## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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NICHOLAS COLEMAN		)
СО	MPLAINANT	) ) )
V.		) CASE NO. ) 2022-00151
KENTUCKY UTILITIES COMF	PANY	) )
DE	FENDANT	) )

## ORDER

On May 25, 2022, Nicholas Coleman tendered a formal complaint with the Commission against Kentucky Utilities Company (KU). In his complaint, Mr. Coleman alleged that his eligible electric generating facility (Net Metering Facility) was installed and operational prior to September 24, 2021, and thus should have qualified to take service under KU's net metering service-1 (NMS-1) tariff, but instead KU is crediting his account under the net metering service-2 (NMS-2) tariff. Mr. Coleman's requested relief is for KU to credit Mr. Coleman for energy exported to the grid in October, November, and December 2021 under NMS-1 rates, and to continue to take service under NMS-1.

The Commission's June 30, 2022 Order stated that the Commission was unable to determine if prima facie case had been met as required by 807 KAR 5:001, Section 20(4)(a). A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested. In the June 30, 2022 Order, the Commission noted that Mr. Coleman

made allegations in his complaint but did not provide specific details or documents necessary for the Commission to determine whether the complaint established a *prima facie* case. In accordance with 807 KAR 5:001 Section 20(4)(a)(1), the Commission afforded Mr. Coleman the opportunity to amend his complaint within a specified time. The Commission directed Mr. Coleman to file certain documents within 20 days of the entry of that Order and ordered that if he failed to do so the Commission would dismiss the complaint by separate Order.

More than 30 days have passed since the July 30, 2022 Order was issued. Mr. Coleman did not file a response to the June 30, 2022 Order, or tender any of the required documents.

Commission regulation 807 KAR 5:001, Section 20(4)(a)(2) provides that if the complaint is not amended within the time established by the Commission, that the complaint shall be dismissed. Because Mr. Coleman has not amended his complaint within the time provided, the Commission finds that Mr. Coleman's complaint should be dismissed in accordance with 807 KAR 5:001, Section 20(4)(a)(2).

## IT IS THEREFORE ORDERED that:

- 1. This matter is dismissed.
- 2. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

**ENTERED** 

AUG 23 2022

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KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director

Nicholas P. Coleman 3418 Montavesta Road Lexington, KENTUCKY 40502

\*Kentucky Utilities Company 220 W. Main Street P. O. Box 32010 Louisville, KY 40232-2010