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	)	

O R D E R

On May 11, 2026, DaTanya Morgan tendered a formal complaint with the Commission against Louisville Gas & Electric Company (LG&E), alleging that she was overbilled and that LG&E improperly disconnected her service. On June 16, 2026, the Commission issued an Order finding that Ms. Morgan had not established a *prima facie* case pursuant to 807 KAR 5:001, Section 20(4)(a) and granted her 20 days to file an amended complaint as permitted by Section 20(4)(a)(1). Ms. Morgan timely filed an amended complaint on July 2, 2026. On July 6, 2026, Ms. Morgan filed a motion for an extension of time to supplement the record in support of her amended complaint. On July 20, 2026, the Commission issued an Order granting such an extension through August 14, 2026. Ms. Morgan did not file any additional material prior to that date.

LEGAL STANDARD

Pursuant to Commission regulation 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's amended complaint referenced the original complaint but did not raise any additional alleged violations by LG&E or identify additional facts in support of the allegations in the original complaint. The original complaint 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.[1] 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.[2] 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

[1] Complaint at unnumbered PDF 2-4.

[2] Complaint at unnumbered PDF 4 refers to Section 6 as pertaining to recordkeeping, which is addressed in Section 10.

> with the commission and shall provide the customer with the 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;[3] (2) failed to observe 807 KAR 5:006 billing, recordkeeping, and service requirements;[4] (3) violated Title VI of the Civil Rights Act of 1964;[5] (4) disconnected services during financial hardship;[6] (5) "[f]ailed to validate disputed billing;"[7] (6) misrepresented that an account audit was conducted;[8] (7) failed to provide required records;[9] (8) imposed high, inconsistent, and disproportionately burdensome bills;[10] (9)

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[3] Complaint at unnumbered PDF 2.

[4] Complaint at unnumbered PDF 2.

[5] Complaint at unnumbered PDF 2.

[6] Complaint at unnumbered PDF 2.

[7] Complaint at unnumbered PDF 2.

[8] Complaint at unnumbered PDF 2.

[9] Complaint at unnumbered PDF 2.

[10] Complaint at unnumbered PDF 2-3.

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

DISCUSSION AND FINDINGS

Based upon a review of the amended complaint, the Commission finds that Ms. Morgan has not established a *prima facie* case that LG&E violated a tariff, Commission order, regulation, statute, or other law for which the Commission can offer remedy.

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 in order to meet the just and reasonable non-confiscatory tests."[13] LG&E's tariffed rates have already been determined to be "fair, just and reasonable."[14]

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

[11] Complaint at unnumbered PDF 2-3.

[12] Complaint at unnumbered PDF 2.

[13] *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.

[14] 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.

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."[15] 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,[16] 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. However, the rates are the same. Ms. Morgan did not allege that she was incorrectly charged a rate or charge other than what LG&E's tariff rate schedules require.

Regarding inconsistency, electric bills fluctuate because rates are, in part, tied to the cost of fuel used by utilities to generate electricity. Therefore, rates 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.[17]

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.

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[15] Complaint at unnumbered PDF 4.

[16] 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.

[17] *See* P.S.C. Electric No. 13, Sheet 103 (issued July 20, 2021), effective July 1, 2021.

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.

Recordkeeping and disputes

Although 807 KAR 5:006, Section 10, requires utilities to maintain certain records and investigate and respond to complaints, Ms. Morgan did 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 to 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. The amended complaint did not contain facts sufficient to establish LG&E violated record-keeping or investigation regulations.

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. Ms. Morgan did not provide sufficient factual information necessary for the Commission to find that LG&E violated regulation or tariff regarding disconnection.

For the foregoing reasons, the Commission finds that Ms. Morgan’s amended complaint did not comply with 807 KAR 5:001, Section 20(1) and a *prima facie* case has not been established.

IT IS THEREFORE ORDERED that:

1. Ms. Morgan’s amended 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’s amended complaint is dismissed pursuant to 807 KAR 5:001, Section 20(4)(a).

3. A copy of this Order shall be served upon Ms. Morgan by U.S. Postal Service, Certified Mail, Return Receipts Requested, and First-Class Mail, to 2821 W. Jefferson St., Louisville, Kentucky 40212.

4. This matter shall be removed from the Commission’s docket.

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Entered on this 11th day of September, 2026.

PUBLIC SERVICE COMMISSION

signed w/permission

Angie Hatton

Angie Hatton
Chair

Mary Pat Regan

Mary Pat Regan
Vice Chair

Andrew W. Wood

Andrew W. Wood
Commissioner

Barry L. Mayfield

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil

Justin McNeil
Executive Director

Service List for Case 2026-00124

* DaTanya Morgan
2821 W Jefferson Street
Louisville, KY 40212

* Louisville Gas and Electric Company
2701 Eastpoint Parkway
Louisville, KY 40223

* Louisville Gas and Electric Company
2701 Eastpoint Parkway
Louisville, KY 40223

* Denotes served by Email