

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRYAN GILLESPIE)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2009-00019
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

Complainant, Bryan Gillespie, brought this action against Louisville Gas and Electric Company ("LG&E") on January 12, 2009, claiming that LG&E overcharged him for gas service at his property located at 421 West Market Street, Louisville, Kentucky, due to a faulty gas meter at that location. The complaint further claims that, in April 2007, LG&E forced him to pay a bill in the amount of \$14,887.57 as a condition of continued service.

Defendant, LG&E, filed its answer to the complaint on February 2, 2009 and moved the Commission to dismiss the complaint with prejudice for failure to state a claim upon which the Commission may grant relief and for failure to set forth a *prima facie* case that LG&E violated its tariff or any applicable statute or regulation under the Commission's jurisdiction. Defendant claims that its meter at the 421 West Market Street address was not defective; that it properly charged Complainant for his metered

usage at that address; that, although it attempted to gain access to the building through Complainant in order to read the gas meter during the period of October 2006 through March 2007, it was unable to do so; and that the \$14,887.57 bill for April 2007 could have resulted from a boiler being left running in the otherwise vacant building during the October 2006 through March 2007 time period.

IT IS THEREFORE ORDERED that:

1. Complainant, Bryan Gillespie, is hereby ordered to submit a written response to Defendant's Motion to Dismiss With Prejudice within 20 days of the date of this Order.

2. LG&E shall file any reply to the response no later than 10 days thereafter.

Done at Frankfort, Kentucky, this 9th day of February, 2009.

By the Commission

ATTEST:



Executive Director

Lonnie E Bellar
Vice President - State Regulation
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Robert A Donald, III
401 West Main St.
Suite 1400
Louisville, KY 40202

Bryan Gillespie
7514 Preston Highway
Louisville, KY 40219