

David S. Samford
Counsel
859.244.3230 (t)
859.231.0011 (f)
dsamford@fbtlaw.com

November 30, 2011

RECEIVED

NOV 30 2011

PUBLIC SERVICE
COMMISSION

VIA HAND-DELIVERY

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

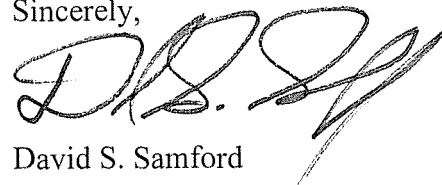
RE: *Bulldog's Enterprises, Inc., et al. v. Duke Energy Kentucky, Inc.*
PSC Case No. 2010-00404

Dear Mr. Derouen:

Enclosed please find an original and ten (10) copies of the Respondent's Supplemental Requests for Production of Documents and Interrogatories to Complainant. Please file these documents in the record and return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,



David S. Samford

Enclosures

LEXLibrary 0106219.0581334 491227v1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 30 2011

BULLDOG'S ENTERPRISES, INC. d/b/a)
BULLDOG'S ROAD HOUSE)
COMPLAINANT)

PUBLIC SERVICE
COMMISSION

VS.)

Case No. 2010-00404

DUKE ENERGY KENTUCKY, INC.)
RESPONDENT)

RESPONDENT'S SUPPLEMENTAL REQUESTS FOR PRODUCTION OF
DOCUMENTS AND INTERROGATORIES TO COMPLAINANT

Comes now the Respondent, Duke Energy Kentucky, Inc. ("Duke Energy"), by counsel, pursuant to the Commission's November 17, 2011 order, and does hereby propound the following supplemental data requests upon the Complainant, Bulldog's Enterprises, Inc. d/b/a Bulldog's Road House ("Bulldog"), as set forth below:

INSTRUCTIONS

1. All interrogatories and requests for production of documents shall be appropriately bound, tabbed, and indexed.
2. Responses shall include the name of the individual(s) responsible for responding to the questions related to the information provided.
3. Bulldog shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, becomes incorrect in any material respect.
4. For any request to which Bulldog fails or refuses to furnish all or part of the requested information, it shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

5. For purposes of these data requests, the following words shall have a particular meaning:

a. "Bulldog" shall mean Bulldog's Enterprises, Inc. d/b/a Bulldog's Road House, the complainant in this matter.

b. "Document" or "documents" shall mean any material, means or method for recording or storing words, data, thoughts, or images, and shall specifically include, but not be limited to, paper, notes, pictures, photographs, voicemails, recordings, plans, ledgers, contracts, letters, memoranda, diaries, work papers, film, audiotape, video tape, dvds, compact disks, computer hard drives, computer disks, disks and diskettes, computer servers, computer networks, email and electronic storage devices and records of any kind.

c. "Duke Energy" shall mean Duke Energy Kentucky, Inc., the respondent in this matter.

d. "Electrical Device" shall mean any appliance, machine, equipment, systems (i.e. HVAC, cooling, security, etc.), tool, gadget or other object, including, but not limited to, all attachments, accessories, rechargeable batteries or power blocks, which utilizes or stores electricity at any voltage.

e. "Initial Requests" shall mean the Initial Requests for Production and Interrogatories served by Duke Energy on July 1, 2011.

f. "Legal and Practical Connection" shall mean any existing relationship whether established in a written or oral agreement or understanding or any *de facto* relationship arising from or relating to the association, involvement, contact, proximity or interaction of the person(s) or entity(ies) specified.

g. "Premises" shall mean any and all structures, facilities, appurtenances or acreage at which Duke Energy provided electricity to Bulldog for which Bulldog disputes the charges for such electricity in its complaint.

h. Whenever the terms "you" or "your" are used, it shall be with reference to "Bulldog" as defined above.

6. Whenever an interrogatory or request for production refers to an entity which is not an individual (e.g., corporations, limited liability companies, etc.), it shall mean the entity in question, as well as the entities' officers, members, directors, managers, employees, attorneys, agents, representatives, and any and all other entities acting on behalf of the entity or over which the entity has actual or legal control or responsibility.

7. If you object to all or any part of any interrogatory or request for production, you should so state in response to the interrogatory or request, the nature of your objection (e.g., "attorney-client privilege," "work product," etc.), and briefly describe the basis of the objection (e.g., "seeks communications providing legal advice to client"). If the objection is to a document, you should specifically identify the document(s) you are objecting to producing by identifying the preparer(s) of the document and the recipient(s) of the document, and by providing a brief description of the document (e.g., "letter from John Doe to Jane Roe providing advice regarding contract issues").

8. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

9. The words “arising from” and “relating to” mean associated with, referring to, reflecting, pertaining to, evidencing, or any way relevant within the meaning of CR 26.02(1).

10. The use of the words “include”, “includes” and “including” shall be construed to mean “without limitation.”

11. Plural shall include the singular and singular shall include the plural.

12. If you claim that any of the documents requested in any of these requests for production are in the custody, possession, or control of someone other than Bulldog, identify the person or entity having such document in his/her/its possession, custody or control.

13. If any document relevant to these requests for production has been destroyed, identify the document and the date and method of the destruction; describe in detail the circumstances of the document’s destruction; and identify the person(s) who authorized the destruction.

INTERROGATORIES

1. Please explain in detail why customers of Duke Energy would send letters about service provided by Duke Energy to Bulldog as claimed in your response to Respondent’s Initial Requests Interrogatory No.1.

RESPONSE:

2. Please state whether any food or beverages were kept at the Premises during June and July of 2010. If so, please describe what steps were taken to keep the food and/or beverages from spoiling.

RESPONSE:

3. Your response to Respondent's Initial Request Interrogatory No. 2 indicates that the Premises was open for the Independence Day weekend in July 2010 and for one other party in July.

a) Please identify the nature and duration of the activities occurring at the Premises during the Independence Day weekend and the other party.

RESPONSE:

b) Please describe in detail any preparations that were made in advance for both the Independence Day weekend and the other party.

RESPONSE:

c) Please describe in detail any tasks that took place at the Premises following it being open for the Independence Day weekend and the other party.

RESPONSE:

d) Please provide the date(s) of the other party.

RESPONSE:

4. Your response to Respondent's Initial Requests Interrogatory No. 3 indicates that several Electrical Devices were "shut down" or "off". Please explain whether this means they were physically unplugged from electrical outlets.

RESPONSE:

5. Please identify the specific source and context of the information which you claim was received from Duke Energy in your response to Respondent's Initial Requests Interrogatory No. 5.

RESPONSE:

6. Please refer to your response to Respondent's Initial Request, Interrogatory No. 11. Please state whether you have been a debtor in any bankruptcy proceeding since June 1, 2010. If the answer is "yes", please provide a citation to the case and division of the bankruptcy court where the proceeding is/was pending. If the answer is "no", please explain in detail why Bulldog has refused to pay the undisputed portion of the bills owed to Duke Energy.

RESPONSE:

7. Please refer to your response to Respondent's Initial Request for Production No. 6. Please identify by name, address and telephone number, the person(s) who has/have possession of the requested records.

RESPONSE:

8. Please refer to the email sent by Eric Deters to James E. McClean on October 26, 2010, time-stamped at 8:34 AM, wherein it is stated, "Also, Bulldog Enterprises doesn't own the building. My trust does. Bulldog Enterprises is judgment proof."

a) Please identify the owner of the Premises during the months of June-July 2010.

RESPONSE:

b) Please identify the current owner of the Premises.

RESPONSE:

9. Please refer to the email sent by Eric Deters to James E. McClean on October 26, 2010, time-stamped at 8:34 AM, wherein it is stated, "Also, Bulldog Enterprises doesn't own the building. My trust does. Bulldog Enterprises is judgment proof." Please explain the Legal and Practical Connection you have with the owner of the Premises.

RESPONSE:

10. Please state whether any of the following entities have, at any time from January 2010 through the present, had any Legal or Practical Connection to the Premises:

a. Snappy Tomato Pizza Company

RESPONSE:

b. Eric C. Deters & Associates, P.S.C.

RESPONSE:

c. Bulldogs Apparel, LLC

RESPONSE:

d. Super Duper Lawyers, Inc.

RESPONSE:

e. United States Bar Association, Inc.

RESPONSE:

f. The Deters Cookie Company

RESPONSE:

g. Mary & Eric Deters Holdings, Inc.

RESPONSE:

11. For each entity you identified in response to Interrogatory No. 10 above as having a Legal or Practical Connection to the Premises, please provide a detailed explanation of each such entity's Legal or Practical Connection.

RESPONSE:

12. Please refer to the email sent by Eric Deters to James E. McClean on October 26, 2010, time-stamped at 8:34 AM wherein it is stated, "Also, Bulldog Enterprises doesn't own the building. My trust does. Bulldog Enterprises is judgment proof." Please state whether you owned any of the personal property (i.e. tables, chairs, dishes, appliances, fixtures, etc.) located on or in the Premises during the period of June and July 2010.

RESPONSE:

a. If the answer is "yes", please provide an inventory of the assets owned by Bulldog.

RESPONSE:

b. If the answer is "no", please identify the owner(s) of the personal property (i.e. tables, chairs, dishes, appliances, fixtures, etc.) located on or in the Premises during the period in question.

RESPONSE:

13. Please explain in detail why you failed to transfer the customer account for the Premises from Willie's of Independence to your name.

RESPONSE:

14. Please identify the owner(s) of Willie's of Independence.

RESPONSE:

15. Please state whether Willie's of Independence or its owner(s) consented to remaining as the named party on the customer account for the Premises.

RESPONSE:

16. Please state whether you have consulted with Willie's of Independence, or its owner(s) about your complaint and, if so, please identify the date, method and nature of the consultation, including the person(s) involved.

RESPONSE:

17. Please supplement or correct any of your July 15, 2011 responses to Respondent's Initial Requests.

RESPONSE:

REQUESTS FOR PRODUCTION

1. To the extent you have not already done so, please produce a copy of each of the letters referenced in your response to Respondent's Initial Request Interrogatory No. 1.

RESPONSE:

2. If you identified any document(s) in your response to Interrogatory No. 5 above, please provide a copy of the document(s).

RESPONSE:

3. Please refer to the December 31, 2010 email from John F. Damico, time-stamped at 3:54 PM, to Eric Deters. Please attach the missing pages three through nine of the email chain.

RESPONSE:

4. Please refer to your response to Respondent's Initial Request Interrogatory No. 7 wherein you state that Bulldog purchased the Premises from Willie's of Independence. Please produce a copy of any and all agreements arising from, relating to or documenting said purchase.

RESPONSE:

5. Please refer to the email sent by Eric Deters to James E. McClean on October 26, 2010, time-stamped at 8:34 AM wherein it is stated, "Also, Bulldog Enterprises doesn't own the building. My trust does. Bulldog Enterprises is judgment proof." Please provide a copy of any and all agreements arising from, relating to or documenting the conveyance of the Premises from or to Bulldog and/or the Eric Deters' trust.

RESPONSE:

6. Please provide a copy of any and all documents (including, without limitation, all contracts, deeds, agreements, leases, assignments and ledgers) evidencing or describing your Legal or Practical Connection to the Premises.

RESPONSE:

7. Please provide a copy of any and all documents (including, without limitation, all contracts, deeds, agreements, leases, assignments and ledgers) evidencing or describing your Legal or Practical Connection to any of the entities you identified in response to Interrogatory No. 10 above as having any Legal or Practical Connection to the Premises.

RESPONSE:

8. To the extent you have not already done so, please produce a copy of all documents which you reviewed, considered or relied upon in preparing your response to any of the foregoing interrogatories or requests for production of documents.

RESPONSE:

Respectfully submitted,



Mark David Goss
David S. Samford
FROST BROWN TODD, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749
(859) 231-0000
(859) 231-0011 (facsimile)

Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was served by depositing same in the custody and care of the U.S. Mail, postage prepaid, on this 30th day of November, 2011, addressed to the following:

Eric C. Deters
Charles T. Lester, Jr.
James Y. Moore
Eric Deters & Associates
5247 Madison Pike
Independence, KY 41051



Counsel for Duke Energy Kentucky, Inc.