

from September 2024 and October 2024 regarding electric service to 2960 Hillsboro Road, Campbellsburg, Kentucky 40011, between Mr. Thomas and Shelby Energy, and all other information relevant to the matters raised in Mr. Thomas's Complaint.³

Shelby Energy filed responses to Staff's First Request on January 2, 2025, which included e-mails between Mr. Thomas and employees of Shelby Energy with regard to this matter, notes of telephonic communications, and a late fee transaction history for Mr. Thomas's account.⁴ Shelby Energy noted that the reconnection fee charged to Mr. Thomas is charged to all individuals who fail to comply with the Membership Agreement.⁵ In addition, Shelby Energy stated that "the adaptation of smart meters does not eliminate all costs involved in disconnecting and connecting meters and is in compliance with the Rules and Regulations established by Shelby Energy and approved by the Kentucky Public Service Commission."⁶

Pursuant to Commission regulation 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, it may be dismissed.

³ Commission Staff's First Request for Information (issued Dec. 18, 2024) (Staff's First Request).

⁴ Shelby Energy's Response to Staff's First Request (filed Jan. 2, 2024).

⁵ Shelby Energy's Response at 3, paragraph III.

⁶ Shelby Energy's Response at 3, paragraph III.

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that the complaint fails to establish a *prima facie* case. Shelby Energy acted properly when terminating service for non-payment against the Complainant and assessing reconnect fees for electric service. Shelby Energy followed all applicable statutes, all applicable Commission regulations, and all applicable tariffs in this matter.

The information provided by Mr. Thomas, even when taken in a light most favorable to him, did not establish a *prima facie* case because the actions of Shelby Energy were consistent with its tariff, thus there are no grounds for Shelby Energy to return the reconnections fee. The administration of the Complainant's account here appears consistent with Shelby Energy's tariff. The Commission, however, encourages Shelby Energy to continually review its tariff to ensure rates and services are appropriate as well as cost of service based.

IT IS THEREFORE ORDERED that:

1. Shelby Energy's request to dismiss the complaint of Eric Allen Thomas is granted.
2. This proceeding is dismissed and shall be removed from the Commission's docket.

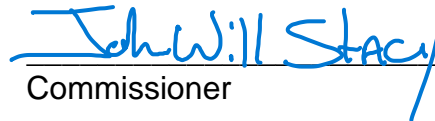
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

 RP

Executive Director

ENTERED
MAR 11 2025 jdc
KENTUCKY PUBLIC
SERVICE COMMISSION

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