Service Center 820 West Broadway Louisville, KY 40202 www.lge-ku.com

T 502-627-3313 T 800-331-7370 F 502-627-4297 bsc@lge-ku.com

Re: Landlord Property Number

Dear Customer,

This is to confirm receipt of your Landlord Agreement for the above-mentioned property. Confirmation of this Agreement indicates that the included properties will be placed in your name at any time a tenant is moving out and contacts us to remove the service from their name. This means that you accept responsibility for the billing at this location, until a new tenant contacts us requesting service in their name. In addition, it includes your designation of a contract account number for us to bill in the event any service billed to you remains unpaid past the final due date.

If you have any questions, please contact the Business Service Center.

Sincerely,

Business Service Center



### Landlord Property Listing

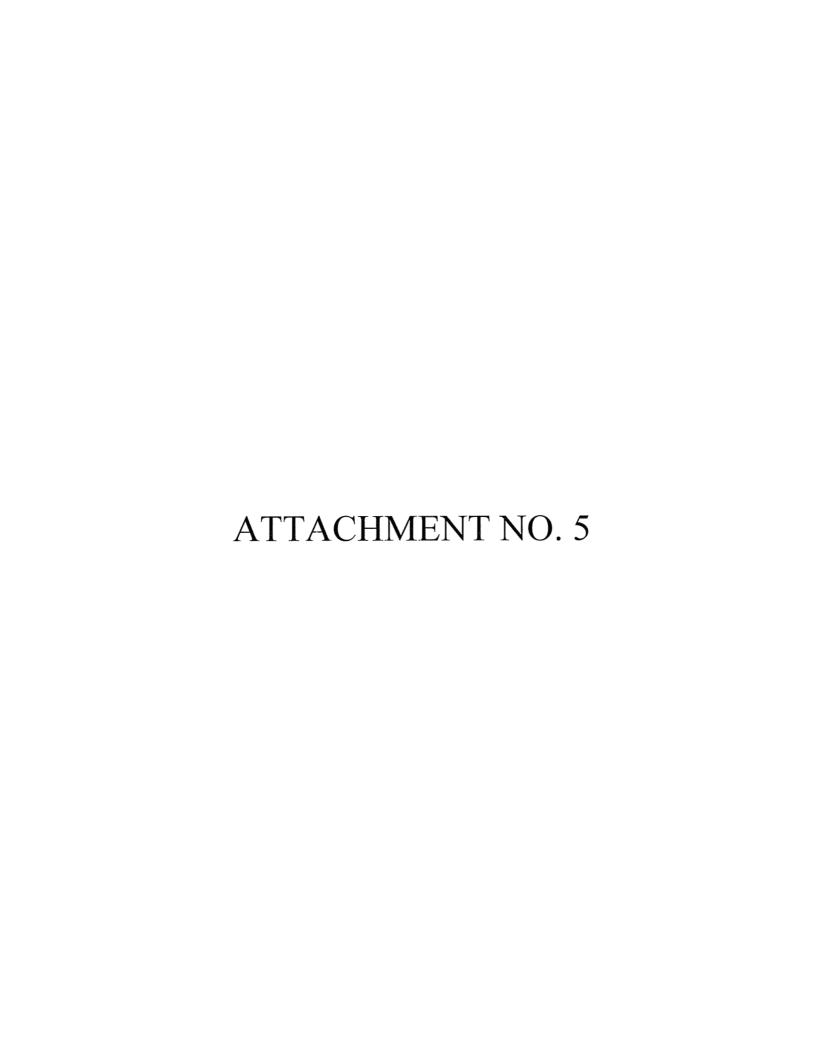
Landlord No / Property Mailing Fed Tax ID Phone Email Name Number Address or SSN No Address

STEVE N NICHOLS 4920 CHENOWETH RUN RD LOUISVILLE KY 40299-4342

#### Premise information

Service Address	City / State / Zip Code
1419 STORY AVE REAR	LOUISVILLE KY 40206-1735
155 N KEATS AVE APT 2	LOUISVILLE KY 40206-3410
1051 BARRET AVE HSMT	LOUISVILLE KY 40204-1666
155 N KEATS AVE APT 1	LOUISVILLE KY 40206-3410
155 N KEATS AVE APT 3	LOUISVILLE KY 40206-3410
1419 STORY AVE FT	LOUISVILLE KY 40206-1735
1051 BARRET AVE APT 3	LOUISVILLE KY 40204-1666

Attachment No. 4 Page 3 of 3



Ready

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