

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KIDZ CAPITOL AND JAMES PRATT	)	
	)	
COMPLAINANTS	)	
	)	
V.	)	CASE NO. 2003-00369
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On September 24, 2003, James Pratt, on behalf of Kidz Capitol, filed a formal complaint against Louisville Gas and Electric Company (“LG&E”), requesting that the Commission order LG&E to allow Kidz Capitol to pay a \$5,000 deposit in installments.<sup>1</sup> LG&E responded that it had properly calculated the deposit pursuant to 807 KAR 5:006(7)(a) and, furthermore, alleged that Complainants were liable for an additional \$13,984.97 for past unbilled usage.

On November 17, 2003, Commission Staff issued data requests to both LG&E and Kidz Capitol. LG&E responded to the data requests on December 1, 2003; Kidz Capitol never responded to the data request. On December 1, 2003, Kidz Capitol amended its complaint to dispute the \$13,984.97 charge. A copy of the amended complaint is attached hereto as Appendix A.

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<sup>1</sup> LG&E had divided the deposit into separate \$2,500 payments.

In response to a data request issued on December 23, 2003, LG&E informed the Commission that it had disconnected Kidz Capitol's gas service for non-payment; however, it does not appear from the record that electric service has been disconnected.

The billing records LG&E provided to the Commission indicate that Kidz Capitol has made no payments for service since the filing of its complaint on September 24, 2003. The billing records indicate that Kidz Capitol tendered one payment of \$2,500 toward the disputed deposit and that its check was returned for insufficient funds. 807 KAR 5:006, Section 11, provides, in pertinent part, that, "customer accounts shall be considered to be current while the dispute is pending as long as a customer continues to make undisputed payments and stays current on subsequent bills."

The record discloses that Kidz Capitol has not stayed current on its subsequent bills. Moreover, Kidz Capitol has not responded to a Commission Staff Data Request, despite having brought the complaint.

The Commission finds that the record concerning the amount owed by Kidz Capitol on bills subsequent to the filing of its complaint requires clarification. Accordingly, an actual reading of the electric meter is necessary.

IT IS THEREFORE ORDERED that:

1. Within 10 days of the date of this Order, at a specific time and date agreed upon between LG&E and Kidz Capitol, Kidz Capitol shall provide LG&E with access to its gas and electric meters and LG&E shall read both meters.
2. Within 10 days of the reading referenced above, Kidz Capitol shall submit to LG&E full payment for services received since September 24, 2003.

3. Within 10 days of the date of this Order, Kidz Capitol may respond to the information LG&E provided in its responses to Commission Staff's Data Requests, especially regarding billing and payment issues.

4. Within 10 days of the date of this Order, Kidz Capitol shall respond to Commission Staff's Data Request issued on November 17, 2003.

5. Kidz Capitol's failure to comply with all terms of this Order shall result in this case being dismissed with prejudice.

Done at Frankfort, Kentucky, this 16<sup>th</sup> day of January, 2004.

By the Commission

ATTEST:

  
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2003-00369 DATED January 16, 2004

**Amendment Letter**

**To:** Mr. Job Penny  
**From:** James Pratt, Comptroller  
Kidz Capitol,  
**Re:** Dispute Of Charges per Louisville Gas & Electric

Please be advised that I am amending my claim to include the deposit Requirements that LG&E have placed on our business located at 522 - 524 West Main Street, Louisville, Kentucky, as well as any other charges that have since been added.

I would appreciate any direction that you could give with regard to this matter.