

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 January 16, 2004, the Commission issued an Order directing that Kidz Capitol and James Pratt (“Kidz Capitol”) allow Louisville Gas and Electric Company (“LG&E”) access to Kidz Capitol’s gas and electric meters. The Order provided that, within 10 days of the meter reading, Kidz Capitol must pay LG&E for services received since September 24, 2003. Furthermore, the Order required Kidz Capitol to respond to Commission Staff’s Data Request issued on November 17, 2003. The Order stated that, if Kidz Capitol did not comply with these terms, its complaint would be dismissed.

Kidz Capitol responded to Commission Staff’s Data Request and allowed LG&E access to its meters as required. Commission Staff is in receipt of a bill for electric and gas service that LG&E issued to Kidz Capitol on January 23, 2004 (attached hereto as Appendix A). The total amount due is \$24,626.32, of which \$29,050.11 represents the previous month’s outstanding balance; \$4,866.79 represents current utility charges as

of January 22, 2004; and a negative \$9,290.58¹ represents the net total of a series of adjustments to the current bill.

In its January 16, 2004 Order, the Commission specifically cited 807 KAR 5:006, Section 11. This regulation provides that in a proceeding in which there is a dispute regarding billing, the disputed amount is considered current, and service shall be continued as long as undisputed payments are made. In its initial complaint, Kidz Capitol disputed a \$5,000 deposit required by LG&E. Subsequently, Kidz Capitol amended its complaint to also dispute a charge of \$13,984.97 that LG&E claimed Kidz Capitol owed for prior, unbilled usage.² The total disputed amount of \$18,984.97 matches the previous balance as shown on the October 2003 billing from LG&E.³

Appendix A to this Order, the bill submitted to Kidz Capitol on January 23, 2004, does not comply with 807 KAR 5:006, Section 11. The "Other Charges" portion of the bill includes a credit for the \$13,984.97 and a reversal of past late payment charges. However, the "Other Charges" portion of the bill reduces the bill credit with past due installment payments on the \$13,984.97 and a reversal of the payment on the \$5,000 deposit.⁴ In order to comply with 807 KAR 5:006, Section 11, the "Other Charges"

¹ The negative \$9,290.58 is comprised of various charges and credits. Charges were for missed monthly installments on past due bills, the returned check for half of the \$5,000 deposit, and an insufficient check charge. Credits were for the total past due bill and the reversal of late payment charges.

² LG&E's Answer at 3.

³ Response to the Commission Staff's Second Data Request dated December 23, 2003, Item 2, customer bill due October 31, 2003.

⁴ Kidz Capitol had paid \$2,500 of the deposit; however, LG&E received an insufficient funds notice on the check. See Response to the Commission Staff's First Data Request dated November 17, 2003, Item 2.

portion of the January 23, 2004 bill should have shown credits for the \$13,984.97 previous balance and the \$5,000 deposit, as well as the removal of any late payment charges and insufficient check charges associated with the disputed amount. The January 23, 2004 bill attempts to collect the \$5,000 deposit and \$2,330.84 associated with the \$13,984.97 previous balance.⁵ While the Commission's January 16, 2004 Order directed Kidz Capitol to remit payment for services rendered since September 24, 2003 within 10 days of the meter readings, the January 23, 2004 bill from LG&E includes amounts that should not have been recognized under the provisions of 807 KAR 5:006, Section 11.

The purpose of the Commission's January 16, 2004 Order was to determine the undisputed portions of Kidz Capitol's electric and gas bills so that Kidz Capitol can become current for service rendered after the filing of the formal complaint. In so doing, Kidz Capitol could retain electric service and could have gas service reconnected⁶ for the duration of this proceeding before the Commission. Noting LG&E's difficulty in submitting a proper bill, Commission Staff has determined Kidz Capitol's electric and gas bill for service received since September 24, 2003 using LG&E's billings submitted in this proceeding. The total bill is \$5,608.72, as shown on Appendix B, attached

⁵ Kidz Capitol appears to have entered into a Deferred Agreement with LG&E on September 26, 2003, where it would repay the \$13,984.97 in 12 equal installments of \$1,165.42. See Response to the Commission Staff's First Data Request dated November 17, 2003, Item 4. The January 23, 2004 bill reflects charges for 2 months of the monthly installments.

⁶ LG&E disconnected Kidz Capitol's gas service on December 1, 2003. See Response to the Commission Staff's First Data Request dated November 17, 2003, Item 5.

hereto. This amount must be paid by Kidz Capitol to retain electric service and have gas service reconnected.

The Commission emphasizes that this does not constitute a finding regarding Kidz Capitol's liability for the \$13,984.97 previous balance or the \$5,000 deposit required by LG&E. The Commission also emphasizes that, after Kidz Capitol pays \$5,608.72, it is obligated to also pay subsequent bills for service. This obligation includes allowing LG&E access to Kidz Capitol's electric and gas meters and making full and prompt payment for subsequent services.

IT IS THEREFORE ORDERED that:

1. LG&E shall adjust Kidz Capitol's electric and gas bill to reflect the findings herein.

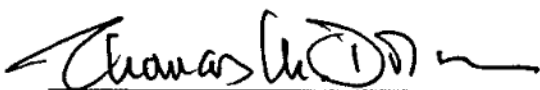
2. Within 5 days of the date of this Order, Kidz Capitol shall remit to LG&E \$5,608.72 for service since September 24, 2003.

3. Upon receipt of Kidz Capitol's payment of \$5,608.72, LG&E shall reconnect Kidz Capitol's gas service and cease attempts to disconnect its electric service. If Kidz Capitol tenders payment with a negotiable instrument, LG&E may wait for confirmation of sufficient funds, and upon receipt of said confirmation, shall immediately reconnect gas service.

Done at Frankfort, Kentucky, this 13th day of February, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Charles H. [unclear]", written over a horizontal line.

Executive Director

Case No. 2003-00369

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00369 DATED February 13, 2004

January 23, 2004 Bill to Kidz Capitol from LG&E



Customer Service: (502) 627-3313 Mon-Fri 7AM-6PM
Walk-In Center Hours: Mon-Fri 8AM-5PM
www.lgeenergy.com

DATE DUE	AMOUNT DUE
02/09/04	\$24,626.32

Current due date applies to the current bill only. Previous amount due may be subject to disconnection.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	KID'Z CAPITOL
Service Address:	522 W Main St
Next Read Date:	02/13/04

BILLING SUMMARY	
Previous Balance	0.00
Payments as of 01/22	0.00
Previous Month Adjustment	29,050.11
Balance as of 01/22	29,050.11
Electric Charges	167.92
Gas Charges	4,423.39
Taxes and Fees	275.48
Utility Charges as of 01/22	4,866.79
Other Charges	(9,290.58)
Total Amount Due	24,626.32

Averages for Billing Period	This Year	Last Year
Average Temperature	56°	53°
Number of Days Billed	77	77
Electric/kwh per Day	34.8	0.0
Gas/ccf per Day	61.7	0.0

ELECTRIC CHARGES	
Rate Type: GENERAL SERVICE THREE PHASE	
Customer Charge	10.00
Energy Charge	161.25
Other Charges For Above Rates	
Electric Fuel Adjustment (\$.00180 CR x 2680 kwh)	-4.82
Electric General Service DSM (\$.00031 x 2680 kwh)	0.83
Environmental Surcharge (2.300% x \$167.26)	3.85
Merger Surcredit (3.214% CR x \$171.11)	-5.50
Earnings Sharing Adjustment(2.320% x \$165.61)	3.84
Value Delivery Surcredit (0.900% CRx \$169.45)	-1.53
Total Electric Charges	\$167.92
Meter Reading Information	
Meter #	500432
Actual Reading on 01/21	0874
Previous Reading on 12/13	0807
Current kwh Usage	67
Meter Multiplier	40
Metered kwh Usage	2680

CORRECTED BILL

Please see reverse side for additional charges.

Please bring entire bill when paying in person.

Customer Service (502) 627-3313

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number	Payment Due Date	Amount Due by Due Date	Amount Due After Due Date	Winter Help Donation	Amount Enclosed
2000-9710-8000-1 8	02/09/04	\$24,626.32	\$24,869.66	\$	\$

Home Phone # (502) 718-0346

Check here if plan(s) requested on back of stub.

OFFICE USE ONLY: 98
C10, R0019, G999999
P0.00



CORRECTED BILL

PO BOX 35590
LOUISVILLE, KY 40232-5590

#BWNGLS
#2000971080001 0 1#
KID'Z CAPITOL
522 W MAIN ST
LOUISVILLE, KY 40202-2920



PRINTED ON RECYCLED PAPER

Service Address: 522 W Main St

01200097108000180000024869660000246263200000000000017

GAS CHARGES			
Rate Type: COMMERCIAL			
Customer Charge	40.98	Meter Reading Information	
Gas Distribution Charge	730.58	Meter #	303411
Gas Supply Component (\$.80328 x 2838 ccf) Prev Rate 46 days	2279.71	Actual Reading on 12/01	03204
Gas Supply Component (\$.72454 x 1913 ccf) New Rate 31 days	1386.05	Previous Reading on 09/15	98453
Other Charges For Above Rates		Current ccf Usage	4751
Gas Commercial DSM (\$.00184 x 4751 ccf)	8.74	Meter Multiplier	1
Value Delivery Surcredit (0.510% CRx \$4,446.06)	-22.67	Metered ccf Usage	4751
Total Gas Charges	\$4,423.39		
OTHER CHARGES			
Deferred Agreement Billed	1165.42		
Deferred Agreement Billed	1165.42		
Late Payment Charge	-50.07		
Late Payment Charge	-93.88		
Deferred Agreement Setup	-13964.97		
Returned Check Amount	2500.00		
Insufficient Check Charge	7.50		
Total Other Charges Due	(\$9,290.56)		
TAXES AND FEES			
Electric Sales Tax (6.00% x \$167.92)	10.08		
Gas Sales Tax (6.00% x \$4,423.39)	265.40		
Total Taxes and Fees	\$275.48		
BILLING INFORMATION			
The previous amount shown on this bill MAY OR MAY NOT agree with the last bill you received due to adjustments that were made since your last statement was mailed.			
Late Charge to be Assessed After Due Date	\$243.34		
Total deposit required	\$5,000.00		
Deposit paid to date	\$2,500.00		
Remaining deposit to be billed	\$0.00		
Service may be cut-off, if termination notice is not paid.			

New enrollment only - Please check box(es) below and on front of stub.

Automatic Bank Club (voided check must be provided)
 Please deduct my Automatic Bank Club payment from my Checking Account.

I hereby authorize LGE to debit my bank account for payment of my monthly energy bill. This authorization will remain in effect until revoked by me or LGE.

Signature _____

Date _____



ALM0001101251011



IMPORTANT INFORMATION

Merger Surcredit: The surcredit represents the customer's share of merger-related savings associated with the merger of LG&E Energy Corporation and KU Energy Corporation.

IMPORTANT INFORMATION

To request a copy of your rate schedule, please call 1-502-627-3313, and press 1-3-2-4-2.

*** Announcing Online Customer Self-Service ***

You can now view your past year's billing history or pay your bill online.

And sign up to receive your bill electronically via e-mail instead of regular mail.

And sign up for Automatic Bank Club (ABC).

Visit us at www.lgeenergy.com today.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00369 DATED February 13, 2004

Determination of \$5,608.70 Due from Kidz Capitol to LG&E

Electric Service:

Electric Service from 09/15/03 to 10/14/03	\$242.59
Applicable Sales Tax (Item 2, Staff Second Data Request, Date Due 10/31/03)	14.56
Electric Service from 10/14/03 to 11/12/03	225.78
Applicable Sales Tax (Item 2, Staff Second Data Request, Date Due 12/03/03)	13.55
Electric Service from 11/12/03 to 12/13/03	231.56
Applicable Sales Tax (Item 2, Staff Second Data Request, Date Due 01/05/04)	13.89
Electric Service from 12/13/03 to 01/21/04	167.92
Applicable Sales Tax (Appendix A of this Order)	10.08
Total for Electric Service	\$919.93

Gas Service:

Gas Service from 09/15/03 to 12/01/03	\$4,423.39
Applicable Sales Tax (Appendix A of this Order)	265.40
Total for Gas Service	\$4,688.79
Total for Electric and Gas Service	\$5,608.72

Note: The gas service billing included in this calculation reflects two actual readings covering the period, rather than based on estimated amounts.