

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                            |   |            |
|----------------------------|---|------------|
| JOHN AND MARILYN DANIEL    | ) |            |
|                            | ) |            |
| COMPLAINANT                | ) |            |
|                            | ) |            |
| V.                         | ) | CASE NO.   |
|                            | ) | 2022-00393 |
| KENTUCKY UTILITIES COMPANY | ) |            |
|                            | ) |            |
| DEFENDANT                  | ) |            |

ORDER

This matter arises upon John and Marilyn Daniel (the Daniels) complaint against Kentucky Utilities Company (KU) that was tendered on November 9, 2022, regarding the rate at which KU credits them for electricity that flows from their system onto KU's system, the amount of credit, and length of time that KU carries bill credits forward from month to month, and the usage of the term "total usage" on the monthly bill from KU. By Order entered on February 17, 2023, the Commission found that the Daniels failed to establish a prima facie case and granted the Daniels 20 days from the time of service of that Order to amend their complaint to establish a prima facie case or the complaint shall be dismissed by separate order. It has now been more than 80 days since entry of February 17, 2023 Order and the Daniels have not filed a response.

LEGAL STANDARD

Commission regulation 807 KAR 5:001E, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001E, 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 5:001E, 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 5:001E, Section 20(4)(a)(1), provides that the person filing the complaint be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001E, 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.

#### DISCUSSION AND FINDINGS

Based upon 807 KAR 5:001E, Section 20(4)(a)(2), the February 17, 2023 Order finding that the Daniels complaint failed to state a prima facie case, and the case record, the Commission finds that this case should be dismissed because the Daniels have not responded to the February 17, 2023 Order or filed an amended complaint that establishes a prima facie case within 20 days of the date of service of that Order, and more than 80 days have passed since service of that Order.

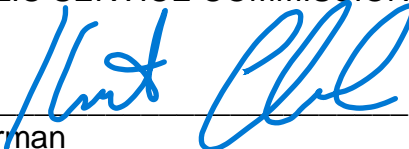
IT IS THEREFORE ORDERED that:


1. The Daniels complaint is dismissed.
2. This case is closed and removed from the Commission’s Docket.

3. A copy of this Order shall be served on the Daniel's by U.S. certified mail, return receipt requested at 3935 Cummins Ferry Road, Versailles, Kentucky 40393.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

*Mary Pat Regan / Att with permission*  
Commissioner

ENTERED  
MAY 26 2023  
rCS  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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3935 Cummins Ferry Road  
Versailles, KENTUCKY 40383

John A. Daniel  
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