

Mike Williams
Downtown Athletic Club
108 East Main Street

RECEIVED

DEC 21 2009

PUBLIC SERVICE
COMMISSION

Downtown Athletic Club

108 East Main Street
Mount Sterling, KY 40353

Phone (859) 498-2639
Fax (859) 498-9185

December 19, 2009

Mike Williams
Downtown Athletic Club
108 East Main Street

Public Service Commission
P O Box 615
Frankfort, KY 40602-0615

RE: Case No. 2009-00346

I hope I am not speaking out of turn by writing this letter, but I wanted to clarify some misstatements in a letter authored by Kentucky Utilities that I received from the Public Service commission.

When I purchased the property at 108 East Main Street in Mt. Sterling in 1999 the building had been empty and unused for two years. The previous owner had previously rented the building to the Foodtown grocery chain. Foodtown had also rented the parking lot directly to the east of my building (112 East Main Street) for their customer parking from an individual who owned the property and lived in a house he owned at 116 East Main Street next to the parking lot. There was obviously a previous written or unwritten (my guess would be unwritten) agreement or understanding between KU and the renters or the owners of 108 East Main Street that the bill for both the 108 East Main location and the 112 East Main would both be on the same bill; the 108 East Main bill. That decision had nothing to do with me. The 108 East Main bill didn't even have a mention of 112 East Main. It seems that when I took possession of the 108 East Main property the 112 East Main property was still on my bill. Yet there was no mention of 112 East Main on my bill. I had no idea electric from that property was on my bill and no reason to think it would be on my bill. Having no reason to think this property's electric would be on my bill I feel I had no obligation to inquire about it. I believe I had the right to assume that KU would bill me only for the property I asked to be billed for.

I would argue that, between me and KU; KU was the one with the knowledge that these lights from my neighbors property were on my bill. In fact, I had no knowledge of this or reason to think this. KU did have knowledge of this; just no system in place to catch this oversight. Even if the customer can't see 112 East Main's electric on the bill, and I would argue that the customer should be able to see this on his or her bill, a system in place at KU that would allow at least KU to see that both properties are on the same bill could allow KU to inform anyone asking for service at 108 East Main Street to be afforded a reasonable opportunity to choose to either pay for the service at the other property or remove it from the bill would be advisable.

KU argues that "from a practical standpoint, KU cannot check the property records of every customer who calls in for service." KU goes on to say "KU depends on its customers to accurately inform KU of the services to be provided by the Company." These statements may or may not be true in a general sense, I won't argue that here, but certainly in this case KU did bear the responsibility to notify me that they would be including lights from 112 East Main on my bill. Had KU billed me separately for the 112 East Main Street, or at least included that address on my bill, I would have questioned the bill. Without KU informing me how would I know? I accurately asked for service at 108 East Main Street. I did not accidentally ask for service at 112 East Main Street and I think KU has acknowledged that I only asked for service at 108 East Main Street in two different paragraphs in its last response letter.

If I rented an apartment in an apartment building I would have a reasonable expectation that the electric from the apartment next to me would be on a separate electric bill. I wouldn't have an expectation that the electric from that apartment would appear on my bill. Perhaps my mailman would accidentally drop my neighbor's electric bill in my box, but I would probably notice that I have two bills and correct the situation. If I discovered in the future that the electric from that apartment had been on my bill I would expect a refund from my electric company. I believe most electric companies would promptly refund my money, including KU.

I have included some attachments including information from the Property Valuation Administrator here in Mount Sterling. One is a satellite view showing both the 108 East Main property and the 112 East Main property, along with some surrounding property. The properties are marked on the map. It can be noted that my building takes up most of my property with the exception of our rear parking lot; there is a dark section in the middle which is a black tar roof in the middle on the building and the east and west side are covered in gray roof which blends more with the surrounding area on the map. The majority of our customers park in the city parking lot located directly behind our building (23M-60-20-012.00 on the map) and our entrance is in the rear of our building as opposed to the entrance located on the Main Street side (see map) that Foodtown had previously used. This difference made renting the parking lot at 112 East Main Street necessary for Foodtown to service it's customers and unnecessary for me to rent. Also included in the 112 property box on the map, on the west end, had been a house that was torn down a few years after I started electric service at 108 East Main. Three of the four

lights in question were located next to that house; only separated by a narrow driveway. They provided great lighting on the west side of this house. The address of this house was 116 East Main Street. Also include is a property card for 112 East Main Street and a property card for 108 East Main Street. The property card for 108 East Main Street includes a photo. The photo is taken from the sidewalk in front of 112 East Main Street parking lot: possibly in front of the previous spot of the house at 116 East Main Street or the driveway that separated the two. I had mentioned in my previous letter that I had taken lights off the east side of my building when I purchased the property. For reference sake, if I had chose to leave these lights they would be visible on the building in this photo. As I had said, I had no use for these lights. The four lights (not the ones on my building) in question in this case were located down a line starting at about the location of the sign in the bottom corner of the photo and running down to the left, each an equal distance from my building (over 100 feet).

KU states that they do not intentionally charge one customer for another customer's actual usage. I have not accused KU of any intentional misconduct.

KU points to the fact that once they were informed that I did not want the service they promptly removed it from my bill. I agreed that they acted reasonably by removing the lights in a timely fashion at that point. It should be noted that it was KU that told me that the lights were on my bill; not me who told KU. In fact this was first brought to my attention when I stopped by my local KU office and inquired about adding more lighting in the rear of my building. After learning of the four lights being on my bill my first thought, besides surprise, was that maybe the lights from the city parking lot, which are much closer to my property and my building than my neighbor's lights, were somehow on my bill. In the end, the reality is that my neighbor's lights were on my bill.

I agree with KU that the monthly billing statement is the most practical and efficient way to convey necessary consumption information to customers. I would not agree that the way the bill is laid out is, in every aspect, easy for the customer to understand, but KU doesn't try to make that argument in its last response anyway. I would note that in my monthly billing statement KU failed to inform me that electric from 112 East Main Street was on my bill.

When KU stated "When Mr. Williams notified KU that he would assume responsibility of the property [previously in the same letter KU had defined the "Property" as 108 East Main Street] and failed to note that the property had been divided,...", KU seems to suggest that at the time I bought the property at 108 East Main Street the previous owner had also owned and either sold the 112 East Main property or kept that property, thus dividing the properties. This is not true and not even possible. The previous owner of 108 East Main Street, whom I purchased the property from, did not own the property at 112 East Main Street. The property at 112 East Main Street was owned by another individual and continued to be owned by that same individual after I purchased the property at 108 East Main Street. If KU is suggesting instead that I somehow divided the property at 108 East Main Street that is also false. I purchased the entire property and I use the entire property. The property has never been divided in any

way. These are my two best guesses of the meaning of KU's comment. If KU meant something different, perhaps KU could explain what it did mean.

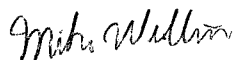
KU states "The assertion that the charge for the fixtures only appears on the back of the bill is not correct." I agree with KU that if someone asserts this they are incorrect. To help KU prove this, I would gladly provide my bill as proof that charges appear on both the front and back of the bill, however confusing that bill might be. In my letter I stated that "As for the charges that appear on my bill, I was recently told by a KU employee that the lights in question appear on the back of my bill under "UNMETERED" charges." I was merely paraphrasing, with accuracy, what the KU employee had told me. If the employee had stated "on the front and back of the bill" I would have written that and if the KU employee had stated "only on the back of the bill" I would have written that. I believe the employee told me about the back of the bill because it contains more information, however confusing, than the summary on the front. I have no doubt that she knew the charges are on both the front and back of the bill. She apparently didn't feel the need at that time to go as far as to point out that the charges also appear on the front. Again, the employee did not suggest "back only" in her statement to me and I in turn did not suggest "back only" in my letter.

I had pointed out in my last letter that a confusing aspect of my electric bill was that under the category "Number of Poles" the listing is "n/a" and located beside the "Number of Poles" category is the "Number of Lights" category and under this the listing is "4." This sounds like 4 lights along with no poles. This doesn't lead me to believe there are poles on my electric bill. But, according to KU's last response, there are indeed charges for the poles, just bunched in a category with wires (there is also a wire charge?) called "ODL Facility Charges" on the back of the bill and under "Other Charges" and in the "BILLING SUMMARY" on the front of the bill. I'm not sure how I feel about KU's ODL, but I loved OMD (Orchestral Maneuvers in the Dark), a great 80's band.

The total for "ODL Facility Charge" (poles and wires), is \$29.42 on the back of the example bill attached and dated due 1/15/09. This appears as "Other Charges" on the front of the bill. Not until I received this response letter from KU did I realize that these lights also had cost for poles and wires and that the actual bill has been over \$60 a month, according to the bill attached, as opposed to what we thought had been under \$30 a month. This doubles the amount of money I thought I had paid for my neighbor's lights.

Did I have a reasonable expectation by not expecting lights from my neighbor's property to appear on my bill? I believe that was a reasonable expectation. I believe KU needs to show that I should have expected the lights from my neighbor's property to appear on my bill. I believe they have yet to show why I would have expected this.

Mike Williams



Downtown Athletic Club



an eon-us.compan

Customer Service: 1-800-383-5582 Mon-Fri 7AM-6PM(EST)
Walk-In Center Hours: Mon-Fri 8AM-5PM(EST)
Telephone Payments: (800) 807-3596
www.eon-us.com

Table with 2 columns: DUE DATE, AMOUNT DUE. Row 1: 01/15/09, \$3,205.19

You can now pay your bill over the telephone with a check, debit or credit card. Call (800) 807-3596 to take advantage of this exciting and convenient new payment option. (Transaction fees apply to telephone payments.)

ACCOUNT INFORMATION table with fields: Account Number, Account Name, Service Address

Table comparing 'This Year' and 'Last Year' for metrics: Average Temperature, Number of Days Billed, Electric/kwh per day

BILLING SUMMARY table showing Previous Balance, Payment as of 01/05, Balance as of 01/05, Electric Charges, Unmetered Charges, Taxes and Fees, Utility Charges as of 01/05, Other Charges, Total Amount Due

ELECTRIC CHARGES

Table listing electric charges: Rate Type: LP-S CONDARY, Customer Charge, Energy Charge, Demand Charge, Other Charges (Fuel Adjustment, LP DSM, Program Cost Recovery, Environmental Surcharge, Merger Surcredit), Total Electric Charges \$2,800.02

UNMETERED CHARGES

Table listing unmetered charges: Rate Type: 2000 L MV SPEC LGT, 4 Lights, Other Charges (Fuel Adjustment, Environmental Surcharge, Merger Surcredit), Total Unmetered Electric Charges 31.21

FRONT OF BILL

METER AND USAGE INFORMATION

ELECTRIC									
	Meter Number	Previous Read Date	Previous Reading	Current Read Date	Current Reading	Read Code	Meter Multiplier	Demand kw	kwh
LP-SECONDARY									
kwh	L 56053-A	12/01/08	03427	01/02/09	03687	R	120		31200
demand	L 56053-A	12/01/08		01/02/09	1.5640	R	120	187.70	
							Total Usage	187.70	31200
UNMETERED									
OL Number		Service Type		Number of Lights	Number of Poles	Billing From	Period To	Total kwh	
n/a		200001 MV SPEC LGT		4	n/a	12/01/08	01/02/09	737	
						Total Usage		737	

OTHER CHARGES

ODL Facility Charge	29.42
Total Other Charges	\$29.42

TAXES AND FEES

Rate Increase For School Tax (3.00% x \$2,831.23)	84.94
Franchise Fee-Metering (2.82% x \$2,831.23)	79.84
Sales Tax (6.00% \$2,996.01)	179.76
Total Taxes and Fees	\$344.54

BILLING INFORMATION

Meter Read Codes: R - Actual Read; V - Verified Read; E - Estimated Read; S - Self Read

Environment: I Surcharge: A monthly charge or credit passed on to customers to pay for the cost of pollution-control equipment needed to meet government-mandated air emission reduction requirements.

IMPORTANT INFORMATION

To request a copy of your rate schedule, please call 1-800-383-5582.

BACK OF BILL



1 inch equals 164 080427 feet

0 30 60 120 180 240 Feet

Montgomery County Property Valuation Administrator
Parcel Adjoinder Map

Map not intended for conveyance use The office of the PVA makes no warranty or guarantee of the accuracy of this data, neither expressed or implied, nor assumes any responsibility for the use of this data

Account Name YEAR BUILT: 0
 DYNABODY FITNESS CENTER
 DBA DOWNTOWN ATHLETIC CLUB
 TAX DISTRICT: 01 COM 257,000
 DATE ASSESSE 1/1/2007
 SALE PRICE: \$185,000.00
 DATE SALE: 10/1/1999
 DEED B / P: 237 / 731

Property Card

ACCOUNT 18246501

MAP #: 23M-60-20-001.00

Location 108 E MAIN ST

Mailing: 108 E MAIN STREET
 MT STERLING KY 40353

DESC:
 E MAIN ST DYNABODY FITNESS BLDG & LOT

PREVIOUS OWNER / ASSESSMENT

EVANS O C TRUST

\$251,000

IMP VALUE: 207,000

LAND VALUE: 50,000

LOT SIZE: 0

FRONTAGE: 143

DEPTH: 198

ACREAGE: 0.65

STORIES: 1

AREA: 17268

QUALITY:

EFFECT AGE: 0

BUILD_COND: AVERAGE

EXTERIOR: BRICK VENEER

ROOF MAT: TAR/GRAVEL

ROOF PITC

HEATING: Y

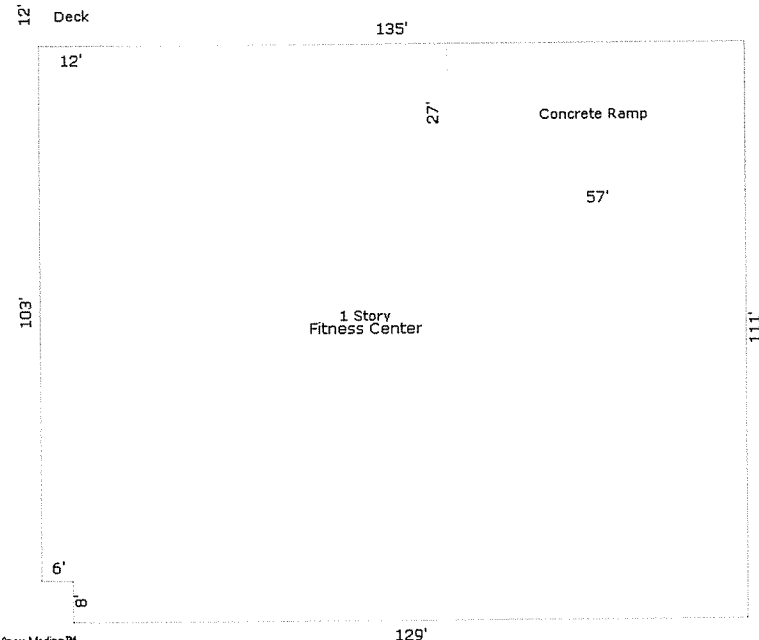
COOLING: Y

PUB UTILS: WATER, GAS, & SEWER

HOMESTEAD: NONE
 BASEMENT: NONE
 FOUND: CONCRETE BLOCK
 SITE COND: GOOD
 PROP CLASS: COMMERCIAL
 COM TYPE:
 CONST TYPE:
 IMPROV VAL: \$207,000.00
 STREET-ROAD: 2 LANE
 DRIVEWAY:
 FLOOD HAZARD:
 SIDEWALKS: Y
 TOPOGRAPHY: LEVEL
 SPRINKLERS:
 FIRE ALARM:

BSMNT SQFT:	OFFICE SQFT	MANUF SQFT:	ASPHALT SQFT:	CONCRETE SQFT
0	0	17268	144	1539

<i>Sales History</i>	PREVIOUS OWNER:	SALE DATE	SALE PRICE	DEED B / P
	EVANS O C TRUST	10/1/1999	\$185,000	
	RANDALL SOPHIA ET	3/1/1942	\$0	
			\$0	



Sketch by Apex Medina™

Account Name
BACK ELIZABETH ANNE

Property Card
ACCOUNT 2571215

MAP # : **23M-60-20-002.00**
Location 112 E MAIN ST
Mailing: 6401 CARNATION RD
DAYTON OHIO 45449

TAX DISTRICT: 01 COM 175,000
DATE ASSESSE 1/1/2008
SALE PRICE: \$175,000.00
DATE SALE: 8/17/2007
DEED B / P: 279 / 297

DESC:
112 E MAIN ST 0.84 AC

PREVIOUS OWNER / ASSESSMENT

NESTER JOHNNIE

\$150,000 HOMESTEAD NONE

LAND VALUE: 175,000
LOT SIZE: 0
FRONTAGE: 0
ACREAGE: 0.84
STREET-ROAD: 2 LANE
DRIVEWAY:
FLOOD HAZARD:
PUBLIC UTILITIES WATER, GAS, & SEWER

SIDEWALKS
TOPOGRAPHY: LEVEL
NEIGHBORHOOD TYPICAL
SITE COND: GOOD
SUBDIVISION:

<i>Sales History:</i>	PREVIOUS OWNER:	SALE DATE	SALE PRICE	DEED B / P
	NESTER JOHNNIE	8/17/2007	\$175,000	279 297
	PATRICK ZOLA P ESTATE	12/1/2002	\$0	
	BOYD J J	4/1/1953	\$0	
			\$0	