

when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.

If a complaint fails to establish a prima facie case or conform to the administrative regulation, 807 KAR 5:001E, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001E, Section 20(4)(a)(2), provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed. Commission regulation 807 KAR 5:006, Section 7(5), requires, in part, that a customer's meter must be read at least quarterly, and that if for a reason beyond the utilities control, it is unable to comply the utility shall record the date, time, and the reason the utility was unable to read the meter.

BACKGROUND

On July 1, 2022, Ms. Johnson tendered a formal complaint against LG&E, alleging that LG&E improperly estimated her bill. The Commission entered an order on August 23, 2022, stating that the Commission was unable to determine whether a prima facie case had been established, provided a list of documents the Commission needed to decide whether a prima facie case had been established or not, gave Ms. Johnson 20 days to respond, and stated that if Ms. Johnson could not provide the documents, they would be requested from LG&E.

Ms. Johnson did not reply or provide any of the requested information within the 20 days permitted or at any subsequent time prior to this order. The Commission entered an order on October 12, 2022, requesting the documents from LG&E. LG&E provided the documents in a responsive filing on November 1, 2022.

DISCUSSION AND FINDINGS

In her complaint, Ms. Johnson alleged that LG&E estimated a bill based on past usage in 2021 and that there was a material change in facts that resulted in LG&E over-estimated the usage for the billing period. Ms. Johnson asserted that she was working from home in 2021 and that she no longer worked from home and thus used less electricity.

LG&E provided a copy of bills for usage between December 8, 2021, and April 5, 2022, and a corrected final bill dated May 10, 2022. These bills reflect estimated meter reads on December 8, 2021, for usage between November 5, 2021, and December 8, 2021, and again on April 5, 2022, for the usage between March 10, 2022, and April 5, 2022. Actual meter reads occurred on January 10, 2022, for usage between December 8, 2021, and January 10, 2022; February 8, 2022, for usage between January 10, 2022 and February 8, 2022; and March 10, 2022, for usage between February 8, 2022, and March 10, 2022.

LG&E stated that Ms. Johnson called on March 21, 2022, to terminate service on the account at issue on April 4, 2022, and that Ms. Johnson subsequently updated the termination date to April 6, 2022. LG&E explained that it could not access the meter because the meter was behind a locked gate. LG&E stated that Ms. Johnson called to question her final bill and LG&E adjusted the final bill based upon the last actual reading.

The Commission notes that Ms. Johnson requested that her bill be reduced by \$60, but did not explain how this was calculated, other than her assertion that she used less energy because she no longer worked from home. Further, Ms. Johnson did not

state with specificity the bill amount or billing period for which she alleges she was overcharged.

Due to the lack of specificity regarding the basis for the complaint and the amount Ms. Johnson was allegedly overcharged, the Commission finds that Ms. Johnson has not established a prima facie case because the allegations in the complaint would not entitle Ms. Johnson to the relief requested. For that reason, the Commission finds that Ms. Johnson should be afforded the opportunity to amend her complaint. Further, the Commission finds that Ms. Johnson shall file an amended complaint within 20 days from the date of service of this Order. In accordance with 807 KAR 5:001E, Section 20(4)(a)(2), if Ms. Johnson does not amend the complaint within the time set forth in this Order, the complaint should be dismissed by separate Order.

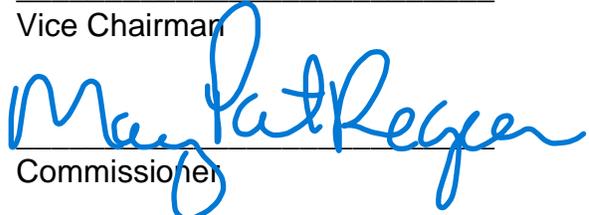
IT IS THEREFORE ORDERED that:

1. Ms. Johnson's complaint does not establish a prima facie case.
2. Ms. Johnson shall file an amended complaint within 20 days of the date of service of this Order.
3. Ms. Johnson shall file the amended complaint by electronic mail to PSCED@ky.gov or by U.S. Mail to P.O. Box 615, Frankfort, KY 40602- 0615.
4. A copy of this Order shall be served on Ms. Johnson by U.S. Mail at the address on file with the Commission in this proceeding.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

Tavonna L. Johnson
6916 Roseborough Court
Louisville, KENTUCKY 40202

*Honorable Allyson K Sturgeon
Managing Senior Counsel - Regulatory &
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010