

She further stated that KU “refused to offer any form of goodwill credit, partial adjustment, or discretionary relief.”⁴

Ms. Moore requested the Commission:

1. Conduct a review of her account and her February 2026 bill;
2. Consider whether a good-faith adjustment or credit is warranted; and
3. Direct KU to engage with customers in a fair and reasonable manner when extraordinary billing spikes occur.

LEGAL STANDARDS

Pursuant to KRS 278.260, the Commission has original jurisdiction over complaints as to rates or service of any utility. Commission regulation 807 KAR 5:001, Section 20(4) provides that upon the filing of a complaint, the Commission shall examine the complaint to determine if it establishes a *prima facie* case and conforms to the procedural requirements of the 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.⁵

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. Commission

⁴ Complaint at 1.

⁵ Case No. 2023-00367, *Futrell Holding Co., LLC vs. Barkley Lake Water District* (Ky. PSC Mar. 10, 2025) at 4.

regulation 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.

KRS 278.160(2) codifies the filed rate doctrine and provides:

No utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

Further, KRS 278.170 generally prohibits a utility from providing an unreasonable preference or advantage as to rates for the same or similar service.

DISCUSSION

The Commission finds that Ms. Moore's complaint conforms to the filing requirements in 807 KAR 5:001, Section 20(1). The Commission finds, however, that her complaint does not state a *prima facie* case.

The gravamen of Ms. Moore's complaint is that KU unreasonably refused to offer any good faith adjustment, credit, or discretionary relief for her electric period for the period ending February 6, 2026. The filed rate doctrine, however, requires KU to charge only the rates filed with and approved by the Commission for electric service.⁶ KU has no discretion to deviate from, waive, or otherwise refuse to charge the tariffed rate for

⁶ Case No. 95-107, *In the Matter of North Marshall Water District Alleged Violation of KRS 278.160 and KRS 278.160 and 278.170* (Ky. PSC Oct. 13, 1995) at 2.

charges incurred by a customer.⁷ Thus, the Commission finds that Ms. Moore's complaint failed to state a *prima facie* case.

The Commission finds that pursuant to 807 KAR 5:001, Section 20(4)(a)(1), Ms. Moore should be afforded an opportunity to amend his complaint within 20 days of the date of the service of this order to address this deficiency and show a *prima facie* case.

IT IS THEREFORE ORDERED that:

1. Ms. Moore shall have 20 days from the date of service of this Order, as calculated pursuant to 807 KAR 5:001, Section 4, to file an amended complaint that states a *prima facie* case.


2. If Ms. Moore fails to file an amended complaint that states a *prima facie* case, the complaint shall be dismissed.

3. A copy of this Order shall be served on the Emma Moore by Certified, Return Receipt Requested, and First-Class U.S. Postal Service mail at 319 Owsley Ave, Lexington, KY 40502.

⁷ Case No. 2002-00013, An Investigation into the Business Practices of Western Pulaski County Water District, *Alleged Failure to Comply with Administrative Regulation 807 KAR 5:006, and Alleged Violations of KRS 278.160 and KRS 278.170* (Ky. PSC Aug. 9, 2002) at 6.

Entered on this 1st day of July, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2026-00058

* Emma Moore
319 Owsley Avenue
Lexington, KY 40502

* Kentucky Utilities Company
2701 Eastpoint Parkway
P. O. Box 32010
Louisville, KY 40223