

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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APR 11 2017

PUBLIC SERVICE
COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY FOR A DECLARATORY ORDER)
REGARDING THE PROPER METHOD OF)
MUNICIPAL FRANCHISE FEE COLLECTION)

CASE NUMBER
2016-00317

**COMMENT BY METROPOLITAN HOUSING COALITION TO THE PUBLIC SERVICE
COMMISSION BY CATHY HINKO, EXECUTIVE DIRECTOR**

MHC is a nonprofit, nonpartisan membership organization incorporated under the laws of the Commonwealth of Kentucky in 1989 and comprised of over 300 organizational and individual members. MHC members include representatives of low-income households, private and non-profit housing developers, service providers, financial institutions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area. For over two decades, MHC has organized the Metro Louisville community to provide equitable, accessible housing choices for all persons through advocacy, public education, and through support for affordable housing providers.

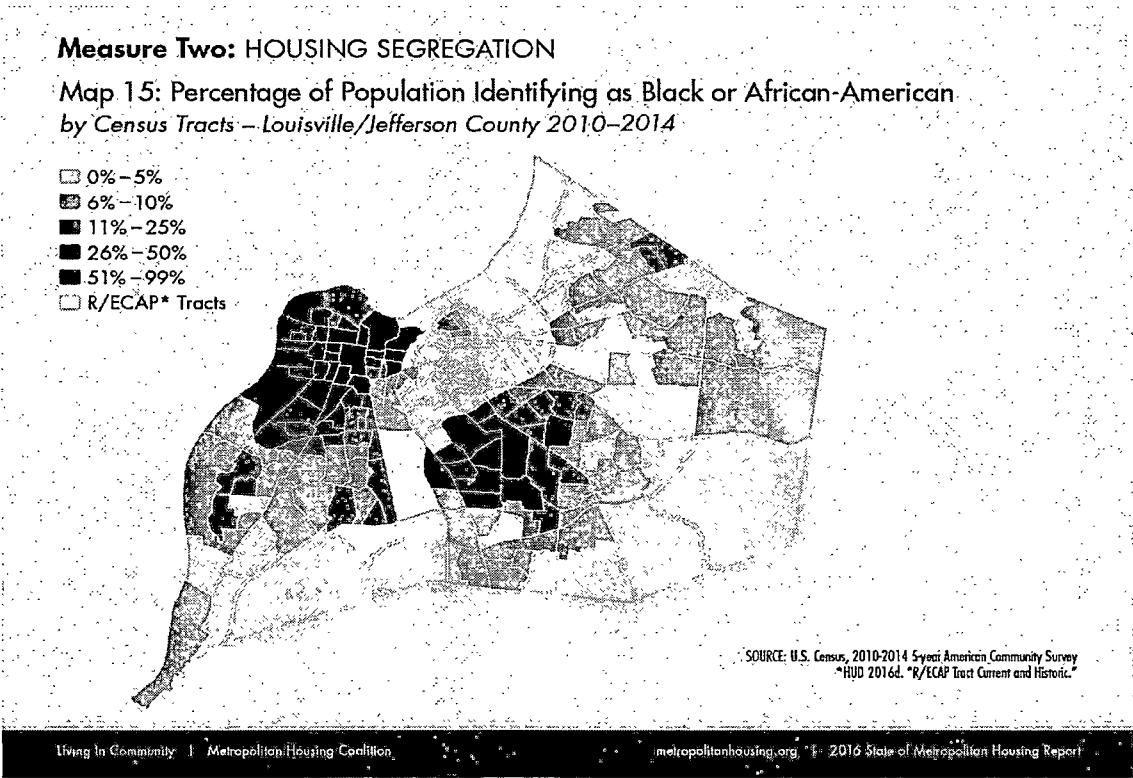
The Metropolitan Housing Coalition (MHC) submits this comment in the Franchise Fee case to make two points.

According to the pleadings filed by LG&E, LG&E stopped collecting the franchise fee through the base rate. Instead LG&E put the franchise fee in a line item. However, my base rate did not go down to reflect that the fee was no longer part of the base rate and I live in the city covered by the franchise fee. I attach my personal bills of December 2014 and January 2015 where you can see the base rate is the

same, but in the January bill is a line for a franchise fee. MHC asserts that LG&E has illegally been profiteering from failure to lower the base rate as of December 1, 2014.

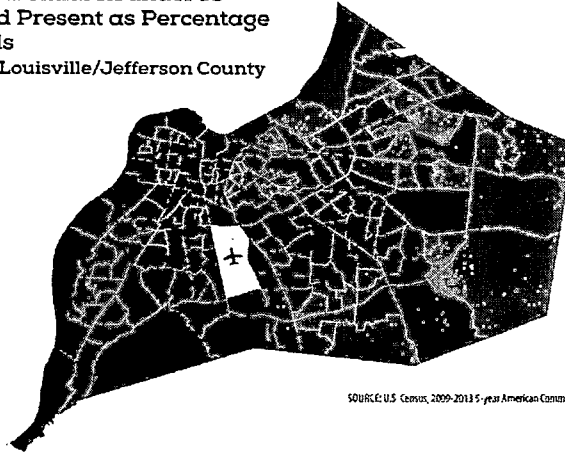
MHC asserts that all areas of Louisville Metro under the jurisdiction of the Louisville Metro Council who voted on the franchise fee were represented and should be covered. Failure to do so is a violation of the Fair Housing Act, Title VIII of the Civil Rights Act and the Fair Housing Act of Kentucky.

There are 83 cities that have asserted exemption. All the residents of those cities are represented by a Louisville Metro Councilmember. However the striking difference between those cities and Jefferson County is that they are disproportionately white and disproportionately not disabled and disproportionately not headed by a female sole adult in contrast to the areas that are not exempt.



Map 7: Percentage of Households Headed by Women with Own Children under 18 and No Husband Present as Percentage of All Households
 by Census Tracts - Louisville/Jefferson County
 2009-2013

- 0% - 5%
- 6% - 15%
- 16% - 25%
- 26% - 30%
- 31% - 78%

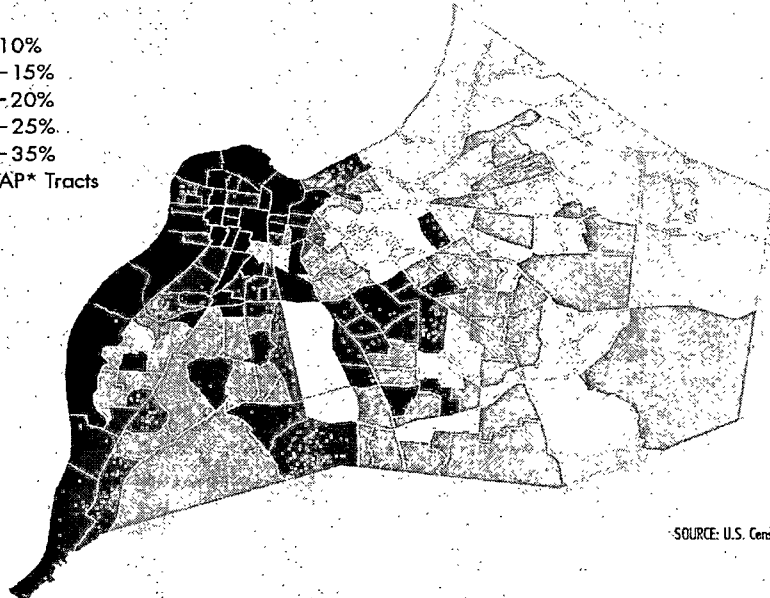


SOURCE: U.S. Census, 2009-2013 5-year American Community Survey

Measure Two: HOUSING SEGREGATION

Map 17: Percentage of Persons with Disabilities of the Non-institutionalized Population
 by Census Tracts - Louisville/Jefferson County 2010-2014

- 0% - 10%
- 11% - 15%
- 16% - 20%
- 21% - 25%
- 26% - 35%
- R/ECAP* Tracts



SOURCE: U.S. Census, 2010-2014 5-year American Community Survey
 *HUD 2016d. "R/ECAP Tract Current and Historic."

To show the disparity by race attached is the racial breakdown by Jefferson County and then by each small city. Both the 2010 Census and American Community Survey, a part of the Census which is more current as it is based on information from 2011-2015 and is used in planning by cities, are attached.

Either count shows that the exempt cities are disproportionately white and have disproportionately fewer Blacks. Using the 2010 Census, while Blacks are 22% of the population in Jefferson County, they are only 12% of the population in the exempt cities.

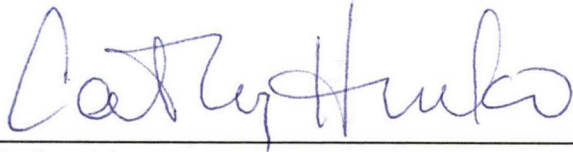
This racial bias is recapitulated in persons with disabilities and in female-headed households with children, using the maps above compared to where the exempt cities are located.

On June 25, 2015, the United States Supreme Court settled the law of the United States under the Fair Housing Act (FHA) 82 Stat.81, as amended, 42 U.S.C. Section 3601 *et seq.* The Court upheld that "disparate impact" claims are cognizable under the law. The case is *Texas Department of Housing and Community Affairs, et al. v. Inclusive Communities Project, Inc., et al.*, 576 U.S.____, 2015 WL 2473449 (June 25, 2015).

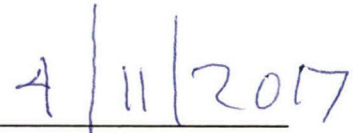
This case involved the way a state regulated a program from the United State Treasury Department. The case held that a plaintiff does not have to prove is intent to discriminate. As the Court says, "recognition of disparate-impact liability under the FHA plays a role in discovering discriminatory intent: It permits plaintiffs to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment." Page 17.

But the heart of the disparate-impact case includes "...zoning laws and other housing restrictions that function unfairly to exclude minorities for certain neighborhoods without any sufficient justification." Page 17. Utilities are a part of housing and the cost of utilities should not have a disparate negative impact protected classes.

Thank you for your attention to these comments.



Cathy Hinko , Executive Director



Date

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Attachment A- Hinko LG&E bill December 2014

Attachment B- Hinko LG&E bill January 2015

Attachment C- Spreadsheet showing the racial breakdowns for all of Jefferson County and for the independent cities in Jefferson County

Case 2016-00317

Comments by

Metropolitan Housing Coalition

Attachment A



PPL company

Customer Service:
Telephone Payments:

1-502-589-1444 (M-F, 7 a.m. to 7 p.m. ET)
1-502-589-1444; press 1-2-3
(24 hours a day; \$2.25 fee)
Open Mon-Fri 8 a.m. to 5 p.m. ET
www.lge-ku.com (24 hours a day)

Walk-In Center:
Online Customer Self-Service:

DUE DATE	Pay This Amount
12/12/14	\$78.43

Late Payment Fees will be applied to current charges if the current amount due is not received in full by the payment due date on this bill even if payment arrangements have been made. Please have your account number available when calling to discuss your account.

Averages for Billing Period	This Year	Last Year
Average Temperature	53°	50°
Number of Days Billed	28	30
Electric/kwh per day	5.8	5.5
Gas/ccf per day	1.5	1.2

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	CATHY HINKO
Service Address:	1941 Payne St Apt 1f LOUISVILLE KY
Next Read Will Occur:	12/15/14 - 12/17/14
Date Bill Mailed:	11/14/14 (Meter Read Portion 11)

BILLING SUMMARY	
Previous Balance	62.41
Payment(s) Received 10/17 - 11/13	-62.41
Balance as of 11/13	0.00
Current Electric Charges	26.32
Current Gas Charges	52.11
Current Charges as of 11/13	78.43
Total Amount Due	78.43

ELECTRIC CHARGES

Rate Type: Residential Electric Service

Basic Service Charge	10.75
Energy Charge (\$0.08076 x 164 kWh)	13.24
Electric DSM (\$0.00543 x 164 kWh)	0.89
Electric Fuel Adjustment (\$0.00004 x 164 kWh)	0.01
Environmental Surcharge (4.760% x \$24.89)	1.18
Home Energy Assistance Fund Charge	0.25
Total Electric Charges	\$26.32

Meter Reading Information

Meter # 535783	
Actual Reading on 11/13/14	95904
Previous Reading on 10/16/14	95740
Current kwh Usage	164
Meter Multiplier	1
Metered kwh Usage	164

GAS CHARGES

Rate Type: Residential Gas Service

Basic Service Charge	13.50
Gas Distribution Charge (\$0.26419 x 43 ccf)	11.36
Gas Supply Component (\$0.62313 x 20 ccf)	12.46
Gas Supply Component (\$0.56128 x 23 ccf)	12.91
Weather Normalization Adjustment (\$0.26419 x -0.566 ccf)	-0.15

Meter Reading Information

Meter # 359799	
Actual Reading on 11/13/14	2520
Previous Reading on 10/16/14	2477
Current ccf Usage	43
Meter Multiplier	1

Please see reverse side for additional charges.

GAS CHARGES (cont)

Gas DSM (\$0.01623 x 43 ccf)	0.70	Metered ccf Usage	43
Gas Line Tracker	1.08		
Home Energy Assistance Fund Charge	0.25		
Total Gas Charges	\$52.11		

BILLING INFORMATION

Late Charge to be Assessed After Due Date \$2.35

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.

IMPORTANT INFORMATION

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 328 pounds of CO₂ (carbon). 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 our website at www.lge-ku.com/savingenergy for energy-saving tips designed to help you better manage and lessen the environmental impact of your energy usage.

For a copy of your rate schedule, visit www.lge-ku.com or call our Customer Service Department.

Case 2016-00317

Comments by
Metropolitan Housing Coalition

Attachment B



PPL company

Customer Service:
Telephone Payments:

1-502-589-1444 (M-F, 7 a.m. to 7 p.m. ET)
1-502-589-1444; press 1-2-3

Walk-In Center:
Online Customer Self-Service:

(24 hours a day; \$2.25 fee)
Open Mon-Fri 8 a.m. to 5 p.m. ET
www.lge-ku.com (24 hours a day)

DUE DATE	Pay This Amount
01/14/15	\$133.89

Late Payment Fees will be applied to current charges if the current amount due is not received in full by the payment due date on this bill even if payment arrangements have been made. Please have your account number available when calling to discuss your account.

Averages for Billing Period	This Year	Last Year
Average Temperature	41°	40°
Number of Days Billed	33	31
Electric/kwh per day	7.0	6.9
Gas/ccf per day	3.1	3.3

ACCOUNT INFORMATION	
Account Number:	[REDACTED]
Account Name:	CATHY HINKO
Service Address:	1941 Payne St Apt 1f LOUISVILLE KY
Next Read Will Occur:	01/15/15 - 01/20/15
Date Bill Mailed:	12/17/14 (Meter Read Portion 11)

BILLING SUMMARY	
Previous Balance	78.43
Payment(s) Received 11/14 - 12/16	-78.43
Balance as of 12/16	0.00
Current Electric Charges	32.44
Current Gas Charges	99.60
Current Taxes and Fees	1.85
Current Charges as of 12/16	133.89
Total Amount Due	133.89

ELECTRIC CHARGES

Rate Type: Residential Electric Service

Basic Service Charge	10.75
Energy Charge (\$0.08076 x 232 kWh)	18.74
Electric DSM (\$0.00543 x 232 kWh)	1.26
Electric Fuel Adjustment (\$-0.00097 x 232 kWh)	-0.23
Environmental Surcharge (5.460% x \$30.52)	1.67
Home Energy Assistance Fund Charge	0.25
Total Electric Charges	\$32.44

Meter Reading Information

Meter # 535783	
Actual Reading on 12/16/14	96136
Previous Reading on 11/13/14	95904
Current kwh Usage	232
Meter Multiplier	1
Metered kwh Usage	232

GAS CHARGES

Rate Type: Residential Gas Service

Basic Service Charge	13.50
Gas Distribution Charge (\$0.26419 x 104 ccf)	27.48
Gas Supply Component (\$0.56128 x 104 ccf)	58.37
Weather Normalization Adjustment (\$0.26419 x -10.468 ccf)	-2.77

Meter Reading Information

Meter # 359799	
Actual Reading on 12/16/14	2624
Previous Reading on 11/13/14	2520
Current ccf Usage	104

please see reverse side for additional charges.

GAS CHARGES (cont)

Gas DSM (\$0.01623 x 104 ccf)	1.69	Meter Multiplier	<u>1</u>
Gas Line Tracker	1.08	Metered ccf Usage	104
Home Energy Assistance Fund Charge	0.25		
Total Gas Charges	<u>\$99.60</u>		

TAXES AND FEES

Franchise Fee-Louisville	1.85
Total Taxes and Fees	<u>\$1.85</u>

BILLING INFORMATION

Late Charge to be Assessed After Due Date \$4.01

IMPORTANT INFORMATION

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 464 pounds of CO₂ (carbon). 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 our website at www.lge-ku.com/savingenergy for energy-saving tips designed to help you better manage and lessen the environmental impact of your energy usage.

For a copy of your rate schedule, visit www.lge-ku.com or call our Customer Service Department.

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Attachment C

2142598 Kingsley	381	367	0	3	4	0	0	1	6
2143900 Langdon Place	936	713	101	5	51	0	0	20	46
2146540 Lincolnshire	148	141	0	0	1	0	0	2	4
2148558 Lyndon	11002	8515	1229	23	230	2	16	233	754
2148648 Lynnview	914	839	21	2	1	0	0	11	40
2149800 Manor Creek	140	132	0	0	6	0	0	0	2
2150412 Maryhill Estates	179	170	0	0	0	0	4	3	2
2151193 Meadowbrook Farm	136	121	10	0	0	0	0	1	4
2151258 Meadow Vale	736	663	33	0	6	0	2	4	28
2151294 Meadowview Estates	363	274	62	0	6	0	0	5	16
2151978 Middletown	7218	6146	504	7	202	3	8	115	233
2152842 Mockingbird Valley	167	153	4	0	7	0	0	2	1
2153328 Moorland	431	358	54	0	6	0	0	7	6
2154660 Murray Hill	582	558	9	0	8	0	0	3	4
2156550 Norbourne Estates	441	427	5	0	2	0	0	0	7
2156730 Northfield	1020	890	91	0	19	0	3	3	14
2156928 Norwood	370	348	4	0	3	0	0	6	9
2157658 Old Brownsboro Place	353	329	9	0	7	0	0	1	7
2159322 Parkway Village	650	589	16	4	8	0	1	8	24
2161554 Plantation	832	606	102	5	10	1	2	32	74
2162370 Poplar Hills	362	42	210	2	4	0	1	2	101
2163264 Prospect	4698	4220	165	1	168	1	3	46	94
2165208 Richlawn	405	390	4	0	3	0	3	1	4
2165766 Riverwood	446	431	2	0	7	0	0	4	2
2166486 Rolling Fields	646	638	4	0	1	0	0	2	1
2166504 Rolling Hills	959	758	103	4	17	2	0	10	65
2167944 St. Matthews	17472	14866	1045	29	445	3	20	294	770
2167998 St. Regis Park	1454	1401	19	0	5	0	0	7	22
2169384 Seneca Gardens	696	667	11	0	3	0	0	5	10
2170284 Shively	15264	6835	7385	25	100	12	47	319	541
2172138 South Park View	7	7	0	0	0	0	0	0	0
2172770 Spring Mill	287	273	11	0	0	0	0	1	2
2172790 Spring Valley	654	595	20	0	20	0	0	11	8
2174064 Strathmoor Manor	337	317	1	1	4	0	0	4	10
2174082 Strathmoor Village	648	598	15	0	15	3	0	7	10
2175190 Sycamore	160	134	24	0	0	0	0	1	1
2175963 Ten Broeck	103	95	3	0	3	0	0	2	0
2176380 Thornhill	178	161	7	0	4	0	0	4	2
2180913 Watterson Park	976	558	195	1	5	1	1	25	190
2181372 Wellington	565	539	1	2	9	0	0	5	9
2181624 West Buechel	1230	548	453	5	20	0	5	56	143

2010 Decennial Census

ID	City/Town	Total	Non-Hispanic						Hispanic	
		Population	White	Black	AIAN	Asian	NHOPI	Other	Multiple	Any Race
21111	Jefferson County, Kentucky	741158	522623	152451	1492	16171	403	1255	14221	32542
2101504	Anchorage	2348	2205	34	1	49	0	9	14	36
2102656	Audubon Park	1473	1419	18	0	4	0	1	11	20
2103376	Bancroft	494	440	18	1	17	0	0	5	13
2103556	Barbourmeade	1218	1166	18	1	10	0	0	5	18
2105068	Beechwood Village	1324	1215	35	0	19	1	4	12	38
2105392	Bellemeade	865	807	31	0	7	0	0	9	11
2105464	Bellewood	321	307	8	0	1	0	3	0	2
2107858	Blue Ridge Manor	767	705	32	0	16	1	2	4	7
2109532	Briarwood	435	381	19	1	0	0	0	9	25
2109847	Broeck Pointe	272	256	13	0	0	0	0	2	1
2110162	Brownsboro Farm	648	607	13	0	11	0	1	8	8
2110198	Brownsboro Village	319	311	2	0	1	0	0	3	2
2112066	Cambridge	175	159	1	1	4	0	0	1	9
2116395	Coldstream	1100	654	319	1	49	0	7	26	44
2118270	Creekside	305	264	24	0	7	0	2	4	4
2118766	Crossgate	225	204	5	0	12	0	0	0	4
2122204	Douglass Hills	5484	4529	321	6	182	1	10	90	345
2122474	Druid Hills	308	307	0	0	0	0	0	0	1
2127262	Fincastle	817	449	269	3	21	0	1	35	39
2128342	Forest Hills	444	416	11	1	3	0	0	7	6
2131348	Glenview	531	486	0	1	29	0	1	4	10
2131402	Glenview Hills	319	311	0	2	1	0	0	1	4
2131420	Glenview Manor	191	189	0	0	0	0	0	0	2
2131870	Goose Creek	294	265	6	0	1	0	1	13	8
2132523	Graymoor-Devondale	2870	2478	165	1	72	3	2	64	85
2132986	Green Spring	715	649	37	5	11	0	0	3	10
2136102	Heritage Creek	1076	1002	27	1	7	0	7	16	16
2136374	Hickory Hill	114	96	11	0	6	0	0	0	1
2136865	Hills and Dales	142	138	3	1	0	0	0	0	0
2137576	Hollow Creek	783	722	40	4	8	0	0	3	6
2137630	Hollyvilla	537	518	10	0	0	0	0	3	6
2138170	Houston Acres	507	471	15	0	10	1	1	5	4
2138814	Hurstbourne	4216	3442	179	4	477	2	1	44	67
2138818	Hurstbourne Acres	1811	1092	186	4	323	0	16	32	158
2139304	Indian Hills	2868	2723	40	3	45	0	1	35	21
2140222	Jeffersontown	26595	21246	2903	34	481	18	39	548	1326

2182164 Westwood	634	548	34	1	14	0	1	18	18
2183208 Wildwood	261	252	1	0	4	0	0	0	4
2183784 Windy Hills	2385	2242	67	0	35	1	5	13	22
2184486 Woodland Hills	696	642	30	3	7	0	0	6	8
2184576 Woodlawn Park	942	878	20	0	9	0	0	18	17
2184891 Worthington Hills	1446	863	416	4	44	0	6	53	60

Notes: Data is from the 2010 Decennial Census and 2015 American Community Survey 5-year Estimates. City/town counts will not add up to county count because of the exclusion of the "Louisville/Jefferson County Balance" category. AIAN = American Indian/Alaska Native. NHOPi = Native Hawaiian or Other Pacific Islander. Other =