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VIA ELECTRONIC FILING

Justin McNeil
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601-8294

RECEIVED

SEP 28 2026

**PUBLIC SERVICE
COMMISSION**

September 28, 2026

Re: Melonie Smith vs. Louisville Gas and Electric Company
CN 2025-00146

Dear Mr. McNeil:

Louisville Gas and Electric Company ("LG&E") hereby files its response to the Complainant's September 21, 2026 Petition for Rehearing in the above-referenced case.

Please contact me if you have any questions concerning this filing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. Hornung", is written over a light blue horizontal line.

Michael E. Hornung

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MELONIE SMITH	)	
	)	
COMPLAINANT	)	
V.	)	CASE NO.
	)	2025-00146
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	
	)	

**LOUISVILLE GAS AND ELECTRIC COMPANY’S RESPONSE TO COMPLAINANT’S
PETITION FOR REHEARING**

The Public Service Commission’s (“Commission”) decision to dismiss the Complaint was warranted and fully consistent with the procedures set forth in 907 KAR 5:001, Section 20. Complainant Melonie Smith’s (“Complainant”) Petition for Rehearing (“Petition”) fails to raise any new issues or meet the high burden required for rehearing. The Commission should deny her Petition.

Procedural History

On May 15, 2025 Complainant filed the initial Complaint in this matter requesting a portion of her bill be written off. *See* Compl., May 15, 2025, Case No. 2025-00146.

On July 1, 2025, the Commission issued an Order finding that Complainant failed to establish a *prima facie* case as required by 807 KAR 5:001, Section 20(4)(a) and provided Complainant thirty days to amend the Complaint to establish a *prima facie* case. *See* Order, July 1, 2025, Case No. 2025-00146.

Complainant filed a Response to the Commission’s Order on July 14, 2025 requesting that LG&E provide a detailed accounting of the estimated versus actual usage during the December 2024 through March 2025 period in which she was issued estimated bills, and that LG&E write off all or a significant portion of the \$629.66 bill she received during that period. *See* Response to Commission Order, July 14, 2025, Case No. 2025-00146.

In an Order dated April 6, 2026, the Commission found that the Complainant “established a *prima facie* case, pursuant to 807 KAR 5:001, Section 20, in that she alleged that LG&E failed to perform an actual meter read for four consecutive months between December 2024 through March 2025” and LG&E to “satisfy the matters complained of by providing the detailed accounting discussed herein above or file a written answer to the complaint within ten days from the date of service of this Order.” *See* Order, April 6, 2026, Case No. 2025-00146. Notably, the Commission also found, with regard to Complainant’s request to write off a portion of her bill, that “the Commission does not have the authority to Order that requested relief based solely on LG&E’s alleged failure to perform an actual meter reading during the relevant period.” *Id.* The Commission also provided Complainant “20 days after LG&E files the detailed accounting in which to amend the Complaint with respect to the requested relief.” *Id.*

On April 16, 2026, LG&E filed its Notice of Satisfaction and Motion to Dismiss providing the detailed accounting as set forth in the Commission’s prior order. *See* Notice of Satisfaction and Mot. To Dismiss, April 16, 2026, Case No. 2025-00146.

Complainant failed to respond 20 days after LG&E’s filing.

On September 2, 2026, the Commission issued an Order finding that “[b]ased on the information provided, the Commission finds that LG&E has complied with the Commission’s April 6, 2026 Order to satisfy the complaint, and that Ms. Smith’s complaint should be dismissed

and the case closed. The Commission further finds that Ms. Smith failed to amend the portions of the Complaint requesting LG&E to write off all or a significant portion of the \$629.66 bill and thus that portion of the Complaint should be dismissed.” *See* Order, September 2, 2026, Case No. 2025-00146.

Complainant filed a Petition for Rehearing on September 21, 2026. *See* Petition for Rehearing, September 21, 2026, Case No. 2025-00146.

Argument

The Commission’s decision to dismiss the Complaint was warranted and fully consistent with the procedures set forth in 907 KAR 5:001, Section 20 and Complainant’s Petition fails to meet the burden required for rehearing under Kentucky law.

KRS 278.400 establishes the standard of review for motions for rehearing and limits rehearing to new evidence not readily discoverable at the time of the original hearings, to correct any material errors or omissions, or to correct findings that are unreasonable or unlawful. A Commission Order is deemed unreasonable only when “the evidence presented leaves no room for difference of opinion among reasonable minds.” *Energy Regulatory Comm’n v. Kentucky Power Co.*, 605 S.W.2d 46 (Ky. App. 1980). An order can only be unlawful if it violates a state or federal statute or constitutional provision. By limiting rehearing to correct material errors or omissions, and findings that are unreasonable or unlawful, or to weigh new evidence not readily discoverable at the time of the original hearings, KRS 278.400 is intended to provide closure to Commission proceedings. Rehearing does not present parties with the opportunity to relitigate a matter fully addressed in the original order.

The only issue in this case was whether LG&E provided a detailed accounting to the Complainant. The Commission, after reviewing the record, determined that LG&E did so and

complied with its April 6, 2026 Order. Complainant's Petition introduces no new evidence that was not readily discoverable at the time of the original hearings, fails to demonstrate that the Commission's order contained material errors, omissions, or shows that any findings made by the Commission were unreasonable or unlawful. If anything, Complainant's Petition recognizes that it is undisputed that while there was an error with respect to transmitting the AMI data related to Complainant's meter, the meter was nonetheless recording Complainant's actual usage and Complainant's bills were adjusted to charge her for her actual usage. And as Complainant herself acknowledges in her Petition, "Ms. Smith does not contend that she should receive free electricity that she actually consumed." Therefore, KRS 278.170(1) imposes an affirmative obligation upon a utility to charge and collect its prescribed rates and to treat all similarly situated customers in substantially the same manner. *See In the Matter of: North Marshall Water District*, Case No. 95-107, Order at 2 (Ky. PSC Oct. 13, 1995).

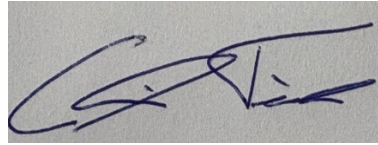
Complainant's other concerns regarding "the manner in which the billing occurred, the extended period of estimated and zero-usage billing, the failure to provide timely and meaningful information concerning the problem, and the resulting retroactive financial burden" are all seemingly claims for damages, which are, as the Commission found, outside its jurisdiction.

Conclusion

Complainant fails to meet the statutory burden for reconsideration. Accordingly, the Petition should be denied.

Dated: September 28, 2026

Respectfully submitted,

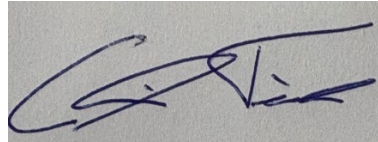
A handwritten signature in blue ink, appearing to read 'S. Judd', is shown on a light-colored background.

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*Counsel for Louisville Gas & Electric
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CERTIFICATE OF SERVICE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on September 28, 2026 ; and that a true and accurate copy of this filing has been sent via Certified U.S. Mail to Ms. Smith at the address provided on the Complaint.

A handwritten signature in blue ink, appearing to be 'G. E. Smith', is written over a horizontal line.

*Counsel for Louisville Gas & Electric
Company*