

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENNETH STOUT	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2022-00195
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

ORDER

This matter arises upon a complaint tendered by Kenneth Stout on behalf of himself and 3144 Associates, LLC (3144 Associates) against Louisville Gas and Electric Company (LG&E) alleging that LG&E refused to provide new natural gas service connections to residents and business in Mt. Washington, Kentucky. In the complaint, Mr. Stout and 3144 Associates requested that the Commission require LG&E to connect new gas customers in Mt. Washington and Bullitt County. By Order entered July 1, 2022, the Commission directed Mr. Stout to file an amended complaint signed by an attorney that stated a *prima facie* case by a specified date or the Commission shall dismiss the complaint by separate Order. To date, Mr. Stout and 3144 Associates have not complied with the July 1, 2022 Order.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001, Section 20(1)(c), a complaint must state

“[f]ully, clearly, and with reasonable certainty, the act or omission” that the complaint alleges the utility failed to comply with and facts, with details, of the alleged failure.

In accordance with 807 KAR 5:001, Section 20(4)(a), the Commission examines a complaint to determine whether the complaint establishes a *prima facie* case and conforms to the administrative regulation. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.

If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

In accordance with 807 KAR 5:001, Section 4(4), a person cannot file a paper with the Commission on behalf of another person unless the filer is an attorney licensed to practice law in Kentucky.

#### DISCUSSION AND FINDINGS

As noted in the July 1, 2022 Order, Mr. Stout requested relief on behalf of 3144 Associates and residents of Mt. Washington, which is impermissible based upon 807 KAR 5:001, Section 4(4) and under Kentucky law, which prohibits the unauthorized practice of law by representing the interests of a business or other persons before a state administrative agency by someone not authorized to practice law in Kentucky.<sup>1</sup> For this reason, the July 1, 2022 Order found that the complaint failed to comply with Kentucky

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<sup>1</sup> *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

law and could not be accepted for filing. The Commission granted Mr. Stout and 3144 Associates ten days to have an attorney licensed to practice law in Kentucky file a signed complaint in this case and to limit the relief to persons and entities represented by that attorney. The Commission stated that the failure to have an attorney file a timely complaint in this case would result in dismissal of the complaint.

The Commission further found that the complaint did not establish a *prima facie* case because Mr. Stout and 3144 Associates failed to identify any acts or omissions by LG&E that violate any statute, regulation, or tariff enforced by the Commission or Order entered by the Commission. As explained in the July 1, 2022 Order, the Commission previously determined that a pipeline was needed to serve Bullitt County, Kentucky, including Mt. Washington, to accommodate current and expected system capacity requirements, and to provide safe and reliable natural gas service to current and future customers.<sup>2</sup> The complaint argued that LG&E did not need a new pipeline to serve new natural gas service connections in Mt. Washington, but offered only conclusory statements without evidentiary support for those statements.

For the above reasons, the complaint was rejected for failing to establish *prima facie* case and for failing to comply with Kentucky law regarding the practice of law. Mr. Stout and 3144 Associates were afforded the opportunity to amend the complaint by filing, within ten days, an amended complaint signed by an attorney that stated a *prima facie* case. Because Mr. Stout was served by electronic mail and by U.S. mail, the Commission

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<sup>2</sup> Order (Ky. PSC July 1, 2022) at 5–6. Also as noted in that Order, construction of the pipeline cannot begin until pending litigation in state court between property owners and LG&E has been resolved.

allowed additional time to ensure that Mr. Stout had received a copy of the Order and had obtained counsel. To date, an amended complaint has not been filed.

In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that Mr. Stout and 3144 Associates have been afforded over 30 days to comply with the July 1, 2022 Order, but have not complied by filing an amended complaint signed by an attorney that stated a *prima facie* case. For this reason, the Commission finds that the complaint is dismissed, in accordance with the July 1, 2022 Order and 807 KAR 5:001, Section 20(4)(a)(1).

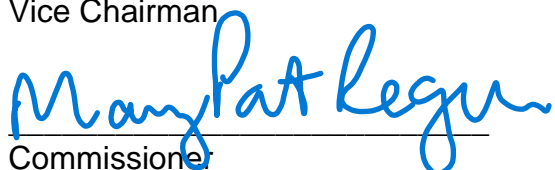
IT IS THEREFORE ORDERED that:

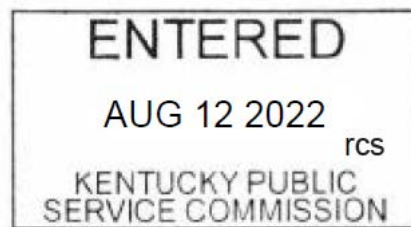
1. This case is dismissed.
2. Mr. Stout and 3144 Associates shall be served with a copy of this Order by electronic mail at the email address provided in the complaint and by U.S. Mail at the street address provided in the complaint.
3. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
\_\_\_\_\_  
Executive Director

\*Kenneth Stout  
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