COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERRI MAXINE HURLEY	)	
	)	
COMPLAINANT	)	CASE NO.
V.	)	2025-00058
	)	
KENTUCKY POWER COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On March 5, 2025, Terri Maxine Hurley tendered a formal complaint with the Commission against Kentucky Power Company (Kentucky Power) disputing the $2,609.06 usage adjustment arising from estimated bills for the months of October, November, and December 2024, applied to her January 2025 bill.[1]

On August 15, 2025, the Commission entered an Order which found that the complaint did not establish a *prima facie* case.[2] On August 19, 2025, Ms. Hurley tendered a response to the Commission's August 15, 2025 Order and stated that a Kentucky Power employee obtained an actual reading of her meter during the time period in which Kentucky Power had estimated her usage and the employee stated that her meter wasn't working properly, requiring it to be manually read for an accurate reading.[3]

[1] Terri Maxine Hurley's Complaint (filed Mar. 5, 2025).

[2] Order (Ky. PSC Aug. 15, 2025).

[3] Terri Maxine Hurley's Response to Commission's Order (filed Aug. 19, 2025).

On October 2, 2025, the Commission issued an Order finding pursuant to 807 KAR 5:001, Section 20, requiring Kentucky Power to satisfy the matters complained of or file a written answer to the complaint within ten days from the date of service of the Order.[4] Kentucky Power tendered a response to the Order and a motion to dismiss on October 13, 2025.[5] A procedural schedule was issued on May 14, 2026, and Kentucky Power responded to three requests for information from Commission Staff[6] and Ms. Hurley responded to one request for information from Commission Staff.[7] Neither party requested a formal hearing.

BACKGROUND

Kentucky Power stated that the usage adjustment was required because it had estimated Ms. Hurley's usage for the months of October, November, and December 2024 due to an inability to obtain actual readings from Ms. Hurley's meter until January 2025.[8] Kentucky Power explained that it was unable to obtain Ms. Hurley's actual usage because her meter failed to transmit radio frequency (RF) readings beginning in July 2024 and without the meter transmitting a RF reading, Kentucky Power stated that the company's meter reader was required to manually read the usage from the meter, which

[4] Order (Ky. PSC Oct. 2, 2025).

[5] Kentucky Power's Response to Commission Order and Motion to Dismiss (filed Oct. 13, 2025).

[6] Kentucky Power's Response to Commission Staff's First Request for Information (Staff's First Request) (filed Feb 24, 2026); Kentucky Power's Response to Commission Staff's Second Request for Information (Staff's Second Request) (filed Mar. 23, 2026); Kentucky Power's Response to Commission Staff's Third Request (Staff's Third Request) (filed June 8, 2026).

[7] Terri Maxine Hurley's Response to Commission Staff's First Request for Information (Staff's First Request) (filed June 15, 2026).

[8] Kentucky Power's Response to Commission Order and Motion to Dismiss at 2-3.

required physical access to the meter.[9] Kentucky Power stated that its meter reader was unable to physically access Ms. Hurley's property and record her actual usage during the months at issue due to unrestrained dogs on the property creating a safety issue.[10]

Kentucky Power explained that Ms. Hurley's estimated usage applied to her October through December 2024 billing statements was based on her actual usage in October, November and December 2023.[11] Kentucky Power provided logs documenting that its field revenue specialist made attempts to access the property to take a meter reading and replace the meter but was unable to assess the meter due to a safety issue.[12]

Kentucky Power provided all inspection reports and records of testing performed on meter removed from Ms. Hurley's property.[13] Additionally, Kentucky Power provided documentation that it tested Ms. Hurley's meter in compliance with 807 KAR 5:041, Section 17, prior to the installation and tested the meter after removal and stated that the meter scored in the in the 99th or 100th percentile in all the accuracy tests performed.[14] Kentucky Power explained that although the meter failed to transmit usage data through RF, the meter continued to record usage accurately.[15] Kentucky Power stated that in January 2025 the field technician was able to manually read Ms. Hurley's actual usage

[9] Kentucky Power's Response to Commission Order and Motion to Dismiss at 1.

[10] Kentucky Power's Response to Commission Order and Motion to Dismiss at 1.

[11] Kentucky Power's Response to Commission Order and Motion to Dismiss at 2-3.

[12] Kentucky Power's Response to Staff's First Request, Item 2 and KPCO_R_KPSC_1_2_Attachment1.

[13] Kentucky Power's Response to Staff's First Request, Item 3 and KPCO_R_KPSC_1_3_Attachment1.

[14] Kentucky Power's Response to Staff's First Request, Item 3 and KPCO_R_KPSC_1_3_Attachment1.

[15] Kentucky Power's Response to Staff's First Request, Item 5.

for October, November, and December 2024.[16] Kentucky Power explained that Ms. Hurley's actual usage was higher than the estimated usage she had been billed for in October, November, and December 2024 and the difference was applied to her January 2025 bill.[17]

Ms. Hurley's supplemental filings expressed concern with her high usage considering that her home is a new construction[18] and propane and kerosene heaters are used without any other heat source, other than a couple of floor heaters.[19] Ms. Hurley's actual usage during the months of October, November, and December 2024 was 5,465 kWh, 5,464 kWh and 7,348 kWh, respectively.[20] The average residential customer in Kentucky Power's service territory has a usage of about 1,210 kWh per month.[21] Kentucky Power recognized that Ms. Hurley's usage was significantly above the usage of an average residential customer in Kentucky Power's service territory and assessed Ms. Hurley's home in person and noted that the home is experiencing challenges with energy efficiency, which would result in air infiltration or heat loss.[22] As a result of its assessment, Kentucky Power's DSM vendor spoke with Ms. Hurley to offer a home energy assessment as part of the Home Energy Improvement Program, however Ms.

[16] Kentucky Power's Response to Commission Order and Motion to Dismiss at 3.

[17] Kentucky Power's Response to Commission Order and Motion to Dismiss at 3.

[18] Terry Hurley's Response to Staff's First Request at 1.

[19] Terri Hurley's Response Regarding Payment Plan (filed Jan. 23,2026).

[20] Kentucky Power's Response to Commission Order and Motion to Dismiss at 3.

[21] Kentucky Power's Response to Staff's Second Request, Item 2d.

[22] Kentucky Power's Response to Staff's Second Request, Item 2d.

Hurley did not complete the application to schedule the assessment.[23] Kentucky Power explained that Ms. Hurley may quality for other weatherization programs such as the Targeted Energy Efficiency program, which is supplemental to the federally-funded Weatherization Assistance Program offered by local agencies.[24]

On January 23, 2026, Ms. Hurley filed a statement asserting that she contacted Kentucky Power to request a payment arrangement for amounts not at issue in this case, but that Kentucky Power indicated that a payment arrangement could not be made for only a portion of the bill.[25] Kentucky Power acknowledged that discussion, in part, and indicated that the Company advised Ms. Hurley that its billing system cannot establish a payment arrangement that excludes portions of the bill as payment arrangements are established based on terms such as 30-day past due balance, 60-day past due balance, 90-day past due balance or the total bill.[26] Kentucky Power then proposed a payment arrangement that would allow Ms. Hurley to make an initial payment of 25 percent of her past due balance and the remaining 75 percent of her balance would be divided into 12 monthly installments, which will be added to her regular monthly bill.[27] Kentucky Power also offered Ms. Hurley the option to extend the payment installment period to 24 months and stated that Ms. Hurley may also benefit from enrolling in the Average Monthly

[23] Kentucky Power's Response to Staff's Second Request, Item 2d.

[24] Kentucky Power's Response to Staff's Second Request, Item 2d.

[25] Terri Hurley's Response Regarding Payment Plan.

[26] Kentucky Power's Response to Staff's First Request, Item 6.

[27] Kentucky Power's Response to Staff's Second Request, Item 4.

Payment (AMP) plan to levelize her bills throughout the year on a going forward basis and can be established along with a payment arrangement.[28]

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service. The statute provides that no utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

Kentucky Power's tariff and the Commission regulations address the issues at hand. Kentucky Power's tariff permits estimated billing, in the event of the stoppage of or the failure of any meter to register the full amount of energy consumed and permits the utility to bill the customer for a period based on an estimated consumption of energy in a similar period of like use.[29] Finally, Kentucky Power's tariff requires that the utility "negotiate and accept reasonable payment arrangements at the request of a residential customer who has received a termination notice for failure to pay."[30]

Additionally, 807 KAR 5:006 Section 7(5) requires a utility to read its customer meters quarterly and if a utility is unable to read a meter due to circumstances outside of its control, the utility is required to record the date and time the attempt was made, if applicable, and the reason the utility was unable to read the meter. Finally, 807 KAR

[28] Kentucky Power's Response to Staff's Second Request, Item 4.

[29] P.S.C. Ky. No. 14 Sheet No. 2-5 (issued May 8, 2026), effective Mar. 1, 2026.

[30] P.S.C. Ky. No. 14 Sheet No. 2-5 (issued May 8, 2026), effective Mar. 1, 2026.

5:041, Section 17 establishes meter testing and accuracy requirements "when a meter is tested based on complaint or request, additional test runs shall be made and care exercised to insure that any trouble with the meter be detected."

DISCUSSION AND FINDINGS

Having considered the record and being sufficiently advised, the Commission finds no evidence that Kentucky Power is in violation of its tariff or any Commission regulation.

There is no evidence in the record to indicate that the usage adjustment applied to Ms. Hurley's January 2025 bill was incorrect. Kentucky Power calculated the actual electric Ms. Hurley consumed by subtracting the September 2024 reading (52091) from the January 2025 reading (75081) which shows an additional 22,990 kWh used in the period between readings.[31] Additionally, Kentucky Power provided a spreadsheet that reconciled Ms. Hurley's account payments in September 2024, October 2024, and December 2024, for her estimated usage, with the balance due for her actual usage adjustment made on her January 2025 billing statement[32] as Ms. Hurley's payments made for the estimated usage were refunded and she was billed for her actual usage for the months of October-December 2024 on her January 2025 statement.[33] Therefore, Kentucky Power properly billed Ms. Hurley for the period it was unable to obtain Ms. Hurley's actual usage amount based on the amount of energy she consumed in October

[31] Kentucky Power's Response to Staff's First Request, Item 5.

[32] Kentucky Power's Response to Staff's Second Request, Item 3.

[33] Kentucky Power's Response to Staff's Second Request, Item 3, KPCO_R_KPSC_2_3_Confidentia1Attachment1.

through December 2023.[34] Ms. Hurley's bill explicitly stated that the total charges were based on estimated usage.[35]

Kentucky Power complied with 807 KAR 5:006 Section 7(5). Kentucky Power provided field logs of each attempt to read Ms. Hurley's meter and explained the reason it was unable to read her meter in October, November and December 2024 due the meter failing to transmit RF and unrestrained dogs on the property, creating a safety issue, which prevented Kentucky Power from repairing the meter and obtaining a manual reading of the meter.[36] Ms. Hurley acknowledged that there were dogs outside at her residence and stated that she was never asked to restrain the dogs,[37] however, the presence of unrestrained dogs do provide a basis for Kentucky Power not conducting actual reads for a short period of time. Kentucky Power meter readers also note the presence of dogs on multiple occasions and one meter reader noted that they parked in the driveway until Ms. Hurley came to restrain the dogs.[38]

The Commission finds that upon removal of Ms. Hurley's meter on January 24, 2025, Kentucky Power tested the meter in accordance with the requirements set forth in 807 KAR 5:041, Section 17 and the meter scored in the 99th percentile for accuracy.[39] The Commission acknowledges Kentucky Power's proposed payment arrangement and expects Kentucky Power to work with Ms. Hurley consistent with its tariff, which requires

[34] Kentucky Power's Response to Commission Order and Motion to Dismiss at 3.

[35] Kentucky Power's Response to Commission Order and Motion to Dismiss at 3.

[36] Kentucky Power's Response to Staff's First Request, Item 2.

[37] Terri Hurley Supplemental Information to Formal Complaint (filed Oct. 28, 2025).

[38] Kentucky Power's Response to Staff's First Request, Item 2.

[39] Kentucky Power's Response to Commission Order and Motion to Dismiss at 2.

Kentucky Power to "negotiate and accept reasonable payment arrangements at the request of a residential customer" and authorizes partial payment plans.[40]

Based on the information provided, the Commission finds that Ms. Hurley has not established grounds for relief. Accordingly, the Commission finds that this complaint should be dismissed, without hearing, as a hearing is not necessary for the public interest or for the protection of substantial rights. This Order should not be construed as limiting or impeding Ms. Hurley's ability to seek recourse, if any, in a court of law.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion to dismiss is granted.

2. Ms. Hurley's complaint is dismissed.

3. This case is closed and removed from the Commission's docket.

4. A copy of this Order shall be served by U.S. First-Class mail, and Certified Mail, Return Receipt Requested, to Terri Maxine Hurley at 1834 Rockhouse Road, Phelps, Kentucky 41553.

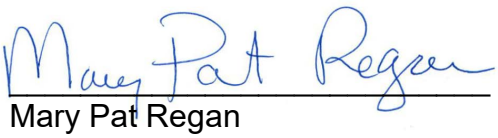
[40] P.S.C. Ky. No. 14 Sheet No. 2-5 (issued May 8, 2026), effective Mar. 1, 2026.

Entered on this 20th day of November, 2026.

PUBLIC SERVICE COMMISSION



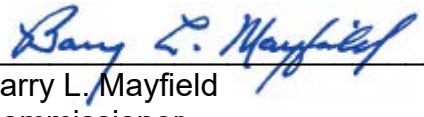
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

Service List for Case 2025-00058

* Harlee P. Havens
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

* Terri M. Hurley
1834 Rockhouse Road
Phelps, KY 41553

* Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

* Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

* Denotes served by Email