

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PHILIP W. WHITLEY	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2023-00052
	)	
NATURAL ENERGY UTILITY CORPORATION	)	
	)	
DEFENDANT	)	

ORDER

On February 14, 2023, Philip W. Whitley (Mr. Whitley) tendered a formal complaint with the Commission against Natural Energy Utility Corporation (Natural Energy), a copy of which is attached as an Appendix to this Order and incorporated herein. The complaint alleged price gouging by Natural Energy after Mr. Whitley received four increasing price quotes for gas service to be supplied to Mr. Whitley’s home in Rush, Kentucky. Based upon a review of the tendered complaint, the Commission issued an Order on March 20, 2023, stating that the Commission was unable to determine at that time whether the complaint established a prima facie case, but determined that the allegations supported further investigation into the merits of the complaint, and that Natural Energy was in the best position to provide the requisite information.

During the complaint investigation, Commission Staff issued four requests for information to Natural Energy and one request for information to Mr. Whitley. Finding that the complaint stated a prima facie case and conformed to the filing requirements of

807 KAR 5:001, Section 20, the Commission by Order dated February 8, 2024, directed Natural Energy to satisfy the matters complained of by doing the extension at the first written quoted price of \$3,051.23, with the pipe being sized for later requests for service by the neighbors, within sixty days from the date of service of the Order, or to file a written statement explaining why Natural Energy was unable to do so including any justification as to why the extension should be considered uneconomic or the price increased for the extension.

On March 7, 2024, Mr. Whitley filed documentation with the Commission from Natural Energy requesting information pertaining to the line extension for Mr. Whitley's property, indicating compliance with the February 9, 2024 Order of the Commission. Additionally, on Tuesday, April 2, 2024, Mr. Whitley, through counsel, filed a motion into the complaint record for reimbursement of expenses, punitive damages, or a denial with an indication of any other administrative relief that was available to Mr. Whitley.

On Wednesday, April 3, 2024, Natural Energy filed a Notice of Satisfaction and Motion to Dismiss outlining Natural Energy's compliance with the Commission's Order dated February 9, 2024. Natural Energy has installed facilities to the Complainant's property sufficiently sized to accommodate future additional connections and states that it will invoice Mr. Whitley \$3,051.23 for the facilities at the time of connection of his appliances and initiation of service. Additionally, on April 8, 2024, Natural Energy filed a response to Mr. Whitley's motion requesting that it be denied based on the Commission's previous finding that it cannot award damages.<sup>1</sup>

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<sup>1</sup> Case No. 2019-000258, Stuart I. Gross, Sr. v. Green River Valley Water District (Ky. PSC Dec. 16, 2021), Order at 2.

Based on the information provided, the Commission finds that Natural Energy has complied with the Commission's Order to satisfy the complaint. At this time, the Commission finds that Mr. Whitley's complaint should be dismissed, and this case closed.

IT IS THEREFORE ORDERED that:

1. Natural Energy's motion to dismiss is granted.
2. Mr. Whitley's motion is denied.
3. Mr. Whitley's complaint is dismissed.
4. This case is closed and removed from the Commissions' docket.
5. A copy of this Order shall be served on the Philip W. Whitley by U.S. certified mail, return receipt requested at 14402 Deerhaven Court, Rush, Kentucky 41168.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director

Philip W. Whitley  
14402 Deerhaven Court  
Rush, KENTUCKY 41168

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