

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JAMES W. PRATT)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00424
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

On October 25, 2004, James W. Pratt filed with the Commission a formal complaint against Louisville Gas and Electric Company (“LG&E”) alleging that LG&E was wrongfully denying him utility service at his business, Children’s Garden. By Order dated October 25, 2004, the Commission directed LG&E to satisfy or answer the complaint. On November 8, 2004, LG&E filed its answer with the Commission. In its answer LG&E averred that it was unfamiliar with the Children’s Garden. LG&E claimed that it would deny service to any business belonging to Mr. Pratt because he was previously indebted to LG&E from service rendered to his former business, Kidz Capitol, located at 522-524 West Main Street, Louisville, Kentucky. In a subsequent filing in Case No. 2004-00425,¹ LG&E claimed that it had connected service to 1718 West

¹ Case No. 2004-00425, Patricia Conner Young v. Louisville Gas and Electric Company.

Muhammad Ali Boulevard in Louisville, Kentucky, presumably the address at which Children's Garden is located.²

BACKGROUND

In his complaint, Complainant states:

LG&E named me as a person that they had a problem giving utilities to due to Patricia Connor and a place we rented (Kidz Cap.) in a lease from Ms. Conner wereby [sic] we were forced by LG&E to place service in our company. Our business (KIDZ CAPITOL) was put out of business due to personal differences between LG&E and their issues with Patricia Connor.³

In his prayer for relief, Complainant requests:

Stop harassing me and attacking my character in association with Patricia Connor I feel that the business the Children's Garden should have their services restored immediately 0- [sic] without delay.⁴

Case No. 2003-00369: Prior Indebtedness

Complainant's mention of Kidz Capitol in his complaint refers to Case No.2003-00369, Kidz Capitol and James Pratt v. Louisville Gas and Electric Company (Ky. PSC June 25, 2004). In that case, James Pratt, on behalf of his business, Kidz Capitol, located at 522-524 West Main Street, Louisville, Kentucky, filed a formal complaint against LG&E alleging that LG&E was incorrectly assessing him \$13,948.97 for

² The records maintained by the Kentucky Secretary of State list the principal address for the Children's Garden Childcare Enrichment Pre-School & Education Resource Center, assumed name for CPR, LLC., to be 1718 West Muhammad Ali Boulevard, Louisville, Kentucky 40203. James W. Pratt is listed as the agent for and organizer of CPR, LLC.

³ Complaint at 1-2.

⁴ Id. at 2.

unauthorized use. LG&E claimed that both the electric and gas meters had been illegally bypassed and that Complainant had benefited from the unauthorized services.

Commission Staff conducted several rounds of discovery during the case to ascertain the extent of Kidz Capitol's indebtedness to LG&E, if any. While the complaint was before the Commission, Kidz Capitol routinely fell behind on its bills for current service, failed to respond to Commission Staff's data requests, and failed to follow several Commission Orders. On May 19, 2004, the Commission established a procedural schedule setting a July 1, 2004 evidentiary hearing. On June 16, 2004, LG&E filed a motion requesting that the procedural schedule be suspended and that Kidz Capitol be ordered to show cause why its complaint should not be dismissed for failure to respond to data requests. On June 25, 2004, the Commission suspended the procedural schedule and ordered Kidz Capitol to show cause within 10 days why its complaint should not be dismissed with prejudice for lack of prosecution. Kidz Capitol failed to respond to the Commission's Order, and the complaint was dismissed with prejudice on July 5, 2004. Because the complaint was dismissed with prejudice, and no appeal was taken, Kidz Capitol and James Pratt are liable for a combined gas and electric bill of \$20,998.53. Barring a discharge in bankruptcy or satisfaction of the outstanding balance, LG&E may refuse to connect service to Mr. Pratt pursuant to 807 KAR 5:006, Section 14.

Current Complaint

The current complaint does not state clearly how LG&E is harassing the Complainant or attacking his character. LG&E's and Ms. Connor's relationship is described in Case No. 2004-00425, which is pending before the Commission. Ms.

Connor was the primary lessee of the building at 522-524 West Main Street, the building to which service was delivered in Case No. 2003-00369. No business or legal relationship has been established between Complainant and Ms. Connor, and LG&E does not predicate its denial of service to Complainant on his relationship, if any, with Ms. Connor. At the time Complainant filed his complaint, LG&E had denied him service because he is indebted to LG&E for approximately \$20,000 for service previously rendered, not because he is associated with Ms. Connor. LG&E's initial refusal of service to Complainant was neither an attack nor harassment of Mr. Pratt, but a lawful refusal of service pursuant to 807 KAR 5:006, Section 14.

In Case No. 2004-00425, Ms. Connor alleges, among other things, that "LG&E has denied 1718 West Muhammad Ali utilities because I am affiliated."⁵ In response to the allegation, LG&E states that, "As to Ms. Young's [Connor] assertions regarding utility service to 1718 West Muhammad Ali, electric service to that address is now being provided."⁶ From this statement, it appears that LG&E, by extending service to 1718 West Muhammad Ali, has satisfied the complaint.

Pursuant to 807 KAR 5:001, Section 12(5), upon an offer of satisfaction, a Complainant's acceptance of the offer, and the Commission's approval, no further proceedings are necessary. It appears from the record that LG&E has satisfied all of the matters in the complaint. As of the date of this Order, the Commission has received nothing from the Complainant to indicate that LG&E has satisfied the complaint.

⁵ Case No. 2004-00425, Dispute Billing and Response to Order to Satisfy Or Answer at 2.

⁶ Case No. 2004-00425, Reply of Louisville Gas and Electric Company to Response of Patricia Connor Young Date-Stamped November 18, 2004.

IT IS THEREFORE ORDERED that:

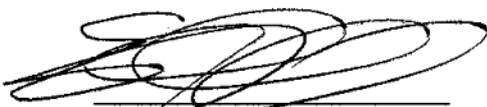
1. Within 10 days of the date of this Order, Complainant shall notify the Commission in writing as to whether LG&E has satisfied the matters in the complaint.

2. If no such filing is received within 10 days of the date of this Order, the complaint shall be deemed satisfied and shall be dismissed, and this case shall be closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 30th day of June, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director