

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

B. F. AND LILLIE CARRISS

COMPLAINANTS

v.

SHELBY RURAL ELECTRIC COOPERATIVE
CORPORATION

DEFENDANT

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CASE NO. 95-104

O R D E R

On November 6, 1995, the Commission received a letter from the Complainants, which it will treat as a motion, requesting that this case be re-opened. This case is the result of a complaint filed against Shelby Rural Electric Cooperative Corporation ("Shelby RECC") on March 15, 1995, in which the Complainants alleged to have been billed for an amount in excess of the electricity they had used due to the fact that lightning had struck the pole to which the meter was attached which caused the meter to "jump."

From the evidence presented, the Commission found no proof that Shelby RECC was demanding greater compensation than it deserved for service rendered. KRS 278.160(2). The meter in question was thoroughly tested and examined by both Shelby RECC and Commission Staff. It met the Commission's minimum accuracy requirements and no defects were discovered. There was no evidence that lightning caused the meter to "jump" as alleged. The meter showed no sign of damage; the pole showed no sign of damage. Based

on these findings and the relevant statutes and case law, the Commission dismissed the complaint and ordered Shelby RECC to establish and file with the Commission a payment plan in accordance with the Commission's regulations and its published tariff.

According to KRS 278.400:

After a determination has been made by the commission in any hearing, any party to the proceedings may, within twenty (20) days after service of the order, apply for a rehearing with respect to any of the matters determined. Service of a commission order is complete three (3) days after the date the order is mailed.

The Order in question was issued October 6, 1995. The Complainants thus had until October 29, 1995 to request rehearing. As October 29, 1995 fell on a Sunday, the Complainants actually had until Monday, October 30, 1995, to request rehearing. The request for rehearing was not received until November 6, 1995. As a timely request for rehearing was not received, the Complainants' request must be denied.

IT IS THEREFORE ORDERED that the Complainants' request for rehearing is denied.

Done at Frankfort, Kentucky, this 20th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director