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**MAY 28 2026**

**PUBLIC SERVICE  
COMMISSION**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

Jeannie Newsome	)	
	)	
Complainant	)	
v.	)	Case No. 2026-00102
	)	
Kentucky Power Company	)	
	)	
Defendant	)	

**Response of Kentucky Power Company to the  
Commission’s May 18, 2026 Order and Motion to Dismiss**

Kentucky Power Company (“Kentucky Power” or the “Company”) files its response to the Formal Complaint of Jeannie Newsome and respectfully moves the Public Service Commission of Kentucky (“Commission”) to dismiss Ms. Newsome’s Complaint on the grounds that the Company has already refunded her the maximum amount that she may recover pursuant to KRS 413.120(2). Kentucky Power states as follows in support of its Response and Motion to Dismiss.

**Response to Formal Complaint**

Ms. Newsome resides at 154 Tollie Lane, Pikeville, KY (the “Premises”). She had an outdoor light billed to her account since June 29, 2017, when she began residing at the Premises. As seen in the bill that Ms. Newsome attached to her formal complaint, this charge appeared as a bolded line item on each of her monthly bills.

Ms. Newsome contacted Kentucky Power customer service on March 6, 2026, complaining of a high bill. Customer Services Account Manager, Richard Chriscinske, visited the Premises shortly thereafter on March 9, 2026, to assess the cause of the high bill and identified that there was a light pole on Ms. Newsome’s property, but there was no longer an outdoor light affixed to it. Kentucky Power’s records reflected that it had charged the resident of the Premises for the

outdoor light since 1984, before Ms. Newsome resided there, and the Company had no orders or outage tickets reflecting that the light had been removed. The Company is therefore unaware when the light was removed from the pole, and whether that was before or after Ms. Newsome began residing at the Premises. Beginning March 11, 2026, the Company removed the charges associated with the outdoor light from Ms. Newsome’s account.

Mr. Chriscinske contacted Ms. Newsome on March 10, 2026, discussed the charge for the outdoor light and its impact on her bill, and offered to refund Ms. Newsome for two years’ worth of charges related to the outdoor light, which totaled \$460.62. Mr. Chriscinske also explained to Ms. Newsome how to isolate breakers to determine sources of high usage through her meter. The following day on March 11, 2026, Ms. Newsome called the Company again, expressing frustration with the two-year refund. Mr. Chriscinske attempted to contact Ms. Newsome again several times and on March 12, 2026, he offered to refund her for three more years in accordance with the maximum limitations period set forth in KRS 413.120(2). Ms. Newsome still expressed apprehension about this solution, claiming that she did not know that she was being charged for the outdoor light despite it being its own line item, because she did not look at her bill. Nonetheless, the Company issued this second refund in the amount of \$596.95, totaling \$1,057.57 for five years’ worth of charges associated with the outdoor light.

Utility customers may recover up to five years’ worth of overbilled energy costs.<sup>1</sup> Accordingly, by refunding Ms. Newsome five years’ worth of overcharges for the outdoor light,

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<sup>1</sup> See KRS 413.120(2) (explaining that “[a]n action upon a liability created by statute” must be commenced within five years of the cause of action being accrued “when no time is fixed by the statute prescribing it”); Order at 3, *In the Matter of: Electronic Purchased Gas Adjustment Filing of Navitas KY NG, LLC*, Case No. 2020-00200 (Ky. P.S.C. July 29, 2020); Order at 10, *In the Matter of: Electronic Investigation Into Valley Gas, Inc. For An Alleged Failure To Comply With Commission Orders and KRS 278.160*, Case No. 2023-00331 (Ky. P.S.C. Nov. 4, 2024) (“The Commission has applied the five-year statute of limitations for refunds as set forth in KRS 413.120(2), consistent with established precedent.” (citation omitted)); Order at 10, *In the Matter of: Electronic Tariff Filing Of Hay Exploration, Inc. For Initial Rules, Regulations, And Rates For Furnishing Gas Service Pursuant to KRS 278.485*, Case No. 2023-00152 (Ky. P.S.C. Feb. 16, 2024).

despite not knowing when the light was actually removed from the pole, the Company has fully satisfied any claim that Ms. Newsome may have.

Ms. Newsome's assertion that she did not notice the charges on her bill until 2026 does not entitle her to a refund in excess of five years, as demonstrated by KRS 413.120(2). Additionally, Ms. Newsome was made aware that she was being charged for the light on a monthly basis because it was included as a bolded line item on her bill. Ms. Newsome's delay in alerting the Company of its misapplication of this charge does not entitle her to a refund in excess of what she is entitled to under KRS 413.120(2).

### **Motion to Dismiss**

Kentucky Power respectfully requests that the Commission dismiss the formal complaint filed by Ms. Newsome on the grounds that the Company has already refunded her the maximum amount that she may recover pursuant to KRS 413.120(2).

Kentucky Power takes all complaints seriously and has made concerted efforts to address the issues identified by Ms. Newsome. In an effort to assist Ms. Newsome, the Company has refunded her the entire five years' worth of charges that she could possibly recover under KRS 413.120(2) without undergoing an investigation to determine when the light was removed, even if that resulted in the Company refunding her less. The Company simply paid her the most that she could possibly recover under the law, quickly after she made her initial complaint. Additionally, the Company removed the charge from her account as soon as it confirmed that the outdoor light was no longer on the Premises. Kentucky Power therefore has cured each of the issues complained of in Ms. Newsome's formal complaint to the maximum extent authorized by applicable law and regulations, 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 filed against it by Ms. Newsome.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "K. Gish, Jr.", written over a horizontal line.

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