

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THOMAS J. GRILLS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2023-00188
SOUTH KENTUCKY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

ORDER

On May 25, 2023, Thomas Grills tendered a formal complaint with the Commission against South Kentucky Rural Electric Cooperative Corporation (South Kentucky RECC) alleging that he should not be billed for 22 months of estimated meter readings.

LEGAL STANDARD

Pursuant to Commission regulations in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2), provides that if

the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

Commission regulation 807 KAR 5:006, Section 7(5)(a), requires a utility to read meters, other than customer read meters, at least once quarterly, unless there is some issue with the property that prevents the meter from being read. Section 7(5)(b) requires customer read meters to be read at least once each calendar year by the utility. Commission regulation 807 KAR 5:006, Section 11, authorizes a utility to adjust a bill if it determines that the meter is determined to have an error in excess of that permitted by law following testing of the meter. Commission regulation 807 KAR 5:041, Section 17(1)(c), indicates that the amount of the under billing in each month of the period in which it occurred shall be determined based on the size of the percentage error determined by meter testing.

Commission regulation 807 KAR 5:041, Section 16(5), which pertains specifically to electric utilities, requires a utility to make such adjustments, stating:

Whenever a meter is found to be more than two (2) percent fast or slow, refunds or back billing shall be made for the period during which the meter error is known to have existed or if not known for one-half (1/2) the elapsed time since the last test but in no case to exceed three (3) years.

Commission regulation 807 KAR 5:006, Section 11(2)(b)1, states that if the period during which the error existed cannot be determined with reasonable precision, the time period shall be estimated using the data such as the elapsed time since the last meter test, if applicable, and historical usage data for the customer. Commission regulation 807 KAR 5:006, Section 11, states that if the parties are unable to agree on the period for which the adjustment should occur that the Commission should determine the

period. Commission regulation 807 KAR 5:006, Section 11(2)(e), prohibits a utility from requiring the repayment of under billing to be made over a period shorter than the period in which the under billing occurred.

Commission regulation 807 KAR 5:006, Section 11(3), requires a utility to monitor usage at least once quarterly and develop procedures designed to draw the utility's attention to unusual deviations in a customer's usage and shall provide for reasonable means by which the utility can determine the reasons for the unusual deviations. If a customer's usage is unduly high and unexplained, a utility is required to test the meter. Commission regulation 807 KAR 5:006, Section 11(5), requires specific notice that a meter test indicated that a customer will owe a back bill.

THE COMPLAINT

Mr. Grills's complaint could be interpreted to allege that South Kentucky RECC determined that his meter was reading in error and is attempting to back bill him pursuant to 807 KAR 5:006, Section 11, and 807 KAR 5:041, Section 16(5). In contrast, Mr. Grills's complaint could also be read as alleging that he was sent an estimated bill for 22 months in violation of 807 KAR 5:006 Section 7(5), which requires periodic meter readings. While Mr. Grills is disputing the amount of his back or estimated bill; he neither clearly identified the alleged violation nor did he provide sufficient information to support the exact amounts in dispute. Specifically, Mr. Grills has not provided any bills or any correspondence with South Kentucky RECC that relate to his complaint.

Mr. Grills alleged that he was given a large, estimated bill for 22 months of back usage when he had not been notified by South Kentucky RECC that there was any problem with his meter. He stated that since he upgraded to energy efficient appliances

that South Kentucky RECC has been unable to properly estimate his electricity usage as his household should be using less electricity than prior to upgrading his appliances.¹ Mr. Grills further argued that the back bill could not be accurate because he does not live at the house full-time.² Mr. Grills requested that South Kentucky RECC only bill him “the amount of the last three months prior to locating the issue with the meter,” which he indicated was in “October” (no year provided) such that the average bill would be \$60.³

FINDINGS

The Commission finds that Mr. Grills should be given 20 days from the date of service of this order to amend his complaint in order to make it clear to the Commission what Mr. Grills is alleging, what he is requesting from the Commission, the specific time periods mentioned in his complaint and relevancy thereof, copies of all relevant bills, all relevant correspondence between himself and South Kentucky RECC regarding these issues, and anything additional information that Mr. Grills deems as relevant to the issues at hand in order to see if a *prima facie* case can be made.

IT IS THEREFORE ORDERED that:

1. A copy of this Order shall be served on Mr. Grills by U.S. certified mail, return receipt requested at 123 Island Ramp Road, Nancy, Kentucky 42544.
2. Mr. Grills shall have 20 days from the date of service of this order to amend his complaint.

¹ Thomas J. Grills's Complaint, at unnumbered page 2.

² Thomas J. Grills's Complaint, at unnumbered page 2.

³ Thomas J. Grills's Complaint, at unnumbered page 4.

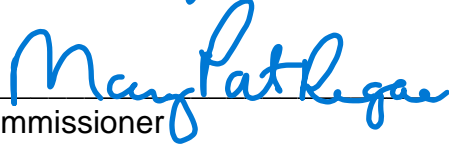
3. Mr. Grills shall file the documents pursuant to ordering paragraph 2 by electronic mail to PSCED@ky.gov or by US Mail to P.O. Box 615, Frankfort KY 40602-0615.

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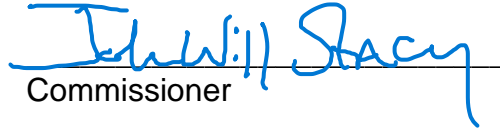
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director



Thomas J. Grills
123 Island Ramp Road
Nancy, KENTUCKY 42544

*South Kentucky R.E.C.C.
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