

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BLUE GRASS ENERGY)
COOPERATIVE CORPORATION FOR AN)
ORDER INTERPRETING KRS 278.225) CASE NO. 2008-00086

O R D E R

Blue Grass Energy Cooperative Corporation (“Blue Grass Energy”) initiated the instant matter seeking recovery of \$1,840.40 from Phyllis Davis, a Blue Grass Energy customer. The amount of recovery represented the differential between the amount billed and the amount Ms. Davis should have been billed for service rendered within 2 years of January 2008. Blue Grass Energy claims that Ms. Davis would be unjustly enriched if she were to escape liability for the differential amount.

In the Order of April 14, 2008, the Commission found that this matter was, in essence, a complaint by Blue Grass Energy alleging that Ms. Davis had breached a purported duty to notify the utility of insufficient billing. The Commission specifically found that “[u]ntil a bill is rendered and disputed by the customer, a billing dispute is not ripe for decision by the Commission.”

Blue Grass Energy has now filed a motion for reconsideration of this case. Blue Grass Energy states that it has billed Ms. Davis for the amount in controversy. Attached to its motion are bills for service representing billing periods, cumulatively, from December 10, 2007 through March 10, 2008. Blue Grass Energy asserts that the “bills reflect payment by Ms. Davis for services current to the particular month billed, but no

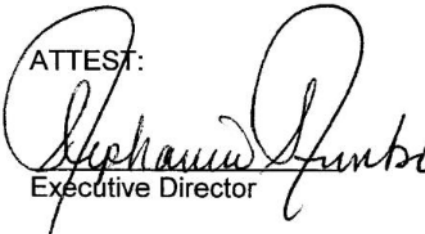
payment whatsoever on the differential.” Blue Grass Energy thus argues that a bill has been rendered and disputed by Ms. Davis. On such basis, Blue Grass Energy requests that the matter be re-opened to consider the additional information submitted in its motion.

Having reviewed the motion and being otherwise sufficiently advised, the Commission denies the motion. The April 14, 2008 Order determined that the matter was not ripe for decision because Blue Grass Energy had not tendered a bill that had been formally disputed by Ms. Davis. Although Blue Grass Energy has now presented evidence that the requisite bills were tendered to Ms. Davis, the matter still cannot be considered ripe for a decision by the Commission because Ms. Davis has not filed a formal complaint before the Commission challenging the disputed charges. Given the current posture of this matter, the Commission is unable to grant the relief requested by Blue Grass Energy because Ms. Davis is not subject to the jurisdiction of the Commission.

IT IS THEREFORE ORDERED that Blue Grass Energy’s motion for reconsideration is denied.

Done at Frankfort, Kentucky, this 20th day of May, 2008.

By the Commission

ATTEST:

Executive Director