

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BULLDOG'S ENTERPRISES, INC. D/B/A)	
BULLDOG'S ROADHOUSE)	
V.)	CASE NO.
)	2010-00404
DUKE ENERGY KENTUCKY, INC.)	

O R D E R


Pursuant to our Order of January 17, 2012, Complainant, Bulldog's Enterprises, Inc. d/b/a Bulldog's Roadhouse ("Bulldog's"), was directed to file responses to the supplemental data requests issued by Commission Staff and Defendant, Duke Energy Kentucky, Inc. ("Duke Kentucky"), by no later than ten days from the date of the issuance of the Order. Responses to Commission Staff's and Duke Kentucky's supplemental data requests were originally due on or before December 14, 2011. Citing the fact that Bulldog's had, on multiple prior occasions in this matter, failed to comply with the established procedural schedule by tendering late filed responses to data requests, the January 17, 2012 Order specifically placed Bulldog's on notice that its failure to comply with the directives of the Order would constitute grounds for the dismissal of this matter with prejudice. Although Bulldog's filed its responses to Commission Staff's supplemental data requests on January 12, 2012, it failed to file responses to Duke Kentucky's supplemental data requests until February 15, 2012, which was 19 days beyond the deadline imposed by the January 17, 2012 Order.

Bulldog's filing was made without any explanation for the reason of the delay and without asking leave to allow it to file its responses outside of the mandated deadline.

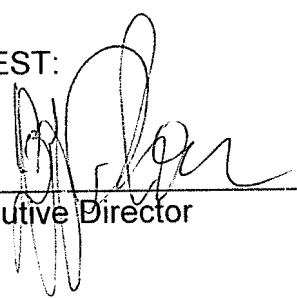
Having reviewed the record and being otherwise sufficiently advised, the Commission finds that Bulldog's has failed to comply with the Commission's Orders on numerous occasions in this matter and that Bulldog's has failed to prosecute its case. We note that other than filing its complaint on October 15, 2010, over a period of almost 18 months, Bulldog's has made no effort to advance the prosecution of its case. On the contrary, Bulldog's multiple failures in this matter to comply with the Commission's scheduling orders have caused the procedural schedule to be revised and/or extended four times and resulted in an inordinate amount of time in delay. As a direct result of Bulldog's failures to comply with the procedural schedules, the January 17, 2012 Order set forth a specific deadline for Bulldog's to file its responses to the outstanding supplemental data requests and placed Bulldog's on direct notice that its failure to comply with the Order would constitute grounds for dismissal of this matter. Bulldog's failed to comply with the explicit mandates of the January 17, 2012 Order by not timely filing its responses to Duke Kentucky's supplemental data requests. Accordingly, the Commission finds that this matter should be dismissed with prejudice.

IT IS THEREFORE ORDERED that the instant complaint is dismissed with prejudice due to Bulldog's failure to prosecute the matter and Bulldog's failure to comply with the Commission's January 17, 2012 Order.

By the Commission

ENTERED 
MAR 20 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2010-00404

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