

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DATANYA MORGAN	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2026-00124
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On May 11, 2026, DaTanya Morgan tendered a formal complaint with the Commission against Louisville Gas and Electric Company (LG&E), alleging that she was overbilled and that LG&E improperly disconnected her service.

LEGAL STANDARD

Pursuant to Commission regulations in 807 KAR 5:001, Section 20(1):

- (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall establish the names of the complainant and the defendant, and shall state:
- (a) The full name and post office address of the complainant;
  - (b) The full name and post office address of the defendant;
  - (c) Fully, clearly, and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure; and
  - (d) The relief sought.

Under 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, it may be dismissed.

Ms. Morgan specifically referenced KRS 278.260, KRS 278.030(3), Title VI of the Civil Rights Act of 1964, and 807 KAR 5:006, Sections 6, 10, 14, and 15.<sup>1</sup> The Commission maintains jurisdiction over complaints as to utility rates and service under KRS 278.260(1)—this statute also prohibits “unjustly discriminatory” rates. However, KRS 278.030(3) permits discrimination based on “reasonable classifications of its service, patrons and rates.”

Regarding 807 KAR 5:006, Section 6 pertains to easements and does not apply to this complaint.<sup>2</sup> Section 10 requires as follows:

- (1) Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, the utility shall make a prompt and complete investigation and advise the customer of the utility's findings.
- (2) The utility shall keep a record of all written complaints concerning the utility's service. This record shall include:
  - (a) The customer's name and address.
  - (b) The date and nature of the complaint; and
  - (c) The disposition of the complaint.
- (3) Records shall be maintained for two (2) years from the date of resolution of the complaint.
- (4) If a written complaint or a complaint made in person at the utility's office is not resolved, the utility shall provide written notice to the customer of his or her right to file a complaint with the commission and shall provide the customer with the

---

<sup>1</sup> Complaint at unnumbered pages 2–4.

<sup>2</sup> Complaint at 4 refers to Section 6 as pertaining to recordkeeping, which is addressed in Section 10.

mailing address, Web site address, and telephone number of the commission.

(5) If a telephonic complaint is not resolved, the utility shall provide at least oral notice to the customer of his or her right to file a complaint with the commission and the mailing address, Web site address, and telephone number of the commission.

Section 14(2) pertains to partial payment plans. Section 15 (in addition to other Sections) sets out the circumstances under which a utility may or may not disconnect a customer's service.

### BACKGROUND

Ms. Morgan alleged that LG&E (1) engaged in unjust, unreasonable, or discriminatory practices;<sup>3</sup> (2) failed to observe 807 KAR 5:006 billing, recordkeeping, and service requirements;<sup>4</sup> (3) violated Title VI of the Civil Rights Act of 1964;<sup>5</sup> (4) disconnected services during financial hardship;<sup>6</sup> (5) “[f]ailed to validate disputed billing;”<sup>7</sup> (6) misrepresented that an account audit was conducted;<sup>8</sup> (7) failed to provide required records;<sup>9</sup> (8) imposed high, inconsistent, and disproportionately burdensome bills;<sup>10</sup> (9)

---

<sup>3</sup> Complaint at unnumbered page 2.

<sup>4</sup> Complaint at unnumbered page 2.

<sup>5</sup> Complaint at unnumbered page 2.

<sup>6</sup> Complaint at unnumbered page 2.

<sup>7</sup> Complaint at unnumbered page 2.

<sup>8</sup> Complaint at unnumbered page 2.

<sup>9</sup> Complaint at unnumbered page 2.

<sup>10</sup> Complaint at unnumbered pages 2–3.

failed to correct, respond to, or meaningfully investigate disputes;<sup>11</sup> and (10) participated in a broader pattern of overbilling affecting multiple customers.<sup>12</sup>

### DISCUSSION AND FINDINGS

Based upon a review of the tendered complaint, the Commission finds that Ms. Morgan has not met the filing requirements and has not established a *prima facie* case. First, 807 KAR 5:001, Section 20(1) requires the complaint to list the address of both complainant and defendant; provide sufficient facts to support the complainant's allegations, and identify the relief sought. Ms. Morgan's complaint was deficient in all three areas. Supplying a current address not only meets the regulatory requirement but also serves a practical purpose of ensuring the Commission and subject utility may serve her documents relating to her claims. Ms. Morgan should provide her current address to ensure that she receives documents, including this Order, at the correct location. The other two filing requirements are discussed in greater detail below.

#### Unjust, unreasonable, or discriminatory practices and Civil Rights Act

KRS 278.030(1) states that “[e]very utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person.” The Kentucky Supreme Court “has equated an unjust and unreasonable rate to the confiscation of utility property” and has “declared that rates established by a regulatory agency must enable the utility to operate successfully and maintain its financial integrity

---

<sup>11</sup> Complaint at unnumbered pages 2–3.

<sup>12</sup> Complaint at unnumbered page 2.

in order to meet the just and reasonable non-confiscatory tests.”<sup>13</sup> LG&E’s tariffed rates have already been determined to be “fair, just and reasonable.”<sup>14</sup>

However, complainants may allege discriminatory application of rates. KRS 278.260(1) prohibits “unjustly discriminatory” rates. This provision means that different customers may not be charged different rates without justification. KRS 278.030(3) permits discrimination based on “reasonable classifications of its service, patrons and rates.” Ms. Morgan alleged “[h]igher or inconsistent charges in lower-income and predominantly Black communities” and “[b]ills that are equal to or higher than significantly larger homes.”<sup>15</sup> Except for residential customers opting to take service under a different rate class or tariff provision with different usage terms, all residential customers pay the same rate per usage. Although LG&E implements programs intended to assist low-income customers through weatherproofing and subsidizing energy efficient appliances and heating/air conditioning systems,<sup>16</sup> because how individual customers utilize items drawing an electric load as well as the load requirements of those items may vary, variation in customer usage is expected. This means that some customers with smaller homes may have higher electric bills than customers with larger homes. However, the

---

<sup>13</sup> *Pub. Serv. Comm’n v. Dewitt Water Dist.*, 720 S.W.2d 725, 730 (Ky. 1986), citing *Commonwealth ex rel. Stephens v. S. Cent. Bell Tel. Co.*, 545 S.W.2d 927 (Ky. 1976). The opinion in *Stephens* (at 930 931) also set forth that a utility is entitled to a reasonable return on its investment.

<sup>14</sup> Case No. 2025-00114, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric Rates and Approval of Certain Regulatory and Accounting Treatments* (Ky. PSC Feb. 16, 2026), Order at 311.

<sup>15</sup> Complaint at unnumbered page 4.

<sup>16</sup> See Case No. 2022-00402, *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements* (Ky. PSC Nov. 6, 2023), Order at 142-153.

rates are the same. If Ms. Morgan believes she was incorrectly charged a rate or charge other than what LG&E's tariff rate schedules require, she must provide sufficient factual information necessary for the Commission to identify any incorrect charges, such as the date of the bill, the amount at issue, and an explanation for why the rate or charge is incorrect. Ms. Morgan has not provided factual information sufficient to allow the Commission to find that any incorrect rates were charged.

Regarding inconsistency, electric bills fluctuate because billed amounts are based upon customer usage and, in part, tied to the cost of fuel used by utilities to generate electricity. Therefore, billed amounts generally increase when fuel costs increase or during periods of high electric consumption, usually during winter or summer when heating or air conditioning use is at peak. LG&E offers a Budget Payment Plan which uses estimated usage to set more consistent bills.<sup>17</sup>

Regarding Ms. Morgan's Civil Rights Act claim, the Commission does not have jurisdiction to enforce provisions of the Act. The Commission's complaint jurisdiction is limited to rates and service under KRS 278.260.

Regarding "broader pattern of overbilling affecting multiple customers," a non-lawyer may not represent the legal interests of other customers. As 807 KAR 5:001, Section 4(4), states in part: "A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)." Ms. Morgan may only seek relief for herself.

---

<sup>17</sup> See P.S.C. Electric No. 13, Sheet 103 (issued July 20, 2021), effective July 1, 2021.

### Recordkeeping and disputes

Although 807 KAR 5:006, Section 10, requires utilities to maintain certain records and investigate and respond to complaints, Ms. Morgan does not allege any specific facts that would allow the Commission to find that LG&E failed to keep any records related to Ms. Morgan's complaints or failed to investigate or respond. Ms. Morgan alleged that LG&E failed to provide documents for her but neither identified any such documents nor identified any applicable provisions requiring LG&E to provide records. Furthermore, the Commission's jurisdiction over complaints is limited to rate and service issues. In the event that Ms. Morgan files an amended complaint, the complaint must contain facts and information sufficient to establish a *prima facie* case of law, order, or administrative regulation within the Commission's jurisdiction, of which LG&E is alleged not to have complied.

Ms. Morgan alleged that LG&E "disconnected services during financial hardship." LG&E is only prohibited from disconnecting service as set forth in 807 KAR 5:006 or LG&E's filed tariff. Again, Ms. Morgan must provide sufficient factual information necessary for the Commission to find that LG&E violated regulation or tariff: the date of disconnection and actions or omissions by LG&E that constitute violation of the regulation or tariff.

For the foregoing reasons, the Commission finds that Ms. Morgan's complaint does not comply with 807 KAR 5:001, Section 20(1) and a *prima facie* case has not been established. Pursuant to 807 KAR 5:001, Section 20(4)(a)(1), Ms. Morgan should be permitted one opportunity to amend her complaint.

IT IS THEREFORE ORDERED that:

1. Ms. Morgan's complaint is rejected for filing for failing to comply with 807 KAR 5:001, Section 20(1) and failing to state a *prima facie* case.

2. Ms. Morgan shall have 20 days from the date of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a *prima facie* case.

3. Ms. Morgan may file her amended complaint with the Commission by U.S. mail to 211 Sower Blvd., Frankfort, Kentucky 40601 or by email to [PSCED@ky.gov](mailto:PSCED@ky.gov). Ms. Morgan shall include the case number, 2026-00124, in all filings with the Commission related to this complaint.

4. A copy of this Order shall be served upon Ms. Morgan by U.S. mail to 2821 W. Jefferson St., Louisville, Kentucky 40212.


Entered on this 16th day of June, 2026.

PUBLIC SERVICE COMMISSION




---

Angie Hatton  
Chair



---

Mary Pat Regan  
Commissioner



---

Andrew W. Wood  
Commissioner



---

Barry L. Mayfield  
Commissioner

ATTEST:



---

Linda C. Bridwell, PE  
Executive Director

## Service List for 2026-00124

\* DaTanya Morgan  
2821 W Jefferson Street  
Louisville, KY 40212

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

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