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FEB 15 2010

**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

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

February 15, 2010

RE: EWING LEE BROWN COMPLAINANT V. KENTUCKY UTILITIES
COMPANY DEFENDANT
CASE NO. 2009-00421

Dear Mr. DeRouen:

Kentucky Utilities Company files herewith the original and ten (10) copies of its Response to the Second Data Request of Commission Staff dated February 4, 2010 in the above-cited case.

Also enclosed are an original and ten (10) copies of a Petition for Confidential Protection regarding certain information provided in response to Question No. 2 and Question No. 3.

A copy is being mailed to the Complainant.

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

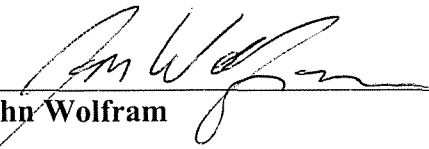
Sincerely,

Rick E. Lovekamp

VERIFICATION

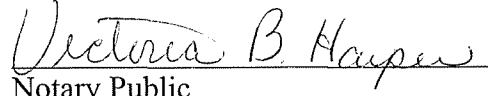
COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

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 15th day of February 2010.



Notary Public (SEAL)

My Commission Expires:
Sept 20, 2010

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

RESPONSE OF
KENTUCKY UTILITIES COMPANY
TO
COMMISSION STAFF'S SECOND DATA REQUEST
DATED FEBRUARY 4, 2010

FILED: February 15, 2010

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 1

Witness: John Wolfram

- Q-1. Refer to KU's responses to items 2 and 3 of Commission Staff's First Data Request ("Staff's First Request"). In response to item 2, KU states that the complainant, Ewing Brown, was inaccurately advised on September 4, 2009 that he had a credit balance of \$78.96. The response also states that Mr. Brown would only have a credit balance if he paid the \$189 budget bill amount and that, "[b]ecause the September bill was not reversed, the system was expecting payment in the amount of \$189."
- a. Explain what is meant by "the September bill was not reversed."
 - b. Explain why the September bill was not reversed.
 - c. In response to item 3, KU states that there is no notice requirement with starting or discontinuing budget billing. Given that no notice is required, state whether KU believes the September bill should have been reversed.
 - d. Had the September bill been reversed, would Mr. Brown have owed \$110.04 instead of the \$189? If no, provide the amount.
- A-1.
- a. By stating that "the September bill was not reversed," KU is simply acknowledging that the September bill was left in place and was not re-issued with a revised payment amount.
 - b. The September bill was generated and mailed in August, 2009, and was due on September 8, 2009. The customer came into the business office on September 4, 2009. It is not KU's standard practice to reverse or re-issue a bill in such a circumstance.
 - c. No. Although no specific notice to start or discontinue budget billing is required, if a bill is outstanding, the switch from budget billing will not be reflected until the next bill is issued.
 - d. Yes. At the time that Mr. Brown made a payment on September 4, 2009, his outstanding balance on the account was \$110.04.

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 2

Witness: John Wolfram

- Q-2. Provide a copy of the bills for which Mr. Brown made the September 4, 2009 payments.
- A-2. A copy of the bills for Mr. Brown's house and garage accounts are attached. On September 4, 2009, Mr. Brown paid \$23.84 towards his house account and paid \$56.80 towards his garage account.



Customer Service: (859) 255-0394 Mon-Fri 7AM-7PM(EST)
 Walk-In Center Hours: Mon-Fri 8AM-5PM(EST)
 Telephone Payments: (800) 807-3596
 www.eon-us.com

DUE DATE	AMOUNT DUE
09/08/09	\$189.00

Please see the Important Information section of this bill for details about your new account number.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	EWING BROWN
Service Address:	824 Sunset Dr A
Next Read Date:	09/24/09

Averages for Billing Period	This Year	Last Year
Average Temperature	74°	75°
Number of Days Billed	29	0
Electric/kwh per day	46.6	0.0

BILLING SUMMARY	
Previous Balance	189.00
Payment as of 08/26	(189.00)
Balance as of 08/26	0.00
Electric Charges	100.40
Taxes and Fees	6.02
Utility Charges as of 08/26	106.42
Budget Amount	189.00
Total Amount Due	189.00

ELECTRIC CHARGES

Rate Type: Residential Service		Meter Reading Information	
Customer Charge	5.00	Meter # C420587	
Energy Charge	79.54	Actual Reading on 08/25	90547
Other Charges For Above Rates		Previous Reading on 07/27	89194
Fuel Adjustment (\$0.00363 x 1353 kwh)	4.91	Current kwh Usage	1353
Electric DSM (\$0.00144 x 1353.00 kwh)	1.95	Meter Multiplier	1
Environmental Surcharge (9.680% x \$91.40)	8.85	Metered kwh Usage	1353
Home Energy Assistance Fund Charge	0.15		
Total Electric Charges	\$100.40		

TAXES AND FEES

Rate Increase For School Tax (3.000% x \$100.25)	3.01
Franchise Fee-Lexington (3.00% x \$100.25)	3.01
Total Taxes and Fees	\$6.02

BILLING INFORMATION

Late Charge to be Assessed 3 Days After Due Date \$9.45

Environmental 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.

Please see reverse side for additional charges. Bring entire bill when paying in person.

Customer Service (859) 255-0394 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number	Payment Due Date	Amount Due by Due Date	Amount Due 3 Days After Due Date	Winter Care Donation	Amount Enclosed
[REDACTED]	09/08/09	\$189.00	\$198.45		\$

Check here if plan(s) requested on back of stub

Home Phone (859) 270-7385
 OFFICE USE ONLY:
 MRU19311819, G000000
 P189.00



PO BOX 539013
 ATLANTA, GA 30353-9013

#223700931 7#
 EWING BROWN
 824 SUNSET DR A
 LEXINGTON KY 40502-2226

PRINTED ON RECYCLED PAPER
 Rev. 09.08.11

Service Address: 824 Sunset Dr A

02030000390145500000000198450000001890001890000000019

BILLING INFORMATION (cont)

Franchise Fee: A pass-through of fees paid by the Company to municipalities for the right to serve customers located in those municipalities.

Actual billings to date	\$866.04
Budget Roll-In	\$0.00
Budget amount	\$189.00
Actual account balance after paying this bill	\$78.96 CR
Budget settle month	February

IMPORTANT INFORMATION

Our new customer information system now allows us to calculate your average energy usage and weather information based on the actual meter reading date. Previously, we had calculated your average usage and weather information based on the scheduled meter reading date; therefore, the amount displayed on the front of this bill as last year's information may differ from last year's bill.

The power to save. It's in your hands. The amount of electricity you consumed during this billing cycle resulted in the production of approximately 2706 pounds of CO₂. *A typical residential customer uses 1,000 kilowatt hours of electricity per month, which would result in the production of 2,000 lbs. of carbon.*

Visit www.eon-us.com for Smart Saver tips to help you better manage and lessen the impact of your energy usage.

To request a copy of your rate schedule, please call (859) 255-0394.

Please make note of your new account number, which can be found on the front of your bill. Your old account number, [REDACTED] is no longer valid but is provided here for reference purposes only.

New enrollment only - **Please check box(es) below and on front of stub.**

- I would like to enroll in Demand Conservation.
- Automatic Bank Club (voided check must be provided)

Please deduct my Automatic Bank Club Payment from my Checking Account.

I hereby authorize KU to debit my bank account for payment of my monthly bill. This authorization applies to all my current and future KU accounts, and will remain in effect until revoked by me or KU.

Signature: _____

Date: _____

Processing Automatic Bank Club requests can take up to two billing cycles. Please continue making regular payments until you receive a bill that indicates the amount due will be deducted from your bank account on the payment due date.



Customer Service: (859) 367-1200 Mon-Fri 7AM-6PM(EST)
 Walk-In Center Hours: Mon-Fri 8AM-5PM(EST)
 Telephone Payments: (800) 807-3596
 www.eon-us.com

DUE DATE	AMOUNT DUE
09/08/09	\$56.80

See the Billing Information section of this bill for important information regarding your participation in our Budget Payment Plan.

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	EWING BROWN
Service Address:	824 Sunset Dr Gar
Next Read Date:	09/24/09

Averages for Billing Period	This Year	Last Year
Average Temperature	74°	75°
Number of Days Billed	29	0
Electric/kwh per day	17.1	0.0

BILLING SUMMARY	
Previous Balance	45.50
Payment as of 08/26	(45.50)
Balance as of 08/26	0.00
Electric Charges	50.55
Taxes and Fees	6.25
Utility Charges as of 08/26	56.80
Total Amount Due	56.80

ELECTRIC CHARGES

Rate Type: General Services		Meter Reading Information	
Customer Charge	10.00	Meter # L291357	
Energy Charge	34.08	Actual Reading on 08/25	2265
Other Charges For Above Rates		Previous Reading on 07/27	1767
Fuel Adjustment (\$0.00363 x 498 kwh)	1.81	Current kwh Usage	498
Electric DSM (\$0.00041 x 498.00 kwh)	0.20	Meter Multiplier	1
Environmental Surcharge (9.680% x \$46.09)	4.46	Metered kwh Usage	498
Total Electric Charges	\$50.55		

TAXES AND FEES

Rate Increase For School Tax (3.000% x \$50.55)	1.52
Franchise Fee-Lexington (3.00% x \$50.55)	1.52
Sales Tax (6.000% x \$53.59)	3.21
Total Taxes and Fees	\$6.25

BILLING INFORMATION

Late Charge to be Assessed 3 Days After Due Date \$2.84

Environmental 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.

Franchise Fee: A pass-through of fees paid by the Company to municipalities for the right to serve customers located in those municipalities.

Please see reverse side for additional charges. Bring entire bill when paying in person.

Customer Service (859) 367-1200

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Account Number	Payment Due Date	Amount Due by Due Date	Amount Due 3 Days After Due Date	Winter Care Donation	Amount Enclosed
[REDACTED]	09/08/09	\$56.80	\$59.64		\$

Check here if plan(s) requested on back of stub

Home Phone (859) 270-7385

OFFICE USE ONLY:
 MRU19311819, G000000
 P45.50



PO BOX 539013
 ATLANTA, GA 30353-9013

#223721810 8#
 EWING BROWN
 824 SUNSET DR GAR
 LEXINGTON KY 40502

PRINTED ON RECYCLED PAPER
 Rev. 09/08/11

Service Address: 824 Sunset Dr Gar

0203000059538920000000005964000000056800000000000010

BILLING INFORMATION (cont)**BUDGET REMOVAL**

You have been removed from the budget payment plan and returned to the regular billing method.

IMPORTANT INFORMATION

Our new customer information system now allows us to calculate your average energy usage and weather information based on the actual meter reading date. Previously, we had calculated your average usage and weather information based on the scheduled meter reading date; therefore, the amount displayed on the front of this bill as last year's information may differ from last year's bill.

To request a copy of your rate schedule, please call (859) 367-1200.

Please make note of your new account number, which can be found on the front of your bill. Your old account number, [REDACTED] is no longer valid but is provided here for reference purposes only.

New enrollment only - **Please check box(es) below and on front of stub.**

Automatic Bank Club (voided check must be provided)

Please deduct my Automatic Bank Club Payment from my Checking Account.

I hereby authorize KU to debit my bank account for payment of my monthly bill. This authorization applies to all my current and future KU accounts, and will remain in effect until revoked by me or KU.

Signature: _____

Date: _____

Processing Automatic Bank Club requests can take up to two billing cycles. Please continue making regular payments until you receive a bill that indicates the amount due will be deducted from your bank account on the payment due date.

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 3

Witness: John Wolfram

- Q-3. Starting with the bills provided in response to item 2 above, provide a billing history for Mr. Brown to date. Include in this response a narrative description of the billing history.
- A-3. Attached is the billing and payment history for Mr. Brown through February 1, 2010. As of February 1, 2010, Mr. Brown is current on both accounts and has a small credit balance in each.

Account Number: [REDACTED]

		Current Balance	Budget Amount Billed	Budget Amount Due Date
Budget accumulator balance	\$171.02	\$171.02		
6/26/2009 billed charges	\$109.45	\$280.47	\$189.00	7/13/2009
7/6/2009 payment	(\$189.00)	\$91.47		
7/27/2009 billed charges	\$101.15	\$192.62	\$189.00	8/10/2009
8/7/2009 payment	(\$189.00)	\$3.62		
8/25/2009 billed charges	\$106.42	\$110.04	\$189.00	9/8/2009 ⁽¹⁾
9/4/2009 payment	(\$23.84)	\$86.20		
9/11/2009 LPC applied	\$9.45	\$95.65		
9/17/2009 LPC reversed	(\$9.45)	\$86.20		
9/26/2009 billed charges	\$88.51	\$174.71		
10/7/2009 payment	(\$174.71)	\$0.00		
10/27/2009 billed charges	\$106.77	\$106.77		
11/6/2009 payment	(\$106.77)	\$0.00		
11/23/2009 billed charges	\$125.21	\$125.21		
11/30/2009 billed charges	(\$125.47)	(\$0.26)		
12/29/2009 billed charges	\$286.24	\$285.98		
1/4/2010 payment	(\$285.00)	\$0.98		
1/14/2010 LPC applied	\$0.41	\$1.39		
1/27/2010 billed charges	\$319.54	\$320.93		
1/30/2010 interest for deposit	(\$6.90)	\$314.03		
2/1/2010 payment	(\$320.93)	(\$6.90)		

⁽¹⁾ removed from budget billing plan on 9/4/2009

Account Number: [REDACTED]

		Current Balance	Budget Amount Billed	Budget Amount Due Date
accumulator balance	(\$1.41)	(\$1.41)		
5/31/2009 billed charges	\$71.18	\$69.77	\$84.00	6/15/2009
6/12/2009 payment	(\$84.00)	(\$14.23)		
6/26/2009 billed charges	\$34.91	\$20.68	\$84.00	7/13/2009 ⁽²⁾
7/10/2009 payment	(\$34.91)	(\$14.23)		
7/16/2009 LPC applied	\$4.20	(\$10.03)		
7/27/2009 billed charges	\$55.53	\$45.50		
7/31/2009 payment	(\$45.50)	\$0.00		
8/25/2009 billed charges	\$56.80	\$56.80		
9/4/2009 payment	(\$56.80)	\$0.00		
9/28/2009 billed charges	\$44.39	\$44.39		
10/2/2009 payment	(\$46.61)	(\$2.22)		
10/27/2009 billed charges	\$37.98	\$35.76		
11/6/2009 payment	(\$35.76)	\$0.00		
11/23/2009 billed charges	\$30.67	\$30.67		
11/30/2009 payment	(\$30.67)	\$0.00		
12/29/2009 billed charges	40.99	\$40.99		
1/8/2010 payment	(\$40.99)	\$0.00		
1/27/2010 billed charges	\$35.54	\$35.54		
1/30/2010 interest for deposit	(\$6.52)	\$29.02		
2/1/2010 payment	(\$35.54)	(\$6.52)		

⁽²⁾ removed from budget billing plan on 7/10/2009

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 4

Witness: John Wolfram

- Q-4. State whether there is a dollar amount in dispute in this complaint. If so, provide the amount and how it was calculated.
- A-4. From KU's perspective, all disputed amounts have been paid and the late payment charge associated with the September, 2009 payment was credited back to Mr. Brown's account on September 17, 2009. As a result, KU believes that it has taken all appropriate action in response to Mr. Brown's complaint and that the Commission should dismiss the action and close the matter on its docket.

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 5

Witness: John Wolfram

- Q-5. Refer to the CD-ROM provided in response to item 7 of Staff's First Request, Track 6. Starting at approximately 1:19, Mr. Brown makes repeated requests for the Commission's telephone number. KU's customer service representative stated each time that she did not have the telephone number. 807 KAR 5:006, Section 9 states that, "[i]f a telephonic complaint is not resolved, the utility shall provide at least oral notice to the complainant of his right to file a complaint with the commission and the address and telephone number of the commission." Explain why KU's representative was unable to provide Mr. Brown with the Commission's telephone number.
- A-5. KU's representative should have provided Mr. Brown with the Commission's telephone number as requested. During training, each new customer service representative is instructed to provide the Commission's telephone number, if requested. This telephone number can also be found on the Virtual Call Center website. KU's call center management will coach the customer service representative in the referenced call on the proper procedures for providing this information in the future.

KENTUCKY UTILITIES COMPANY

**Response to Commission Staff's Second Data Request
Dated February 4, 2010**

Case No. 2009-00421

Question No. 6

Witness: John Wolfram

- Q-6. In his response to Commission Staff's First Data Request, Mr. Brown requested a hearing in this matter. Provide KU's response to that request.
- A-6. KU does not believe that any facts relative to this Complaint remain in dispute, and therefore a hearing in this matter is not appropriate. As stated above, KU believes that it has taken all appropriate action in response to Mr. Brown's complaint and that the Commission should dismiss the action and close the matter on its docket. If the Commission is uncertain about any facts relative to this Complaint, however, KU believes that any remaining questions could be resolved in the context of an informal conference.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 15 2010

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

EWING LEE BROWN)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2009-00421
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

**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 Response to Question Nos. 2 and 3 of the Commission Staff’s Second Data Request dated February 4, 2010 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 responses to Nos. 2 and 3 of the Commission Staff’s Second Data Request dated February 4, 2010, KU attached copies of Complainant’s bills for electric utility services as well as a billing history. 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.

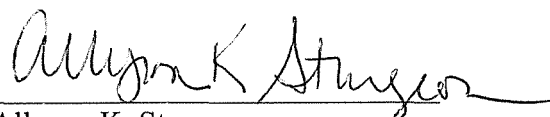
3. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission 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: February 15, 2010

Respectfully submitted,



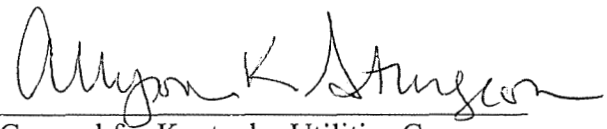
Allyson K. Sturgeon
Senior Corporate Attorney
E.ON U.S. LLC
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088

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 15th day of February, 2010, upon the following persons:

Ewing Brown
824 Sunset A
Lexington, KY 40502


Counsel for Kentucky Utilities Company