

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DONALD R. MCKINNEY)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2025-00227
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

On June 26, 2025, Donald R. McKinney (Mr. McKinney or Complainant) tendered a formal complaint with the Commission against Louisville Gas and Electric Company (LG&E) alleging that as a result of estimated meter readings between January 21, 2024, and April 30, 2025, he was charged \$757.38 due to underpayment and he has requested that the additional charge of \$757.38 be dismissed.

LEGAL STANDARD

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case 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 5:001, 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 5:001, 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.

In Case No. 2020-00350 the Commission approved a stipulation which granted LG&E a deviation from 807 KAR 5:006, Section 7(5) requiring manual meter reads, relieving LG&E of the obligation to manually read each meter at least once every calendar quarter, during and following the implementation of its Advanced Metering Infrastructure (AMI).¹ However, 807 KAR 5:006, Section 7(5)(b) still requires customer-read meters to be read manually at least once per calendar year.

Sheet No. 101 of LG&E's tariff, Meter Readings and Bills, reads, in relevant part:

All bills will be based upon meter readings made in accordance with Company's meter reading schedule. Company, except if prevented by reasons beyond its control, shall read Customer's meters at least quarterly, except that customer-read meters shall be read at least once during the calendar year.

When Company is unable to read Customer's meter after reasonable effort, or when Company experiences circumstances which make actual meter readings impossible or impracticable, Customer may be billed on an estimated basis and the billing will be adjusted as necessary when the meter is read.

¹ Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, And Establishment of a One-Year Surcredit* (Ky. PSC June 30, 2021), Order, ordering paragraph 3 and Appendix A paragraph 5.9, see also Case No. 2020-00350, Nov. 225, 2020 Application, paragraph 31.

DISCUSSION AND FINDINGS

In his complaint, Mr. McKinney alleges that LG&E did not physically read his meter between January 21, 2024, and April 30, 2025 resulting in a bill of \$757.38 and requesting that LG&E dismiss the additional billed amount based on the April 30, 2025 meter reading.

Based upon a review of the tendered complaint, the Commission finds that the complaint has failed to establish a *prima facie* case as the complaint does not allege that either the billed amount or the meter reading was inaccurate. Based on Commission regulation and LG&E's tariff, LG&E is able to rely on estimated meter readings and then to adjust billing as necessary when the meter is actually read, collecting or crediting a customer's account where there is an under or overpayment. Even if LG&E failed to manually read McKinney's meter on a timely basis, Mr. McKinney would not be entitled to the relief he requested. The underpayment of \$757.38 would still be owed, barring inaccurate billing or meter reading.

Since the complaint fails to establish a *prima facie* case, 807 KAR 5:001, 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 5:001, 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. The Commission finds that the Complainant should have 30 days from the date of service of this Order to submit additional evidence in support of his complaint. Complainant, pursuant to 807 KAR 5:001, shall file with the Commission any additional information or evidence by either mailing the response to the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40601, or by emailing the response to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. The Commission finds that the complaint does not establish a *prima facie* case, and that Mr. McKinney has 30 days from the entry of this Order to amend the complaint to establish a *prima facie* case.
2. A copy of this Order shall be served on Donald R. McKinney by U.S. Postal Service, certified mail, return receipt requested, and first-class mail at 220 W. Main Street, Louisville, Kentucky 40202.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:

 LP

Executive Director



Donald R. McKinney
647 Cecil Ave.
Louisville, KY 40211

*Louisville Gas and Electric Company
820 West Broadway
Louisville, KY 40203

*Louisville Gas and Electric Company
820 West Broadway
Louisville, KY 40203