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JAN 19 2012

PUBLIC SERVICE
COMMISSION

January 16, 2012

Kentucky Public Service Commission
211 Sower Blvd.
Frankfort KY, 40601

**RE: BULLDOG'S ENTERPRISES INC. d/b/a BULLDOG'S ROAD HOUSE v.
DUKE ENERGY KENTUCKY, INC.
Case No. 2010-00404**

Dear Commission:

Please find enclosed an original and eleven (11) copies of Bulldog's Enterprises Response To Duke Energy, Inc.'s Motion to Amend Procedural Schedule. Please file as necessary, and return the remaining copy in the self addressed, stamped envelope.

Thank you.

Sincerely,

Eric C. Deters

/ll
Encl.
cc: Mark David Goss

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JAN 19 2012

PUBLIC SERVICE
COMMISSION

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

VS.)

DUKE ENERGY KENTUCKY, INC.)
RESPONDENT)

Case No. 2010-00404

BULLDOG'S ENTERPRISES REPOSENSE TO DUKE ENERGY KENTUCKY, INC.'S
MOTION TO AMEND PROCEDURAL SCHEDULE

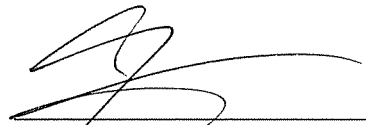
Comes now Bulldog's Enterprises, Inc. d/b/a, Bulldog's Road House ("Bulldog's"), by counsel, and hereby tenders its response to Duke Energy Kentucky, Inc.'s (Duke Energy's) Motion to Amend Procedural Schedule, respectfully stating as follows:

1. Bulldog's has now filed documents responsive to the Commission's November 30, 2011 Second Request for Information and the requirements of 87 KAR 5:001.
2. Bulldog's does not oppose Duke Energy's Motion to Amend Procedural Schedule insofar as it requests time beyond December 28, 2011 to request or waive a hearing until after it has had a reasonable opportunity to review Bulldog's responses to the Commission's Second Request for Information.

3. Bulldog's opposes Duke Energy's Motion to Amend Procedural Schedule insofar as it requests the Commission dismiss Bulldog's Complaint with prejudice. Duke Energy has not pled any prejudice as a result of Bulldog's delayed responses to the Commission's Second Request for Information, and a court should not dismiss unless it appears the plaintiff would not be entitled to relief under any state of facts which could be proved in support of his claim. *Ewell v. Central City*, 340 S.W.2d 479 (Ky. 1960).

WHEREFORE, on the basis of the foregoing, Bulldog's respectfully requests the Commission amend the procedural schedule so as to allow Duke Energy to request or waive a hearing, and not dismiss Bulldog's Complaint with prejudice.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on 16th in January, 2012, a copy of the foregoing was served via regular U.S. mail, postage pre-paid, upon the following:

Mark David Gross
Frost Brown Todd, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749



Counsel for Complainant