

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JEANE COLE)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2022-00435
)	
DUKE ENERGY KENTUCKY, INC.)	
)	
DEFENDANT)	

ORDER

On December 27, 2022, Jeane Cole tendered a formal complaint against Duke Energy Kentucky, Inc. (Duke Kentucky), alleging that Duke Kentucky improperly billed her \$704.59 for a gas meter that was, and still may be, broken. She alleges that she should only be billed a corrected amount.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001, Section 20(1)(c), a complaint must state “[f]ully, clearly, and with reasonable certainty, the act or omission” that the complaint alleges the utility failed to comply with and facts, with details, of the alleged failure. In accordance with 807 KAR 5:001, Section 20(4)(a), the Commission examines a complaint to determine whether the complaint establishes a prima facie case and conforms to the administrative regulation. A complaint establishes a prima facie case when, on its face,

it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.

If a complaint fails to establish a prima facie case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

DISCUSSION AND FINDINGS

In her complaint, Ms. Cole alleges that Duke Kentucky improperly billed her for gas that she did not use and that her meter is broken. However, she did not provide any bills to the Commission.

Based on a review of the complaint, the Commission is unable to determine, at this time, whether the complaint establishes a prima facie case because there are allegations but not documents regarding the basis for the bills. Because the allegations support further investigation into the merits of the complaint, the Commission finds that Ms. Cole should file, within 20 days of service of this Order, certain information to support her claim, including copies of her Duke Kentucky bills between March 2022 and August 2022. Because Duke Kentucky should have a copy of Ms. Cole's bills, if Ms. Cole cannot provide a copy of the bills, the Commission shall issue a separate Order for Duke Kentucky to provide a copy of the bills.

IT IS THEREFORE ORDERED THAT:

1. Ms. Cole shall file the following within 20 days of service of this Order:

A copy of Ms. Cole's bills for service from March 2022 through August 2022

2. Ms. Cole shall file the documents pursuant to ordering paragraph 1 by electronic mail to PSCED@ky.gov or by US Mail to P.O. Box 615, Frankfort KY 40602-0615.

3. A copy of this Order will be mailed to Ms. Cole at the mailing address provided in the complaint.

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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

Jeane Cole
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Dayton, KENTUCKY 41074

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