

12/10/2018.” Also attached to Mr. Holbrook’s Complaint were two forms entitled “Licking Valley RECC Transfer Work Flow.” Both forms are dated January 28, 2010. One form lists Brandon Holbrook as the “Out Customer” and Glen D. Holbrook as the “In Customer.” That form indicates the electric meter at the service is a Kwh Meter with a meter number of 22775. On the other form Brandon Holbrook is the “In Customer” and Glen D. Holbrook is listed as the “Out Customer.” This form indicates the electric meter at the service is a Kwh/Kw meter with a meter number of 30191. On both forms the service location is 998 Highway 1000, West Liberty, Kentucky. A letter dated May 3, 2019, from Licking Valley RECC addressed to Mr. Glen Holbrook at 560 Highway 1000, West Liberty, Kentucky is also attached to Mr. Holbrook’s Complaint. The letter references a disconnection of service on December 12, 2018, on an account in Brandon Holbrook’s name, but provides no service address or meter number.

By Order dated July 28, 2020, the Commission found that it was unable to determine from the information presented by Mr. Holbrook, whether his Complaint established a prima facie case, but found that further investigation into the merits of the Complaint was warranted. Because the service address listed on the bills provided by Mr. Holbrook differs from the service address listed on the Licking Valley RECC Transfer Work Flow forms, and it was not possible to determine in whose name the electric service was in at the time of the disconnection, the Commission directed Licking Valley RECC to assist in the investigation by filing with the Commission all transfer of service orders and documentation of telephonic or online requests for service concerning in whose name the Home 100 AMP electric service at 538 Highway 1000, West Liberty, Kentucky, was in as of November 21, 2018, and copies of all bills, disconnect notices, and any other notices

issued in connection with service address 538 Highway 1000, West Liberty, Kentucky, from November 1, 2018, through February 10, 2019, for Home 100 AMP service. On August 18, 2020, August 19, 2020, and August 25, 2020, Licking Valley RECC filed various documents, which are described below, with the Commission.

RECORDS OF LICKING VALLEY RECC

On August 18, 2020, Licking Valley RECC filed with the Commission the following documents:

- An additional copy of the January, 28, 2010 Transfer Work Flow Form (Transfer Work Flow Form) listing Glen D. Holbrook as the “Out Customer” and Brandon Holbrook as the “In Customer” for meter number 30191, as described above.
- A Collection/Disconnect Order Ticket dated December 11, 2018, on an account in Brandon Holbrook’s name, with a service address of 560 Highway 1000, for meter number 42567 (Collection/Disconnect Order Ticket). The Collection/Disconnect Order Ticket indicates a current bill of \$88.53, 30-day arrears of \$171.77, and a collection fee of \$24.00. The total to collect is listed as \$195.77. The Collection/Disconnect Order Ticket indicates the service was disconnected on December 12, 2018.
- A form entitled “Licking Valley RECC Reconnect-Same Customer-WF” (Reconnect Form) dated December 18, 2018, listing a service address of 560 Highway 1000, West Liberty, KY 41472, and a mailing address of Brandon Holbrook C/O Glen Holbrook, 590 Highway 1000, West Liberty, KY 41472. Under “Equipment to Be Serviced” the form lists equipment number 42567 for a Kwh/Kw meter. Under “General Comments” the form reads, “Please reconnect the service requested by Glen Holbrook.” The form indicates a deposit amount of \$340.00, and a total due of \$717.66, and it is stamped “Paid Dec. 18, 2018, Licking Valley RECC” and is signed by Glen Holbrook. An unsigned handwritten note at the bottom of the form reads, “This acct. was reconnected on 12/17/18”.
- A bill from Licking Valley RECC dated September 21, 2018, (September bill) addressed to Brandon Holbrook at 538

Highway 1000, West Liberty, KY 41472, for a Home 100 AMP service, at 538 Highway 1000, for meter number 42567. The total due by October 10, 2018, is listed as \$185.72, and the amount due after the due date is listed as \$195.01.

- A bill from Licking Valley RECC dated October 25, 2018, (October bill) having the same mailing address, meter number and service information as the September bill, and indicating a past due amount of \$195.01, and a current month's charges of \$163.59, for a total net due amount by November 10, 2018 of \$358.60. A statement printed on the bill reads, "If there is a balance forward your account is subject to be disconnected, if not paid before 11/10/2018."
- An additional copy of the November bill as described above.
- A bill from Licking Valley RECC dated December 21, 2018, (December bill), addressed to Brandon Holbrook C/O Glen Holbrook, 560 Highway 1000, West Liberty, KY 41472, listing the "Bill Type" as 'New Connect,' with a service address of 560 Highway 1000, a reference of Home 100 AMP, and a meter number of 42567.

The section of the bill entitled "Activity Since Last Bill" reads:

Previous Balance	\$ 260.30
Payment	\$-717.66
Late Payment Penalty	\$ 4.43
Other Adjustments	\$ 388.00
Balance Prior to This Billing	\$ -64.93

The section of the bill entitled "Current Bill Information" reads:

Electric Service	\$60.83
Fuel Cost Adjustment	\$- 2.51
School Tax	\$ 1.91
<u>Environmental Surcharge</u>	<u>\$ 5.37</u>
Current Month's Charges	\$65.60
<u>***Balance Forward</u>	<u>\$-64.93</u>
Current Net Due by 01/10/2019	\$ 0.67

- An undated and unaddressed document entitled "Delinquent Notice" (Delinquent Notice) containing the words "Notice of Termination of Utility Service," which states, among other things, "if the balance forward is not paid by the 10th day of this month your service will be disconnected" and also

includes this statement printed in all capital letters, "IF LICKING VALLEY RECC DOES NOT HAVE A SECURITY DEPOSIT ON FILE, THIS WILL ALSO HAVE TO BE PAID"

- Two forms entitled "Meter Change." One form indicates that on November 17, 2016, meter number 30191 was disconnected at 538 Highway 1000, and meter number 36414 was connected. The name on the form is Brandon Holbrook. (2016 Meter Change Form). The other form indicates that on March 23, 2017, meter number 36414 was disconnected and meter number 42567 was connected, again the name on the form is Brandon Holbrook, but the address is left blank (2017 Meter Change Form).

On August 19, 2020, Licking Valley RECC filed a letter dated August 18, 2020, with the Commission stating the electric service that is the subject of this proceeding was in the name of Brandon Holbrook from January 28, 2010, through December 18, 2018, when Glen Holbrook's name was added to the account address as "in care of" (August 18, 2020 Letter). The letter indicates that on January 28, 2010, the electric service for meter number 30191 was transferred out of Glen D. Holbrook's name and into Brandon Holbrook's name. The letter further states that on November 17, 2016, meter number 30191 was replaced with meter number 36414, and on March 23, 2017, meter number 36414 was replaced with meter number 42567. Finally, the August 18, 2020 Letter states that the Delinquent Notice was enclosed in the November 2018 bill. Licking Valley RECC filed additional copies of the Transfer Work Flow Form, the 2016 Meter Change Form, 2017 Meter Change Form, the September bill, the October bill, the Delinquent Notice, the November bill, the Collection/Disconnect Order Ticket, the December bill, and the Reconnect Form.

On August 25, 2020, Licking Valley RECC filed a letter dated August 25, 2020 (August 25, 2020 Letter), with the Commission in which Licking Valley RECC indicated

the deposit charged to Brandon Holbrook's account on December 18, 2018, was calculated by taking an average 12-month use revenue total of \$174.54, rounding down to \$170, and multiplying by two to obtain a total of \$340. The August 25, 2020 Letter states the \$340 deposit was paid on December 18, 2018. Along with the August 25, 2020 Letter, Licking Valley RECC filed a consumption history for Brandon Holbrook's account (Consumption History) indicating the average use revenue portion of the bill on Brandon Holbrook's account for the 12 months prior to December 2018 was \$174.54.

DISCUSSION

After reviewing the documents filed in this proceeding by Licking Valley RECC, and Licking Valley RECC's tariff in place for the period in question, the record indicates that Licking Valley RECC provided proper notice prior to terminating service to meter number 42567, and that the deposit charged to Mr. Holbrook to reconnect the electric service for meter number 42567 was appropriate.

It is evident from the Reconnect Form; the Collection/Disconnect Order Ticket; the September, October, and November bills submitted by Licking Valley RECC; the 2016 and 2017 Meter Change Forms; and the August 18, 2020 Letter that the meter to the service associated with the account that is central to this proceeding is meter number 42567 and that Brandon Holbrook was the customer on the account. Although the Transfer Work Flow Forms dated January 28, 2010, indicate a service address of 998 Highway 1000, West Liberty, Kentucky, the form listing Brandon Holbrook as the "In Customer" also lists meter number 30191, a predecessor meter to meter number 42567, as the meter associated with this account. Licking Valley RECC provided no explanation as to the discrepancy between the service address as listed on the Transfer Work Flow

Form and the service address listed on other documents related to this account. However, it is clear from the documents described above that the service address associated with the account in question is 538 Highway 1000, West Liberty, Kentucky.

It is also not readily apparent why there are two Transfer Work Flow forms dated January 28, 2010, one recording Brandon Holbrook as the incoming customer on meter number 30191 account and one recording him as the outgoing customer on meter number 22775. However, it is apparent from the 2016 Meter Change Form that meter number 30191 was associated with a service at 538 Highway 1000, West Liberty, Kentucky, and that Brandon Holbrook was the customer on that account. The 2017 Meter Change Form again lists Brandon Holbrook as the customer on the account. The September, October, and November bills are all addressed solely to him at 538 Highway 1000, West Liberty, Kentucky. The August 18, 2020 Letter also indicates Licking Valley RECC transferred the account into Brandon Holbrook's name on January 28, 2010. It is reasonable to conclude Brandon Holbrook, and not Glen Holbrook, was the customer on the account at the time the service was disconnected on December 12, 2018.

Prior to disconnecting the electric service to meter number 42567 for nonpayment, Licking Valley RECC was required by regulation to provide at least ten days' written notice to the "customer."¹ The regulation describes the customer as "any person contracting for service."² As discussed above, Brandon Holbrook was the customer on the account at the time the service was disconnected. The regulations do not impose a duty upon Licking Valley RECC to notify anyone other than the customer of a pending disconnection

¹ 807 KAR 5:006, Section 15(1)(f)(1)(a).

² 807 KAR 5:006, Section 15(1)(f).

of service. Although the Delinquent Notice was not dated, Licking Valley RECC's August 18, 2020 Letter states it was enclosed with the November bill. The November bill is dated November 21, 2018. The Collection/Disconnect Order Ticket is dated December 11, 2018, and indicates the service was disconnected on December 12, 2018 (21 days after the date of the November bill), which indicated a past-due amount. Licking Valley RECC's notice of disconnection was proper as to timing and to whom it was made.

Mr. Holbrook was charged a \$340 deposit when he requested to have service to meter number 42567 reconnected and to be made "in care of" on the account.³ Licking Valley RECC's policy on deposits during the relevant time period was compliant with 807 KAR 5:006, Section 8, and stated that deposit amounts charged to a customer or applicant for service to secure payment of bills would be 2/12 of the estimated annual bill.⁴ In its August 25, 2020 Letter, Licking Valley RECC provided the method used to calculate the deposit charged to Mr. Holbrook, along with the Consumption History of the account. It appears from the record that the deposit amount Mr. Holbrook was charged was proper under Licking Valley RECC's tariff and the regulations.

Commission regulation 807 KAR 5:001, Section 20(1)(c), requires that a formal complaint must state:

Fully, clearly, and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure.

³ Reconnect Form, August 18, 2020 Letter, August 25, 2020 Letter.

⁴ Licking Valley RECC Tariff, Second Revised Sheet No. 4, Effective Feb. 16, 1999.

Further, 807 KAR 5:001, Section 20(4)(a), requires the Commission to determine whether a complaint establishes a prima facie case. A complaint establishes a prima facie case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested. The party filing a complaint has the burden of proving his claim. Under 807 KAR 5:001, Section 20(4)(a)(1), if a determination is made that the complaint fails to establish a prima facie case, the complainant must be provided opportunity to amend the complaint within a specified time. If the complaint is not amended to set forth a prima facie case, the complaint is dismissed.

Here, the records for the account at issue, the applicable regulations, and Licking Valley RECC's tariff reflect that Licking Valley RECC had no duty to inform Mr. Holbrook prior to disconnecting Brandon Holbrook's electric service for nonpayment and that the deposit amount charged to Mr. Holbrook was proper. For the above reasons, the Commission finds that Mr. Holbrook's Complaint neither conforms to the requirements of 807 KAR 5:001, Section 20(1), nor establishes a prima facie case. The Commission, in accordance with 807 KAR 5:001, Section 20(4)(a)(1), will provide Mr. Holbrook an opportunity to amend his Complaint.

IT IS THEREFORE ORDERED that:

1. Mr. Holbrook's Complaint is rejected for failing to conform to the requirements of 807 KAR 5:001, Section 20(1)(c), and for failing to state a prima facie case.
2. Mr. Holbrook shall have 30 days from the date of entry of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a prima facie case.

3. A copy of this Order shall be mailed to Mr. Holbrook at his residence via U.S. mail.

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By the Commission



ATTEST:



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