

to his residence before disconnection. Complainant asked that Duke Kentucky be required to produce any documentation of authorization by Complainant to transfer the account out of his name. Complainant demanded that his electric service be restored if Duke Kentucky cannot produce such documentation. The Complaint fails to identify any portion, or portions, of Duke Kentucky's tariff that were allegedly violated.

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. 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, it may be dismissed.

Based upon a review of the tendered Complaint, the Commission is unable to determine at this time whether it establishes a *prima facie* case, but the allegations support further investigation into the merits of the Complaint. Commission finds that additional information is needed from both Complainant and Duke Kentucky to assist the Commission in making a determination of whether the Complaint establishes a *prima facie* case. Therefore, on or before the date set forth by Commission Staff in the requests, Complainant shall file his responses to Commission Staff's request for information, attached to this Order as Appendix A, and Duke Kentucky shall file its responses to Commission Staff's request for information, attached to this Order as Appendix B. Complainant and Duke Kentucky shall respond to any future requests for information propounded by Commission Staff by the date or dates set forth on any such requests. A

copy of the Complaint is attached to this Order as Appendix C to inform Duke Kentucky of the subject of the complaint and to assist in identifying Complainant's account.

IT IS THEREFORE ORDERED that:

1. A copy of this Order shall be served on Duke Kentucky for the sole purpose of requesting necessary documents to assist the Commission in determining whether the complaint establishes a *prima facie* case.

2. Complainant shall respond to Commission Staff's request for information as provided in Appendix A attached to this Order by the date identified in Appendix A.

3. Complainant shall respond to any additional requests for information propounded by Commission Staff, as provided in those requests.

4. A copy of this request shall be served on Gary Miller by U.S. certified mail, return receipt requested at 4415 Vermont Avenue, Covington, KY 41015.

5. Duke Kentucky should mail any response or other filing in this matter via U.S. certified mail, return receipt requested, to Mr. Gary Miller at 4415 Vermont Avenue, Covington, KY 41015.

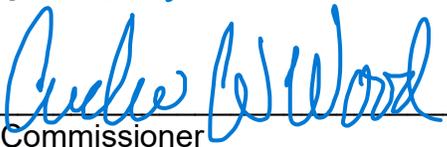
6. Duke Kentucky shall respond to Commission Staff's request for information as provided in Appendix B attached to this Order by the date identified by Appendix B.

7. Duke Kentucky shall respond to any additional requests for information propounded by Commission Staff, as provided in those requests.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director





APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00248 DATED FEB 27 2026

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO GARY A. MILLER

Gary A. Miller (Complainant), pursuant to 807 KAR 5:001, shall file with the Commission the following information. The information requested is due on March 20, 2026. The Commission directs Complainant to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Complainant shall make timely amendment to any prior response if Complainant obtains information that indicates the response was incorrect or incomplete when made

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

or, though correct and complete when made, is now incorrect or incomplete in any material respect.

For any request to which Complainant fails or refuses to furnish all or part of the requested information, Complainant shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Complainant shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to page one of the Complaint.
 - a. When did Complainant allow his grandson, Allen Michael Foley, and his grandson's wife, Kayla Foley, to move into his residence at 4415 Vermont Avenue in Covington, Kentucky (Residence)?
 - b. Identify any payments made and services provided by Allen or Kayla Foley to Complainant in exchange for being allowed to move into and reside at the Residence.
 - c. Describe any agreement, lease, understanding, or correspondence between the Complainant and Allen Michael concerning the residence and provide a copy of any documentation of such agreement, lease, understanding, or correspondence.

d. Identify by date, amount, and payment status of the last bill for electric service Complainant received before the account was transferred out of Complainant's name.

2. Refer to page two of the Complaint.

a. Identify Christian Foley and Kirsten Foley and their relationship with Complainant.

b. State whether either Christian Foley, Kirsten Foley or both, also resided at the Residence and, if so, the periods of residency.

c. State whether Complainant resided at the residence during the period in which he alleges the account for electric service to the Residence was in the name of Allen Michael Foley, Kayla Foley, Christian Foley, Kirsten Foley, and/or any other resident of the subject property.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00248 DATED FEB 27 2026

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO DUKE ENERGY KENTUCKY, INC.

Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on March 20, 2026. The Commission directs Duke Kentucky to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Duke Kentucky shall make timely amendment to any prior response if Duke Kentucky obtains information that indicates the response was incorrect or incomplete

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

when made or, though correct and complete when made, is now incorrect or incomplete in any material respect.

For any request to which Duke Kentucky fails or refuses to furnish all or part of the requested information, Duke Kentucky shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Duke Kentucky shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Produce copies of all bills for electric service to 4415 Vermont Avenue, Covington, Kentucky 41015 for the period commencing six months prior to the transfer of the account out of Gary Miller's name to present.

2. Produce all copies of correspondence and records of communications with Gary Miller, Allen Michael Foley, Kayla Foley, Christian Foley, Kirsten Foley, and/or any other resident of the subject property.

3. Produce any and all other materials and information that Duke Kentucky believes are relevant to the allegations set forth in the Complaint.

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00248 DATED FEB 27 2026

FOUR PAGES TO FOLLOW

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Gary A. Miller)
)
Complainant)
)
v.)
)
Duke Energy)
)
Defendant)

COMPLAINT

The Complaint of Gary A. Miller respectfully shows:

- (a) Gary A. Miller
4415 Vermont Ave
Covington, KY 41015

- (b) Duke Energy
139 E 4th St
Cincinnati, OH 45202

(c) Gary Miller owns and resides in the real property located at 4415 Vermont Avenue, Covington, Kentucky 41015. Mr. Miller allowed his grandson, Allen Michael Foley, and his grandson's wife, Kayla Foley, to move into the real property with him.

At an unknown time, Duke Energy permitted Kayla Foley to transfer the account for electric services at 4415 Vermont Avenue, Covington, Kentucky 41015, from Mr. Miller's name into the name of her husband, Allen Michael Foley. The

account was subsequently transferred into the name of Christian Foley and then into the name of Kirsten Foley.

Duke Energy permitted the transfer without the authorization or knowledge of Gary Miller, the legal owner of the real property serviced by this account. After the transfer occurred, Kayla Foley, Allen Michael Foley, Christian Foley, and/or Kirsten Foley, incurred extensive unpaid utility charges which resulted in the disconnection of electric services at the real property without notice to Mr. Miller or the opportunity to otherwise cure the delinquency.

Mr. Miller has attempted to obtain information regarding any authorization received by Duke Energy to transfer the electric account out of his name. However, Duke Energy has refused to provide such information or otherwise re-establish electric service at this address.

The disconnection of electric services at 4415 Vermont Avenue, Covington, Kentucky 41015, was the direct and proximate result of Duke Energy's actions in permitting the account to be transferred to another person without Mr. Miller's authorization or permission. In doing so, Duke Energy prevented Mr. Miller from having knowledge of outstanding charges on the account and from having the ability to timely cure any outstanding charges.

Wherefore, the Complainant asks that Duke Energy be required to produce documentation supporting any authorization given by Mr. Miller to transfer the account for 4415 Vermont Avenue, Covington, Kentucky 41015. If no such

documentation exists, demand is made for Duke Energy to restore electric services at that address as soon as possible.

Dated July 11, 2025.

Respectfully submitted,



Melissa R. Dixon, Esq. (KBA 89817)
Legal Aid of the Bluegrass, Inc.
104 East 7th Street
Covington, KY 41011
Telephone: (859) 957-0722
Facsimile: (859) 431-3009
Email: mdixon@lablaw.org

CERTIFICATE OF SERVICE

The undersigned hereby certifies that pursuant to 807 KAR 5:001, an original unbound and ten (10) unbound copies of the foregoing complaint have been served upon the Kentucky Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, KY 40602, on the 11th day of July, 2025.



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Gary A. Miller
4415 Vermont Ave.
Covington, KY 41015

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Melissa R Dixon
Housing Unit Manager
Legal Aid of the Bluegrass
104 East Seventh Street
Covington, KY 41011