COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GARY A. MILLER COMPLAINANT V. DUKE ENERGY KENTUCKY, INC. DEFENDANT	)))))))))	CASE NO. 2025-00248

O R D E R

On July 15, 2025, Gary Miller filed a formal complaint against Duke Energy Kentucky, Inc. (Duke Kentucky). In his complaint, Miller alleged that he owns and resides at property located at 4415 Vermont Avenue, Latonia, Kentucky, that receives gas and electric service from Duke Kentucky.[1] He alleged that he allowed his grandson, Allen Michael Foley, and his grandson's wife to move into the property with him, and that at some unknown point in time, Duke Kentucky permitted the gas and electric service to be transferred into his grandson's name.[2] He further alleged that utility service was subsequently transferred into the name of Christian Foley and then into the name of Kirsten Foley.[3]

[1] Complaint (filed July 15, 2025) at 1.

[2] Complaint at 1

[3] Complaint at 2.

Mr. Miller alleged that Duke Kentucky permitted the transfer of utility service out of his name without his knowledge or authorization.[4] He claimed that after the transfer of his account occurred, extensive unpaid charges were incurred, which resulted in the disconnection of service without notice to him or an opportunity to address the unpaid balance for electric service to his residence before disconnection.[5] Mr. Miller asked that Duke Kentucky be required to produce any documentation of authorization to transfer the account out of his name, and that Duke Kentucky be required to restore his gas and electric service if it cannot produce such documentation.[6]

On February 27, 2026, the Commission entered an Order finding that it needed additional information to determine if the complaint stated a *prima facie* case.[7] The Commission ordered Mr. Miller and Duke Kentucky to file by March 20, 2026, responses to requests for information from Commission Staff that were attached to the Order.[8] Duke Kentucky filed responses to the requests on March 20, 2026,[9] and Mr. Miller filed responses on March 26, 2026.[10]

[4] Complaint at 2.

[5] Complaint at 2.

[6] Complaint at 2-3.

[7] Order (Ky. PSC Feb. 27, 2026) at 2.

[8] Feb. 27, 2026 Order at 2-3.

[9] Duke Kentucky's Response to Commission Staff's First Request for Information (Staff's First Request) (filed Mar. 20, 2026).

[10] Miller's Response to Commission Staff's First Request for Information (Staff's First Request) (filed Mar. 26, 2026).

LEGAL STANDARDS

The Commission has original jurisdiction over complaints as to rates or service of any utility pursuant to KRS 278.260. The statute provides that the Commission shall not enter an order affecting the rates or service complained of without a formal public hearing.[11] The Commission, however, may dismiss any complaint without a hearing if, in its opinion, "a hearing is not necessary in the public interest or for the protection of substantial rights."[12] The complainant in a formal complaint case bears the burden of proof.[13]

807 KAR 5:006, Section 14(1), requires each utility to display at each office open to the public for customer service and on its website "a summary, prepared and provided by the commission, of the customer's rights." The Customer Bill of Rights prepared by the Commission provides: "You have the right to service, provided you (or a member of your household whose debt was accumulated at your address) are not indebted to the utility."[14]

DISCUSSION

In response to Staff's First Request, Duke Kentucky produced billing records for gas and electric service provided to Mr. Miller's residence at 4415 Vermont Avenue, Latonia, Kentucky, for the period from January 18, 2023, to March 12, 2026.[15] The bills

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[11] KRS 278.260(1).

[12] KRS 248.260(2).

[13] Case No. 2019-00016, *Bollinger v. Kentucky-American Water Co.* (Ky. PSC Dec. 23, 2020), Order at 2.

[14] Customer Bill of Rights is located on the Public Service Commission website at https://psc.ky.gov/Home/CustomerBillOfRights.

[15] Duke Kentucky's Response to Staff's First Request, Item 1.

show that during this time, service was provided to Mr. Miller's residence under the separate accounts of four family members.[16] Mr. Miller acknowledged that he lived at his residence during this time.[17]

From January 2023 to June 2024, the account was in Mr. Miller's name.[18] During this period, he received two disconnection notices for non-payment of charges.[19] He received a final bill dated July 5, 2023, in the amount of $1,507.64.[20] Duke Kentucky also produced a copy of the notice that it provided to Mr. Miller that it had received a request to discontinue service or transfer service to another party on June 27, 2023,[21] and also a copy of the confirmation provided to Mr. Miller that service was discontinued on July 3, 2023.[22]

Commencing June 28, 2023, services were provided to Mr. Miller's residence under a new account in the name of his grandson, Allen Foley.[23] Allen Foley's account was subject to a disconnection notice dated August 17, 2023,[24] and a final bill was issued on October 17, 2023.[25]

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[16] Duke Kentucky's Response to Staff's First Request, Item 1, Attachments 1-5.

[17] Miller's Response to Staff's First Request, Item 2(c).

[18] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 1.

[19] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 1, at 5-10, 19-24.

[20] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 1, at 25-28.

[21] Duke Kentucky's Response to Staff's First Request, Item 2, at 1.

[22] Duke Kentucky's Response to Staff's First Request, Item 2, at 7.

[23] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 2.

[24] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 2, at 5-10.

[25] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 2, at 15-18.

Commencing October 13, 2023, services were provided to Mr. Miller's residence under a new account in the name of Christian Foley,[26] whom complainant identified as his grandson.[27] Christian Foley's account was subject to a disconnection notice dated January 16, 2024,[28] and a final bill was issued on February 9, 2024, with a balance due of $1,205.17.[29]

Commencing October 13, 2023, services were provided to Mr. Miller's residence under a new account in the name of Kristen Foley,[30] whom complainant identified as his granddaughter.[31] Kristen Foley's account was subject to a disconnection notice dated October 15, 2024,[32] and a final bill was issued on March 5, 2025, with a balance due of $740.01.[33]

According to Duke Kentucky, services to Mr. Miller's residence were disconnected and off from March 3, 2025, to September 17,2025.[34] Commencing September 17, 2025, services to Mr. Miller's residence were restored under a new account in Mr. Miller's

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[26] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 3.

[27] Miller's Response to Staff's First Request, Item 2.

[28] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 3, at 9-14.

[29] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 3, at 15-18.

[30] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 4.

[31] Miller's Response to Staff's First Request, Item 2.

[32] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 4, at 30-35.

[33] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 4, at 52-55.

[34] Duke Kentucky's Response to Staff's First Request, Item 1.

name.[35] Mr. Miller's new account has since been subject to two disconnection notices.[36] The current status of the account is unknown.

The Commission finds that Mr. Miller's complaint fails to state a *prima facie* case. The *prima facie* requirement is not satisfied unless the complaint is accompanied with supporting evidence.[37] Mr. Miller's claim that the account was transferred out of his name without his knowledge due to the fault of Duke Kentucky is not supported by any evidence. All bills for each of the four accounts were mailed to Mr. Miller's residence. Mr. Miller admitted that he has lived at his residence during the entire relevant time period and has not offered a credible explanation for how he could not know that the utility bills were no longer in his name. Further, as noted, Duke Kentucky provided confirmations sent to Mr. Miller of a request received to stop or transfer service on June 27, 2023, and again on July 3, 2025, when service was first transferred out of his name to his grandson Allen Foley.

The Commission further finds that, under the Kentucky Customer Bill of Rights, Mr. Miller did not have the right to have service restored after it was disconnected in March 2025 because of the outstanding charges owed by members of his family for utility service to his address. This provision prevents household members from creating new accounts for service to the same address to avoid disconnection of service for non-payment of outstanding charges for utility service to that address.

[35] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 5.

[36] Duke Kentucky's Response to Staff's First Request, Item 1, Attachment 5, at 15-20.

[37] Case No. 2019-00016, *Bollinger v. Kentucky-American Water Co.*, Dec. 23, 2020 Order at 2.

Finally, the Commission finds that the complainant's prayer for relief has been satisfied. As noted, Mr. Miller asked that Duke Kentucky be required to produce any documentation regarding the transfer of the account out of his name, and that, if Duke Kentucky cannot produce such documentation, that Duke Kentucky be required to restore his gas and electric service. Duke Kentucky produced copies of bills showing that on October 16, 2025, Duke Kentucky restored utility service to Mr. Miller's residence under a new account in his name. Duke Kentucky also produced copies of confirmations that it sent to Mr. Miller on June 27, 2023, and again on July 3, 2026, of a request received to stop or transfer service, when service was first transferred out of his name.

For the foregoing reasons, the Commission finds that Mr. Miller's complaint should be dismissed without hearing, as a hearing is not necessary for the public interest or for the protection of a substantial right.

IT IS THEREFORE ORDERED that:

1. The complaint is dismissed without prejudice.

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

Entered on this 10th day of August, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil RP

Justin McNeil
Executive Director

Service List for Case 2025-00248

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* Duke Energy Kentucky, Inc.
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* Melissa R Dixon
Housing Unit Manager
Legal Aid of the Bluegrass
104 East Seventh Street
Covington, KY 41011

* Denotes served by Email