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PUBLIC SERVICE  
COMMISSION

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

**Kentucky Utilities Company**  
State Regulation and Rates  
220 West Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
www.eon-us.com

November 12, 2009

Rick E. Lovekamp  
Manager - Regulatory Affairs  
T 502-627-3780  
F 502-627-3213  
rick.lovekamp@eon-us.com

RE: In the Matter of Ewing Lee Brown v. Kentucky Utilities Company  
Case No. 2009-00421

Dear Mr. DeRouen:

Enclosed please find an original and ten (10) copies of the Answer of Kentucky Utilities Company to the Complaint of Ewing Lee Brown and a Petition for Confidential Protection in the above-referenced proceeding.

Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Rick E. Lovekamp'.

Rick E. Lovekamp

cc: Ewing Lee Brown

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>EWING LEE BROWN</b>	)	
	)	
<b>COMPLAINANT</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 2009-00421</b>
	)	
<b>KENTUCKY UTILITIES</b>	)	
<b>COMPANY</b>	)	
	)	
	)	
<b>DEFENDANT</b>	)	

\* \* \* \* \*

**ANSWER OF**  
**KENTUCKY UTILITIES COMPANY**

In accordance with the Kentucky Public Service Commission’s (“Commission”) Order of November 2, 2009 in the above-captioned proceeding, Kentucky Utilities Company (“KU” or the “Company”) respectfully submits this Answer to the Complaint of Ewing Lee Brown filed on October 21, 2009. In support of its Answer, and in response to the specific averments contained in said Complaint, KU states as follows:

1. KU admits the allegations contained in paragraph (a) of the Complaint, on information and belief.

2. With regard to the allegations contained in paragraph (b) of the Complaint, KU states that its primary business address is 220 West Main Street, Louisville, Kentucky 40202.

3. With regard to the allegations contained in paragraph (c) of the Complaint, KU states as follows:

a. With regard to the averment, “[i]t all started with me paying my KU bill in full on 9/4/09,” KU affirmatively states that Mr. Brown came into our Lexington Service Center and asked to be taken off budget billing. He had a resulting credit of \$79.00 and made a payment of \$23.00 to cover the rest of the balance.

b. With regard to the averment, “and then on 9/8/09 I get a notice of my power being turned off by 9/16/09,” KU admits Mr. Brown received a brown bill with a possible disconnection date of September 24, 2009, which is hereto attached as Exhibit A.

c. With regard to the averment, “[s]o I call them and they couldn’t find a reason so then they said I owe it for this month bill and KU doesn’t read my meter until 9/22/09 [and] I should pay ahead on my bill,” KU affirmatively states that Mr. Brown had two different accounts at the same address (a home and a garage). The wrong account was mistakenly taken off budget billing at the time of the request. Therefore, Mr. Brown’s home account was still showing that he owed the balance of the budget billing rate.

d. With regard to the averment, “[t]hen I call again and one of KU people said I didn’t given a 30 day notices on budget,” KU is without knowledge or information sufficient to form a belief as to the truth of the averment.

e. KU is without knowledge or information sufficient to form a belief as to the truth of the averment, “[s]o then I file with PSC and I told them that they turn off my power, and he said it was against the law.”

f. With regard to the averment, “[s]o from the last call I got from KU was 9/15/09 until my power was cut off at 2:00 PM Friday, [n]o notice given at 10:00 AM by PSC or KU that they will cut off my power, that day,” KU affirmatively states that Mr. Brown’s power was disconnected on September 26, 2009.

h. KU is without knowledge or information sufficient to form a belief as to the truth of the averment, “[m]y little girl came home and called me [to tell me] the power was off.”

i. KU admits the statement, “[s]o I went down to KU at Water Street, Lexington, KY to find out why and I waited for one hour before Mike Wickline finally explained it to me.”

j. KU admits the averment, “[m]y power was off until 6:50 PM.”

k. With regard to the averment, “[n]o notice, they rush out and turn me off,” KU affirmatively states that, although a brown bill was issued, Mr. Brown’s service should not have been disconnected.

l. KU denies the averment, “I would like to see heavy fines and people job lost for this auction,” but affirmatively states that it attempted to contact Mr. Brown to attempt to resolve his complaint, but was unable to reach him by telephone.

4. KU denies all allegations contained in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer, as well as the relief requested in Mr. Brown’s Complaint.

### **FIRST AFFIRMATIVE DEFENSE**

KU has confirmed that Mr. Brown's account has been assessed no late payment or reconnect charges associated with his account for service rendered during August and September, 2009. In addition, KU has attempted to contact Mr. Brown several times to apologize for the inconvenience he experienced, to confirm that he no longer wants to be on budget billing for either of his accounts, and to see whether there is anything more that can be done within the confines of the Commission's regulations and KU's tariff to satisfy his Complaint.

### **SECOND AFFIRMATIVE DEFENSE**

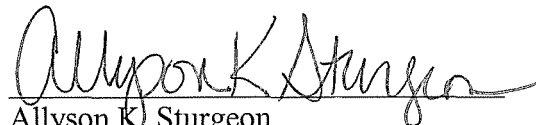
The Complaint, or parts of it, fails to set forth any claim upon which relief can be granted by this Commission and, therefore should be dismissed.

**WHEREFORE**, for all of the reasons set forth above, Kentucky Utilities Company respectfully requests:

- (1) that the Complaint herein be dismissed without further action taken by the Commission;
- (2) that this matter be closed on the Commission's docket; and
- (3) that KU be afforded any and all other relief to which it may be entitled.

Dated: November 12, 2009

Respectfully submitted,



Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202  
(502) 627-2088

Counsel for Kentucky Utilities Company

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following on the 12th day of November, 2009, U.S. mail, postage prepaid:

Ewing Lee Brown  
824 Sunset Avenue  
Lexington, Kentucky 40502



Counsel for Kentucky Utilities Company

**EXHIBIT A**



Customer Service: 1-800-981-0600 Mon-Fri 7AM-7PM  
 Walk-In Center Hours: Mon-Fri 8AM-5PM  
 Telephone Payments: (800) 807-3596  
 www.eon-us.com

FINAL PAY DATE	DELINQUENT AMOUNT DUE
09/24/09	\$174.61

**Reconnection of Service:**

Service will be reconnected within 24 hours after verification of full payment of the delinquent amount due. A reconnect fee and a new or additional deposit will be required as a condition of reconnection. If paying by credit card, debit card, or electronic check or at one of our Authorized Payment Agent locations, you will need to call KU Customer Service at 1-800-981-0600 after payment is made in order to have your service restored.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	EWING BROWN
Service Address:	824 SUNSET DR A LEXINGTON KY

Unauthorized reconnection of service is a crime - punishable by law.

DISCONNECTION NOTICE	
Payment required by the final payment date to avoid disconnection:	174.61
BILLING INFORMATION	
Your account is past due. If full payment of the delinquent amount due is not received by the final pay date shown above, your service will be subject to disconnection.	
CUSTOMER ASSISTANCE	
If you are unable to pay the total delinquent amount by the final pay date, call our Customer Service department. You may also contact the Commonwealth of Kentucky's Cabinet for Families and Children at (800) 372-2973 for information about the availability of local, state or federal programs for assistance.	
Full payment of the delinquent amount due can be made:	
<ul style="list-style-type: none"> <li>• By credit card, debit card, or electronic check by calling (800) 807-3596. (Transaction fees may apply.)</li> <li>• On-line at <a href="http://www.eon-us.com">www.eon-us.com</a>. (Transaction fees may apply.)</li> <li>• By mail. (Payment must be received by the Final Pay Date listed above to avoid disconnection of service.)</li> <li>• At one of our Authorized Payment Agent locations. (You must present a recent bill at the time you make your payment.)</li> <li>• At your local KU Customer Service Center.</li> </ul>	
The final pay date will not change upon receipt of future bills. If you dispute the reason for termination, call KU at 1-800-981-0600.	

Customer Service 1-800-981-0600

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number
[REDACTED]

Final Pay Date	Delinquent Amount Due	Amount Enclosed
09/24/09	\$174.61	\$

OFFICE USE ONLY:  
MRU190000, G000000

#525604477 6#  
EWING BROWN  
824 SUNSET DR A  
LEXINGTON KY 40502-2226



PO BOX 539013  
ATLANTA, GA 30353-9013

PRINTED ON RECYCLED PAPER  
Rev. 09.08.12

Service Address: 824 SUNSET DR A  
Home Phone (859) 270-7385

02030000390145500000000174610000001746100000000000019



**CUSTOMER ASSISTANCE (cont)**

If financial assistance is necessary, please contact the following

Fayette County  
Community Action Lex  
913 Georgetown St.  
Lexington, Ky 40576  
(859) 244-2215  
[www.commaction.org](http://www.commaction.org)

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

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**In the Matter of:**

**EWING LEE BROWN** )  
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**KENTUCKY UTILITIES COMPANY** )  
 )  
**DEFENDANT** )

**CASE NO. 2009-00421**

**PETITION OF KENTUCKY UTILITIES COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(a) to grant confidential protection for the items described herein, which KU has provided in support of its Answer to the Complaint filed in this proceeding. In support of this Petition, KU states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. KRS 61.878(1)(a).

2. In its Answer filed in response to the Complaint in this proceeding, KU attached as Exhibit A a copy of a brown bill sent to Complainant. This information contains the customer’s account number and merits confidential protection because KU believes that revealing their contents in the public record could result in an unwarranted invasion of personal privacy.

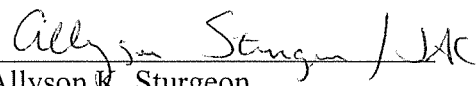
3. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. KU will disclose the confidential documents, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, the Applicants herewith file with the Commission one copy of the above-discussed documents with the confidential information highlighted and ten (10) copies of its response without the confidential information.

**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: November 12, 2009

Respectfully submitted,

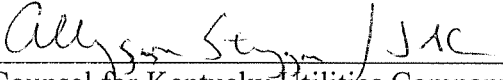
  
Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 12th day of November 2009 upon the following persons:

Ewing Lee Brown  
824 Sunset Avenue  
Lexington, Kentucky 40502

  
\_\_\_\_\_  
Counsel for Kentucky Utilities Company