

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERRY LEE WHITIS	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 95-108
	)	
JACKSON PURCHASE ELECTRIC COOPERATIVE	)	
CORPORATION	)	
	)	
DEFENDANT	)	

O R D E R

On March 20, 1995, Terry Lee Whitis ("Complainant") filed a complaint against Jackson Purchase Electric Cooperative Corporation ("Jackson Purchase"). The complaint asserted that Jackson Purchase had charged Complainant for electric usage for which he had been underbilled due to an allegedly faulty meter, yet the utility could not produce the meter in order for it to be tested. Jackson Purchase responded to the complaint April 7, 1995, stating that the Complainant was simply being billed for his actual, albeit estimated, electric usage during 1994 in compliance with Commission regulations.

FINDINGS OF FACT

The Complainant is a resident of Boaz, Kentucky. He has been a member of Jackson Purchase for 27 years. On December 15, 1994, the Complainant's meter (Account #4-63-042-012-00) was pulled for periodic (8 year) testing. The meter was tested at Jackson Purchase's office on December 16, 1994. The meter tested at 65.63

percent accurate. According to Jackson Purchase, as the meter could not be adjusted to within limits, it was discarded.<sup>1</sup>

Jackson Purchase states that in order to comply with 807 KAR 5:006, Section 10, "Bill Adjustment for Gas, Electric, and Water Utilities," it reviewed the Complainant's account to determine the time period during which the meter had been running slow. The utility noted a significant drop in kWh usage starting in January 1994. As the total 1994 billed kWh usage was 13,938, Jackson Purchase divided this number by 65.63 percent, the accuracy of the pulled meter. This resulted in an estimated usage for 1994 of 21,237 kWh, of which 7,299 kWh had not been billed. On December 30, 1994, Jackson Purchase sent a letter to the Complainant notifying him of the test results and that due to the slow meter his account was being charged \$405.24.

The Complainant discussed the matter with Jackson Purchase, was given options concerning payment of the bill, and was advised that in order to avoid disconnection he should file a complaint with the Commission. The Complainant does not feel he should have to pay Jackson Purchase the \$405.24 as the meter in question is no longer available for testing by the Commission. It was only tested by Jackson Purchase itself. The sole issue is whether the

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<sup>1</sup> "As of December 16, 1994 Jackson Purchase had not established a procedure to keep slow meters in house until a customer could be notified of test results and the amount to be billed. We have now put a procedure in place to ensure that slow meters are kept until after the customer has paid the bill and there are no problems." Jackson Purchase response of April 7, 1995, page 1.

Complainant must pay the \$405.24 Jackson Purchase says he was underbilled in 1994 due to a faulty meter when the meter in question was never made available for additional tests before it was discarded.

#### CONCLUSIONS OF LAW

807 KAR 5:041, Section 15(3), provides that metering equipment shall be tested for accuracy prior to being placed in service, periodically, upon complaint, when suspected of being in error, or when removed from service for any cause. 807 KAR 5:041, Section 17(1)(b), requires that when a meter is tested upon complaint or request, "additional test runs shall be made and care exercised to insure that any trouble with the meter will be detected." 807 KAR 5:006, Section 18(1), requires utilities to test a customer's meter upon written request, while 807 KAR 5:006, Section 18(2), provides that a customer may then request a meter test by the Commission. Additionally, KRS 278.210 permits a utility customer to have any meter tested, upon request, by the Commission.

Statutes and regulations thus make it clear that a utility customer always has the right to have a meter tested by the Commission. By discarding the meter in question after it was found to be only 65.63 percent accurate, Jackson Purchase precluded the Complainant from exercising this right. The Complainant was thus deprived of the protection that additional testing of the meter would have provided. As Jackson Purchase cannot produce the meter for testing by the Commission, and thus cannot prove that it was only 65.63 percent accurate at the time of its removal, the

Complainant should not be required to pay Jackson Purchase the \$405.24 he allegedly owes as a result.

IT IS THEREFORE ORDERED that Jackson Purchase shall credit to the Complainant's account the sum of \$405.24, or otherwise negate the Complainant's obligation to pay it this amount, within 30 days from the date of this Order.

Done at Frankfort, Kentucky, this 29th day of June, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director