

Matthew G. Bevin  
Governor

Charles G. Snavelly  
Secretary  
Energy and Environment Cabinet



Commonwealth of Kentucky  
**Public Service Commission**  
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psc.ky.gov

Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Talina R. Mathews  
Commissioner

July 7, 2017

**PARTIES OF RECORD**

Re: Case No. 2017-00174

Attached is a copy of a memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the memorandum please do so within five days of receipt of this letter.

If you have any questions, please contact Brittany Koenig, Commission Staff Attorney, at 502-782-2591.

Sincerely,

A handwritten signature in black ink that reads "John S. Lyons".

John S. Lyons  
Acting Executive Director

BK/ph

Attachments

**INTRA-AGENCY MEMORANDUM**  
**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File No. 2017-00174  
**FROM:** Brittany Koenig, Staff Attorney *BK*  
**DATE:** July 6, 2017  
**RE:** Informal Conference of July 6, 2017

Pursuant to Commission Staff's ("Staff") Notice of Informal Conference ("IC") filed into the record on June 30, 2017, an IC was held in this matter on July 6, 2017. A copy of the sign-in sheet is attached. Diane L. Deaton, the Complainant, and Rocco D'ascenzo and Alicia Jones representatives from Duke Energy Kentucky, Inc. ("Duke Kentucky"), the Defendant, participated by telephone in the conference.

During the conference, Ms. Koenig stated that Staff would prepare minutes of the conference for the case record, that a copy of the minutes would be entered into the record, and that the parties would have an opportunity to submit written comments upon the minutes. Ms. Koenig stated that Staff is not a party to the case and the views of Staff are not binding on the Commission.

Staff stated the history of the case, recounting the Complaint filed by Ms. Deaton on April 20, 2017, and the Commission's Order entered on May 22, 2017, finding that Ms. Deaton had not established a *prima facie* case. Staff stated that it was in receipt of an electronic mail message from Ms. Deaton. The message was sent to the PSC Consumer Web Inquiry the morning of the conference. Staff explained to Ms. Deaton that she must mail responses and comments to the Public Service Commission referencing the 2017-00174 case number in order for her communications to be a part of this record. While the Commission's May 22, 2017 Order granted her 14 days to amend her Complaint, she did not respond within the 14 days and then sent an electronic mail message to the email address, [PSC.Info@ky.gov](mailto:PSC.Info@ky.gov), on June 19, 2017, which was filed into the record on June 27, 2017. Additionally, Ms. Deaton sent a letter to the attention of "Rosemary" on June 23, 2017, which was filed into the record on June 28, 2017. The electronic mail messages and letters were directed to different areas of the Commission. Staff addressed the general questions Ms. Deaton expressed in her electronic mail messages and letters, referring Ms. Deaton to KRS 278.016 as to why she cannot choose her own energy provider and to KRS 278.160 as to why Duke Kentucky cannot cut the amount she owes in half. A copy of the July 6, 2017 electronic mail message is attached.

Staff and the parties discussed the reason for the informal conference was that at this point, Ms. Deaton did not dispute the accuracy of the bills, but has an inability to pay the higher than normal amounts due to her electric furnace malfunctioning in June, July and August of 2016. Duke Kentucky indicated that they had been trying to work with Ms. Deaton on a payment plan and that she was making payments on the current charges. Ms. Jones indicated that in December 2016, Ms. Deaton had agreed to a payment plan of \$197 per month and that she had defaulted. Duke Kentucky indicated that Ms. Deaton had remained current on her current charges. Ms. Deaton expressed that she had been told that she needed to make a starting payment of approximately \$552 and then pay \$110 per month. Staff recounted Ms. Deaton's assertion that she could pay \$50 per month. Ms. Jones stated that the current balance due was \$2,019.43.

Staff and the parties discussed a possible compromise between the plan from Duke Kentucky to pay off the debt in approximately one year and the plan from Ms. Deaton of \$50 per month that would pay the debt off in approximately 3.5 years. Ms. Deaton proposed that she could pay \$250 up front, comprised of \$100 from herself, \$100 from the Salvation Army and \$50 from a church. Additionally, she could pay \$85 a month in addition to her current charges. The parties agreed to this payment plan. The parties agreed to memorialize their agreement outside these proceedings.

Further, Staff inquired as to whether there were any demand side management programs that might help Ms. Deaton with unusually high energy usage. Staff suggested a "set-back thermostat". Duke Kentucky discussed the programs they had available to Ms. Deaton including weatherization (which Ms. Deaton stated had already been completed), medically approved 30-day extensions if she is ill, and Northern Kentucky Communication Action Council for help with her bill. Ms. Jones indicated that she was inquiring as to whether there were bill payment assistance programs for which Ms. Deaton qualified.

There being no further business, the informal conference adjourned.

Attachments

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DIANE L. DEATON	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2017-00174
V.	)	
	)	
DUKE ENERGY KENTUCKY, INC.	)	
	)	
DEFENDANT	)	

SIGN IN

July 6, 2017

PERSON

REPRESENTING

<u>Tim Livers</u>	<u>PSC-7A</u>
<u>RICHARD RAFF</u>	<u>PSC-LEGAL</u>
<u>Bullary H. Koenig</u>	<u>PSC-LEGAL</u>
<u>Diane Deaton (by phone)</u>	<u>Complainant</u>
<u>Rocco D'Ascenzo (by phone)</u>	<u>Duke Energy</u>
<u>Alicia Jones (by phone)</u>	<u>Duke Energy</u>
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## Tutt, Rosemary (PSC)

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**From:** PSC - Consumer Web Inquiry  
**Sent:** Thursday, July 06, 2017 7:30 AM  
**To:** Tutt, Rosemary (PSC)  
**Subject:** FW: Question/Recommendation

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**From:** Diane Deaton [mailto:dldeaton12@yahoo.com]  
**Sent:** Wednesday, July 05, 2017 6:52 PM  
**To:** PSC - Consumer Web Inquiry <PSC.Consumer.Inquiry@ky.gov>  
**Subject:** Question/Recommendation

I would like to know why we cannot choose the energy company that we want? Competition between companies is good and allows the consumer a choice. Depending on where you live, you are stuck with a certain company and I think it should be where we get to choose.  
Thank you.

\*Diane L Deaton  
707 Terrace Ct  
Alexandria, KENTUCKY 41001

\*Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45202

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