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Mr. Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

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FEB 12 2010

PUBLIC SERVICE
COMMISSION

**Louisville Gas and
Electric Company**
State Regulation and Rates
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February 12, 2010

RE: ***MARY CHARLOTTE SMYLY COMPLAINANT V. LOUISVILLE
GAS AND ELECTRIC COMPANY DEFENDANT
CASE NO. 2009-00364***

Dear Mr. DeRouen:

Louisville Gas and Electric Company files herewith the original and five (5) copies of its Response to the First Data Request of Commission Staff dated February 2, 2010 in the above-cited case.

A copy is being mailed to the Complainant.

Please contact me if you have any questions concerning this filing.

Sincerely,

Rick E. Lovekamp

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

	MARY CHARLOTTE SMYLY)	
	COMPLAINANT)	CASE NO.
)	2009-00364
v.)	
	LOUISVILLE GAS AND)	
	ELECTRIC COMPANY)	
	DEFENDANT)	

RESPONSE OF
LOUISVILLE GAS AND ELECTRIC COMPANY
TO
COMMISSION STAFF'S FIRST DATA REQUEST
DATED FEBRUARY 2, 2010

FILED: February 12, 2010

VERIFICATION

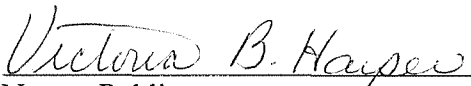
COMMONWEALTH OF KENTUCKY)
) **SS:**
COUNTY OF JEFFERSON)

The undersigned, **John Wolfram**, being duly sworn, deposes and says that he is Director – Customer Service and Marketing for E.ON U.S. Services, Inc., and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge and belief.



John Wolfram

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 11th day of February 2010.

 (SEAL)

Notary Public

My Commission Expires:

Sept 20, 2010

LOUISVILLE GAS AND ELECTRIC COMPANY

**Response to Commission Staff's First Data Request
Dated February 2, 2010**

Case No. 2009-00364

Question No. 1

Witness: John Wolfram

- Q-1. Has LG&E reenacted its program to allow customers to choose the due date for their electric bills, previously referred to as the Select Due Date program (now the "new select due date program")?
- a. If yes, explain in detail whether Complainant, Mary Smyly, qualifies to participate in the new select due date program.
 - b. If yes, has LG&E contacted Ms. Smyly regarding the new select due date program? If yes, has Ms. Smyly been enrolled in the new select due date program?
 - c. If yes, explain in detail whether Ms. Smyly qualifies for a refund of late payment fees under LG&E's new select due date program.
- A-1. No. LG&E has not reenacted the Select Due Date program. However, LG&E has a new FLEX ("Fixed and Limited Income EXtension") option which allows the company to make a permanent adjustment to the bill due date for customers who qualify.
- a. Ms. Smyly is eligible to participate in the new FLEX option.
 - b. LG&E sent an email to Ms. Smyly on January 20, 2010 offering the FLEX option. To date, she has not responded and has advised the Company that any communication from the Company to her should be by e-mail or through the U.S. Postal Service. Thus to date she has not been enrolled in the program.

- c. Ms. Smyly's account was credited \$36.20 for late payment charges on January 15, 2010. This credit covered the April 2009 through January 2010 time period and the detail is:

\$3.52	06/29/09
\$3.50	07/30/09
\$6.33	08/21/09
\$4.18	10/01/09
\$4.10	10/29/09
\$5.29	11/30/09
\$9.28	12/28/09

LOUISVILLE GAS AND ELECTRIC COMPANY

**Response to Commission Staff's First Data Request
Dated February 2, 2010**

Case No. 2009-00364

Question No. 2

Witness: John Wolfram

Q-2. Explain in detail whether LG&E believes it has resolved the issues raised in Ms. Smyly's September 3, 2009 Complaint.

A-2. LG&E believes that it has offered to do everything it can to resolve the issues raised in Ms. Smyly's Complaint within the confines of the Commission's statutes and regulations and the Company's filed tariff. In her Complaint, Ms. Smyly asks for the following relief: (1) that the Select Due Date program be reinstated; (2) removal of deposit fees; (3) removal of reconnection fee; (4) removal of all late fees; and (5) compensation for damage to electronic equipment. As to the Select Due Date issue, LG&E has offered to add Ms. Smyly to the FLEX option, but she has not responded. As to the removal of all late fees, LG&E has credited Ms. Smyly's account in the amount of \$36.20. As to the deposit and the reconnect fee that resulted from the disconnection of Ms. Smyly's electric service for nonpayment on December 3, 2008, LG&E states that these charges were proper pursuant to 807 KAR 5:006 and the Company's tariff and therefore those charges will not be removed. Finally, LG&E does not believe that it is responsible for any damage caused to Ms. Smyly's electronic equipment. The Commission has consistently recognized that it lacks jurisdiction to award damages for claims arising out of the provision of utility service.

For these reasons, LG&E believes that the Commission should dismiss the action and close the matter on its docket.

LOUISVILLE GAS AND ELECTRIC COMPANY

**Response to Commission Staff's First Data Request
Dated February 2, 2010**

Case No. 2009-00364

Question No. 3

Witness: John Wolfram

Q-3. If LG&E does not believe that Ms. Smyly qualifies to participate in its new select due date program, what action does LG&E believe the Commission should take with regard to Ms. Smyly's complaint?

A-3. Although Ms. Smyly qualifies for the new FLEX option and, on January 20, 2010, was offered the opportunity by e-mail to be added to this billing option, she has not yet replied to the offer. Ms. Smyly has advised the Company that any communication from the Company to her should be by e-mail or through the U.S. Postal Service. The Company has, however, credited her account for all late payment charges assessed during the period from April, 2009, through January, 2010. *See* Response to Question No. 1.

LG&E believes that it has taken all appropriate action in response to Ms. Smyly's complaint and that the Commission should dismiss the action and close the matter on its docket.