

From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case No. 2021-00324 - Joseph J. Oka v. Duke Energy Kentucky, Inc.
Date: Friday, March 25, 2022 1:26:00 PM

Case No. 2021-00324

Thank you for your comments on the case regarding Joseph J. Oka v. Duke Energy Kentucky, Inc Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2021-00324, in any further correspondence. The documents in this case are available at [View Case Filings for: 2021-00324 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: David Spenard [REDACTED]
Sent: Thursday, March 17, 2022 3:37 PM
To: PSC Public Comment <PSC.Comment@ky.gov>; Randal Strobo [REDACTED]
Subject: Case No. 2021-00324 - Joseph J. Oka v. Duke Energy Kentucky, Inc.

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Good afternoon.

Please find attached written comments for Kentucky Public Service Commission Case No. 2021-00324.

If you have any questions or concerns regarding this matter, please contact me at your convenience.

Thank you.

Best regards,

--
David E. Spenard
STROBO BARKLEY PLLC
730 West Main Street, Suite 202
Louisville, KY 40202

[REDACTED]

March 17, 2022

Via Electronic Filing

Linda C. Bridwell, P.E., Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602

RE: KY PSC Case No. 2021-00324 (*Joseph J. Oka, Complainant, v. Duke Energy Kentucky, Inc., Defendant*).

Dear Ms. Bridwell:

The Kentucky Solar Industries Association, Inc. (KYSEIA) respectfully submits these Written Comments into the public record for the Kentucky Public Service Commission's consideration in the instant case. The problems and concerns identified by Complainant (Joseph J. Oka) are emblematic of the difficulties that Duke Energy Kentucky, Inc., places upon many customers who engage or seek to engage in the lawful practice of taking service under Rider NM, Duke's Net Metering Rider.¹

KRS Chapter 278 requires that Duke provide reasonable rates and service to its customers and does not carve out or except out from Duke's responsibility customers taking service under the Net Metering Rider. Customers receiving service under Rider NM are entitled to reasonable service that includes, among other things, Duke supplying bills that are accurate (and on their face) reasonably understandable, Duke identifying and securing for the customer a service representative with authority to address billing concerns, and Duke providing timely responses and resolutions upon the identification of a billing problem, particularly when the billing platform is not fully operational.

- 1. A Utility's Bill to a Customer Should Contain Adequate Information for the Customer to Understand How the Bill is Calculated and Also Enable the Customer to Reconcile the Calculations to the Utility's Tariffs. Duke's Billing of Complainant Unreasonably Failed to Convey Material Information for Net Metering Service.**

¹ *Schedule of Rates, Classifications Rules and Regulations for Electric Service of Duke Energy Kentucky, Inc.*, P.S.C. KY. No. 2, Sixth Revised Sheet No. 89 (pages 1 through 9).

Net metering is authorized by the General Assembly and has been in place since 2004.² It is not an indulgence permitted to customers at the whim and caprice of Duke. Among the requirements of reasonable service is that a utility's customer should be able, based upon information contained on the face of the bill, to understand how the bill was calculated and reconcile the calculations to the utility's tariff. All Duke customers, including net metering service customers, should be able to, among other things, determine if a bill is accurate and complies with the applicable tariff provisions.

Rather than a bill containing reasonably adequate information that enables a customer to determine exactly how a net metering service bill is calculated, Duke's billing set forth by the Complainant utilizes a "black box" methodology through which the phrase appearing on the bill "Net Metering Adj" is supplied.

The "Net Metering Adj" cannot be disaggregated by a customer. It can only be disaggregated by Duke employees and only through information not supplied on the face of the bill. Consequently, the billing at issue does not supply the information reasonably necessary to determine whether the billing amount complies with Duke's applicable tariffs and is otherwise accurate. It is an unreasonable billing practice because it omits material information necessary for anyone other than Duke to determine the accuracy and lawfulness of the bill that Duke presented Complainant.

In an unfortunate effort to shift blame for its unreasonable practice, Duke charges the Complainant with fault and error for "misunderstanding" Duke.³ It is the position of Duke that Complainant should understand that Duke need not provide him with reasonably adequate information to understand his bill **because** Duke alleges that, someday, it "will provide easier to understand bills with more information."⁴ In the meantime, Duke is merely willing to acknowledge Complainant's "frustration" with a bill format that fails to deliver reasonably necessary information for adequate and proper billing under Complainant's service.⁵

Duke's suggestion that it can create for itself a license to provide inadequate billing information through the promise that one day it may provide reasonably necessary billing information thoroughly demonstrates Duke's attitude toward its net metering service customers. Duke, literally, cannot understand why a net metering service customer would want information necessary to determine the accuracy of the bill and regards the desire for such information as a fault of the customer. Duke's billing for net metering service identified by Complainant is unreasonable.

² See KRS 278.465 to KRS 278.468; 2004 Ky. Acts ch. 193 (establishment of net metering).

³ *Duke Energy Kentucky, Inc.'s Answer* (filed Aug. 30, 2021) Numbered Paragraph 5, pages 2 and 3.

⁴ *Id.*

⁵ *Id.*

2. A Utility Should Provide Adequate Information and Maintain a Reasonable Process Through Which It Identifies and Secures for the Customer a Service Representative Who Has Authority to Address Billing Concerns. Duke Unreasonably Fails to Provide Adequate Customer Service to Its Net Metering Customers.

Complainant's stated experience with Duke matches the experience of many net metering customers and applicants for net metering service. Many net metering customers and applicants for net metering service, including those of Duke, are required to apply for service and/or address service issues through interactions with multiple representatives of a utility, individuals who work in different departments, at different locations, and with differing authority. Duke places upon customers a responsibility to speculate and identify who can address the concerns and thereafter move back-and-forth as necessary from representative-to-representative until the customer pieces things together for Duke. It is clearly an unreasonable practice. (In passing, for prospective net metering applicants, results from a web-based search include a Duke webpage stating that net metering is not offered in Kentucky.⁶)

The Complainant is a well-informed customer who had a reasonable request for Duke, namely the provision of readily understandable billing information. Complainant did his homework in pursuing this matter before contacting the PSC. The fact that the Commission itself has had to issue two (2) separate rounds of discovery upon Duke attests to the fact that Duke's billing was not easily understandable (even by utility professionals with ample experience with Duke and its tariffs).

It is a reasonable expectation that a customer should be able to identify and secure a customer service representative with authority to address and resolve billing concerns. Duke should have a process in place through which it provides timely responses and resolutions upon the identification of a billing problem. That Duke was unable and/or unwilling to provide adequate information and resolve the matter is not the fault of Complainant. Yet, Duke once again attempts to assign fault and error to Complainant through criticizing Complainant for exercising a right that he has as a customer of a jurisdictional utility to seek redress from the Public Service Commission *after* his efforts to resolve the matter through communications with Duke did not resolve the matter.⁷

Despite the fact that it readily admits that it did not possess "fully operational" customer service,⁸ Duke alleges that Complainant failed to act in good

⁶ See the screenshot attached to these written comments as **Exhibit 1**, Duke Energy Webpage, *Net Metering-Kentucky*, last visited March 15, 2022, <https://www.duke-energy.com/home/products/renewable-energy/generate-your-own/net-metering>. In terms of information supplied by Duke, it is difficult to determine Duke's net metering practices.

⁷ *Id.*, at Numbered Paragraph 31, pages 8 and 9.

⁸ *Id.*, at Numbered Paragraph 5, page 3.

faith⁹ by seeking redress from the Commission. Duke's position thoroughly demonstrates the frustration that many net metering service customers and applicants for net metering service face while interacting with Duke. If the customer or applicant is unwilling to simply accept the "frustration" of customer service that is not fully operational, the customer or applicant is charged by Duke with fault or error.

The Commission has not excepted out or otherwise provided Duke with a deviation through which it is not required to provide adequate customer service to net metering service customers or applicants. Particularly since Duke concedes that its billing for net metering service was not "fully operational," Duke should have made sufficient efforts to provide adequate information and otherwise maintain a reasonable process through which Duke identifies and secures for its customers a service representative with authority to address and resolve billing concerns such as those presented by Complainant. Duke's failure to do so is unreasonable.

3. Duke Unreasonably Failed to Provide a Timely Response and Resolution of Complainant's Billing Dispute.

To the extent that Duke conveys concern over the fact that Complainant's billing dispute is now pending before the Commission, KYSEIA agrees that it is unfortunate that a complaint was filed to resolve the matter. Nonetheless, as between Duke and Complainant, Duke was the party with the ability to act to avoid the necessity of a Commission proceeding. The dispute could have and should have been resolved through Duke providing a timely adequate response and resolution of the matter upon Complainant's identification of the issue. Duke instead selected a path through which the Complainant should have simply accepted being "frustrated" by a billing system that was not fully operational.

Duke has known, since 2004, that net metering service has characteristics, including billing characteristics, that differ substantially from many of its other customers. The measurement of electricity for net metering service customers and the application and accumulation of credits associated with the service are material billing concerns. Duke has had ample time, including ample time prior to its pursuit of a revised billing platform, to gain familiarity with issues in billing net metering customers. This is not a problem associated with the introduction of net metering. This is a problem resulting from the introduction, by Duke, of a new billing platform that failed to adequately account for one of its customer classes, recipients of net metering service.¹⁰

Duke failed to provide a reasonably understandable bill through which anyone other than Duke could understand how the bill was calculated. Duke did

⁹ *Id.*, at Numbered Paragraph 31, page 9.

¹⁰ While the Commission does not have jurisdiction over the rates and service of Duke's operations in Indiana or Ohio, it is the understanding of KYSEIA that, for over a year, Duke's implementation of this system has resulted in similar complaints in, at least, Indiana and Ohio.

not adequately and reasonably prepare for the change in billing platform regarding its net metering service customers. Duke did not have a reasonable customer service system in place to timely detect, correct, or respond to the problem. Duke was unable and/or unwilling to work with Complainant in a manner that could have reasonably resolved the various issues presented by a Duke billing system that is not fully operational.

A proper and reasonable resolution of this dispute would have been through Duke providing Complainant with reasonable information through which Complainant could understand how his bill was calculated. It would not have taken a lot of effort, certainly much less effort than has been required through the pending Complaint case. If Duke was not going to provide a billing statement presenting all the information reasonably necessary for Complainant to accurately interpret the bill and understand the usage activity for the period, Duke should have promptly addressed the failure through a reasonable customer service response. Duke's invitation for Complainant to accept "frustration" through the transition is unreasonable.

KYSEIA believes that it is necessary to provide these written comments because Duke's approach to and attitude toward Complainant is not an isolated incident or anomaly but rather emblematic of the difficulties faced by many of Duke's net metering customers and applicants for net metering service. No customer should be required to simply speculate whether an undefined adjustment appearing on the bill is correct, and no customer should be required to simply accept the "frustration" of a utility's failure to have a fully operational billing system.

WHEREFORE, KYSEIA tenders these written comments are requests that they be placed into the record for the instant case.

Please contact us if you have any questions regarding this filing.

Respectfully submitted,



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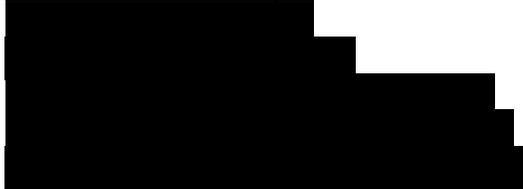
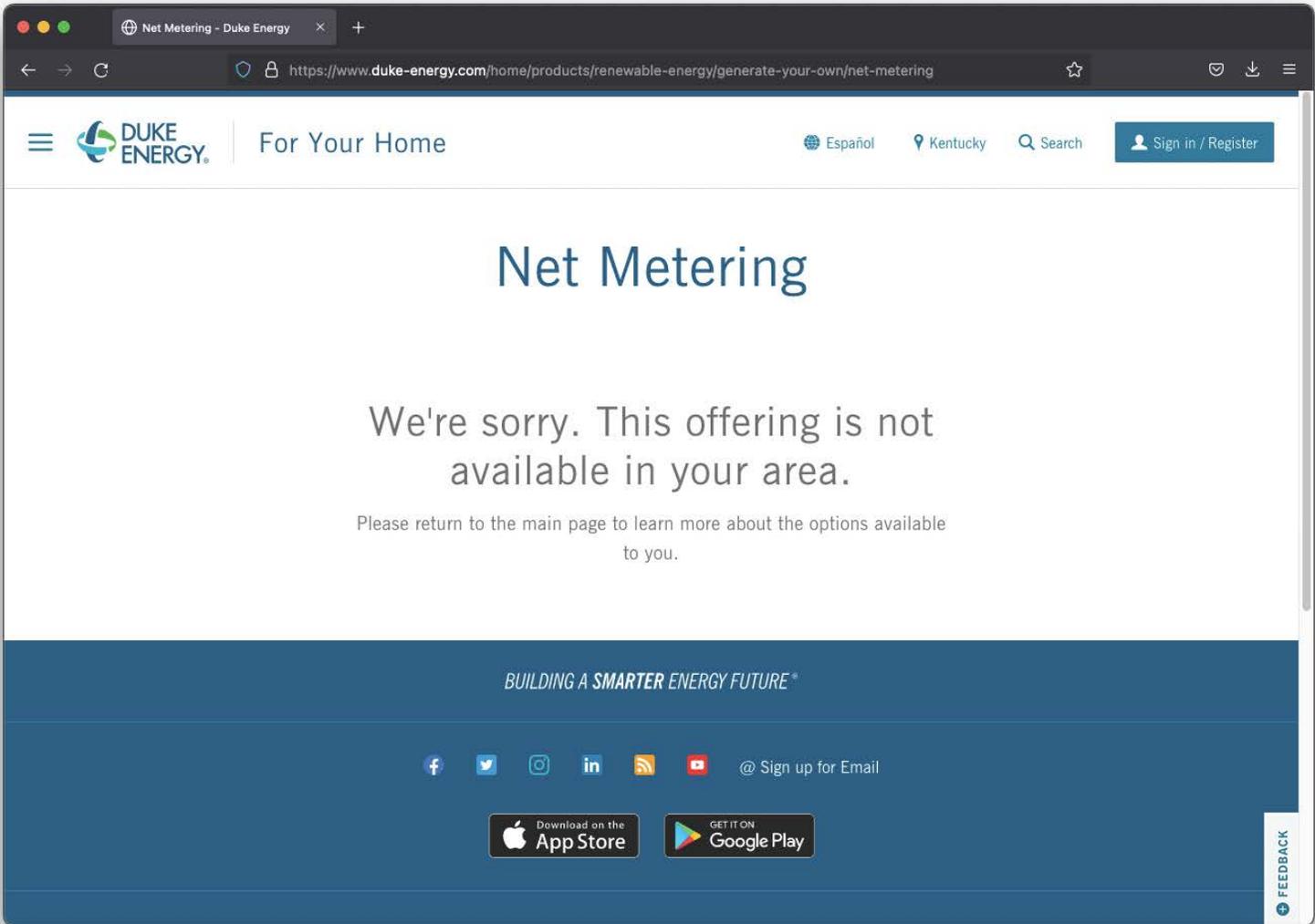


EXHIBIT 1



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