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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Terri Maxine Hurley	)	
	)	
Complainant	)	
v.	)	Case No. 2025-00058
	)	
Kentucky Power Company	)	
	)	
Defendant	)	

**Response of Kentucky Power Company to the
Commission's October 2, 2025 Order and Motion to Dismiss**

Kentucky Power Company ("Kentucky Power") files its response to the Formal Complaint of Terri Maxine Hurley and respectfully moves the Public Service Commission of Kentucky ("Commission") to dismiss Ms. Hurley's Complaint on the grounds that she was properly issued a bill that reflected her actual usage as soon as it became available to Kentucky Power. Kentucky Power states as follows in support of its Response and Motion to Dismiss:

Response To Formal Complaint

Ms. Hurley's Meter

The meter at Ms. Hurley's home stopped transmitting a radio frequency ("RF") reading in July 2024. An RF reading allows the Company's meter readers to read the household's actual usage simply by driving near the property and receiving the reading via RF. Without the meter transmitting an RF reading, the Company's meter reader needed to manually read the usage from the meter itself, which he could not do without physically accessing Ms. Hurley's property.

In some months, the meter reader was unable to manually read the meter because there were several large dogs on Ms. Hurley's property, creating a significant safety issue. This safety

issue prevented the meter reader from accessing the meter to read the actual usage and to either repair or change the meter that was not transmitting via RF.

It was not until January 2025 when the meter reader was able to speak with someone in Ms. Hurley's household and ask them to restrain the dogs so that he may access the meter, only after waiting for nearly one hour. At that point, the meter reader was able to collect the actual usage data from the meter and replace the meter with one that was able to transmit RF readings such that manual readings would not continue to be required.

Upon replacing the meter at Mr. Hurley's property, the Company tested it in accordance with the requirements set forth in 807 KAR 5:041 § 17, and it still scored in the 99th percentile, reading nearly as effectively as it did at the time it was installed. 807 KAR 5:006 § 7(5) provides:

- (a) Except as provided in paragraph (b) of this subsection, each utility, except if prevented by reasons beyond its control, shall read the customer meters at least quarterly;
- (b) Each customer-read meter shall be read manually, at least once during each calendar year.
- (c) Records shall be kept by the utility to insure that the information required by this subsection is available to the commission and any customer requesting this information.
- (d) If, due to reasons beyond its control, a utility is unable to read a meter in accordance with this subsection, the utility shall record the date and time the attempt was made, if applicable, and the reason the utility was unable to read the meter.

The Company tested Ms. Hurley's meter in accordance with these regulations and likewise made attempts to remedy the meter's transmitting capabilities, but was unable to until January 2025 because the property was unsafe for the meter reader to approach.

Ms. Hurley's Usage and Billing

As a result of the delay in the meter reader being able to gain access to Ms. Hurley's property to read the meter either by RF or manually, the Company was unable to identify her

actual usage for the months of October, November, and December of 2024. As a result, the Company issued bills to Ms. Hurley for her estimated usage based on her usage in October, November, and December of 2023, in conformity with the Company’s tariff.¹ Ms. Hurley’s bill explicitly stated that the total charges were based on estimated usage.

In January 2025, after the meter reader was able to manually read Ms. Hurley’s actual usage for October, November, and December, those amounts were compared to the estimated usage amounts that she was charged to determine if there was still an outstanding balance, or if Ms. Hurley was owed a refund. Ms. Hurley’s actual usage was higher than the estimated and billed usage, so the difference was applied to her January 2025 bill. The table below reflects Ms. Hurley’s actual and estimated usage for the three months at issue.

Billing Month	Number of Days in 2023 Billing Cycle	Estimated kWh Usage Based on 2023 Data	Number of Days in 2024 Billing Cycle	Actual 2024 kWh Usage
October	28	2,573	29	5,465
November	30	2,074	29	5,464
December	34	2,084	39	7,348

There are many factors that can cause such difference in usage in a one year period, such as the amount of days in the billing period, because usage is calculated on a per-day basis, and the difference in temperature in any given month. Importantly, Ms. Hurley was only charged for her actual usage; had the meter reader been able to access her property in October 2024, Ms. Hurley would have been charged the same amount that she was ultimately charged in January

¹ See P.S.C. KY. NO. 13 ORIGINAL SHEET NO. 2-4, Section C, “All Payments” (“In the event of the stoppage of or the failure of any meter to register the full amount of energy consumed, the Customer will be billed for the period based on an estimated consumption of energy in a similar period of like use.”).

2025 once the Company was able to obtain the actual usage reading. Accordingly, the difference between her estimated and actual usage was applied to her balance beginning in 2025.

Ms. Hurley's Complaint

Ms. Hurley contacted Kentucky Power on February 10, 2025 and spoke to a Key Account Manager about her bill and sought to have the total amount owed adjusted. The Key Account Manager explained that the previous bills had been estimated and that her most recent bill had been based on actual readings. The Key Account Manager offered Ms. Hurley a payment plan for the outstanding balance, which Ms. Hurley declined.

Kentucky Power denies that Ms. Hurley was ever charged for electricity that she did not use, nor that her increase in bill was “due to an extra fuel charge.” Moreover, Kentucky Power denies that Ms. Hurley’s meter was manually read in the months at issue, as the meter reader was unable to access her property because her dogs created a safety issue. Kentucky Power further denies all other claims in Ms. Hurley’s formal complaint that are inconsistent with the facts as detailed and verified herein.

Motion To Dismiss

Kentucky Power respectfully requests that the Commission dismiss the formal complaint filed by Ms. Hurley on the grounds that Ms. Hurley was charged for the electricity that she actually used as recorded by the meter on her property. Kentucky Power made several efforts to manually read her meter and address its inability to transmit an RF reading, but was unable to because her several large dogs created a safety issue and prevented the Company’s meter reader from being able to access the property. In an effort to address the issue, the Company charged Ms. Hurley for an amount of electricity estimated from her usage in the previous year, and then charged her the difference between the actual and estimated reading when an actual reading

could finally be obtained. Ms. Hurley was charged no more and no less than her actual usage once the actual meter reading could be obtained in January 2025.

Kentucky Power takes all customer complaints seriously and has made concerted efforts to address the issues identified by Ms. Hurley. In an effort to assist Ms. Hurley in spreading the cost difference that was applied in January 2025 over a larger time frame, the Company offered to put a payment plan in place, which Ms. Hurley rejected. Kentucky Power therefore has cured each of the issues complained of in Ms. Hurley's formal complaint, and the complaint should be dismissed.

WHEREFORE, for the reasons stated herein, Kentucky Power respectfully requests that the Commission dismiss with prejudice the formal complaint against it filed by Ms. Hurley.

Respectfully submitted,



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