

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|----------------------------|---|---------------|
| ALICE VICKERS, COMPLAINANT |) | |
| |) | |
| VS. |) | CASE NO. 9615 |
| |) | |
| UNION LIGHT, HEAT AND |) | |
| POWER COMPANY, DEFENDANT |) | |

O R D E R

On February 19, 1986, the Commission received a complaint filed by Alice Vickers against the Union Light, Heat and Power Company ("Union"). Ms. Vickers requested that her utility service be immediately restored and a delinquent bill of another person, Brian Frazier, be removed from her present bill. After review of the matter, Commission staff recommended that the complaint be dismissed on the basis that the service which had been disconnected had been obtained through fraud; therefore, Union had acted within the meaning of the Commission's regulation, 807 KAR 5:006, Section 11(2)(b).

On April 14, 1986, Ms. Vickers, through her attorney, requested an evidentiary hearing on the complaint. The Commission concluded that a hearing would not serve any purpose. Ms. Vickers was advised on May 16, 1986, that her request was denied. Subsequently, Ms. Vickers petitioned Franklin Circuit Court for an order requiring the Commission to conduct a hearing to provide her

due process of law. On July 9, 1986, the Commission conducted a hearing, and evidence was presented on behalf of Ms. Vickers and Union.

According to the evidence, Ms. Vickers, her children and Mr. Frazier lived together at 2925 Madison Avenue and 3302 Carlisle Avenue, both addresses located in Latonia, Kentucky, with electric and gas utility service provided by Union. While at Madison Avenue the utility service was in Mr. Frazier's name, and he was, "...the guy paying the bills."¹ Utility service was disconnected due to nonpayment and Ms. Vickers moved back in with her mother in October 1985. At or about the same time Mr. Frazier rejoined Ms. Vickers at her mother's home, and according to Ms. Vickers, "...we lived there for a little while, and then we moved, in November, on Carlisle."²

In November 1985, Ms. Vickers applied for utility service in her name at Carlisle Avenue and received it after making a payment on a delinquent utility bill in her name at a previous address, Royal Drive in Fort Mitchell, Kentucky. According to Mr. Frazier, application for electric service at Carlisle Avenue was made by Ms. Vickers, "...because I know they wasn't going to turn it back on in my name...so, I thought that was the only chance of having the electric there."³ The record further shows that this action was initiated even though both understood that Mr. Frazier

¹ Transcript, line 24, page 22.

² Transcript, lines 13-14, page 8.

³ Transcript, lines 17-20, page 25.

was going to be the paying customer and Ms. Vickers would "...chip in on it."⁴ Ms. Vickers contends that she is an individual customer of Union, and as such should not be responsible for Mr. Frazier's bill. The Commission is of the opinion that the "customer" in this case is the household of Ms. Vickers and Mr. Frazier. The evidence clearly establishes that Ms. Vickers and Mr. Frazier maintained a household at both Madison and Carlisle Avenues, and in that sense were sharing equally in the benefit of gas and electric service. In such a situation, a utility may add a delinquent bill from a household onto the bill of one member of the delinquent household, who resides at a new address, once the utility determines that both members of the household are living together at the new address.

Furthermore, in this particular situation the presence of fraud provides additional basis on which Union's action of disconnection is within the meaning of the Commission's regulations. The evidence shows that service was requested at the Carlisle Avenue residence by Ms. Vickers in her own name. Yet the Commission can only conclude that application for service was made for the household, since the household was together at the time of application, and since the household moved into the Carlisle residence after service was granted. Ms. Vickers clearly intended to maintain her household relationship with Brian Frazier. In fact, Mr. Frazier rented the house on Carlisle Avenue, the same house on which Ms. Vickers applied for service. Yet Mr. Frazier testified that Ms.

⁴ Transcript, lines 11-13, page 26.

Vickers had no means of support and no ability to pay for the service. He intended to pay the bill, but because of his prior delinquencies, could not get service in his name. Clearly, the intent of Mr. Frazier was to circumvent Union's policies by having Ms. Vickers apply for service even though he was to benefit from that service. Based upon these facts, it is the Commission's opinion that the service requested at Carlisle Avenue was done so in a fraudulent manner within the meaning of 807 KAR 5:006, Section 11:

Discontinuance of Service, subsection (2), A gas or electric utility may discontinue service under the following conditions, (b) For fraudulent or illegal use of service.

FINDINGS AND ORDERS

After reviewing the record and being fully advised, the Commission is of the opinion and hereby finds that:

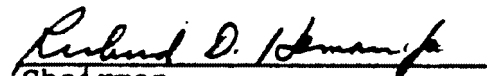
1. Alice Vickers and Brian Frazier constituted a household at various times during 1985 and 1986.
2. The household received gas and electric utility service from Union for 2925 Madison Avenue and 3302 Carlisle Avenue, both residences located in Latonia, Kentucky.
3. The household incurred a delinquent utility bill at the Madison Avenue residence for \$601.61.
4. Union properly transferred the \$601.61 delinquent bill to the household's account at Carlisle Avenue.
5. Alice Vickers applied for service at Carlisle Avenue in a fraudulent manner.


6. Union acted within the Commission's regulations in disconnecting service at 3302 Carlisle Avenue due to nonpayment of bill and receipt of service in a fraudulent manner.

IT IS THEREFORE ORDERED that this case be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 6th day of October, 1986.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director