

1700 PNC PLAZA  
500 WEST JEFFERSON STREET  
LOUISVILLE, KENTUCKY 40202-2874  
(502) 582-1601  
FAX (502) 581-9564  
www.ogdenlaw.com

ALLYSON K. STURGEON

DIRECT DIAL 502-560-4228  
DIRECT FAX 502-627-8728

asturgeon@ogdenlaw.com

November 8, 2004

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NOV 08 2004

PUBLIC SERVICE  
COMMISSION

Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

**RE: James W. Pratt v. Louisville Gas and Electric Company**  
**Case No. 2004-00424**

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten (10) copies Louisville Gas and Electric Company's Answer in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope.

Should you have any questions or need any additional information, please contact me at your convenience.

Yours very truly,

Allyson K. Sturgeon

AKS/ec  
Enclosures  
cc: Parties of Record

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**

NOV 08 2004

PUBLIC SERVICE  
COMMISSION

In the Matter of:

JAMES W. PRATT )

COMPLAINANT )

v. )

CASE NO. 2004-00424

LOUISVILLE GAS AND )  
ELECTRIC COMPANY )

DEFENDANT )

**ANSWER OF LOUISVILLE GAS AND ELECTRIC COMPANY**

In accordance with the Commission's Order of October 29, 2004, in the above-captioned proceeding, Louisville Gas and Electric Company ("LG&E") respectfully submits this Answer to the Complaint of James W. Pratt ("Mr. Pratt"), filed on October 25, 2004. In support of its Answer, and in response to the specific averments contained in Mr. Pratt's Complaint, LG&E states as follows:

1. With regard to the averment that "LG&E named me as a person that they had a problem giving utilities to due to Patricia Conner and a place we rented (Kidz Cap.) in a lease from Ms. Conner whereby [sic] we were forced by LG&E to place services in our company," LG&E denies that it has wrongfully denied any utility service to Mr. Pratt. LG&E states that Kidz Capitol previously received utility service from LG&E at 522-524 West Main Street in Louisville. Service to that business was the subject of a Complaint filed by Kidz Capitol and Mr. Pratt on September 24, 2003. See *In the Matter of: Kidz Capitol and James Pratt v. Louisville Gas and Electric Company*, Case No. 2003-00369. In addition, \$20,998.53 is still owed to LG&E for utility service provided to Kidz Capitol. The Complaint in Case No. 2003-00369 was

dismissed by the Commission with prejudice on July 5, 2004, for lack of prosecution and failure to comply with a Commission order.

2. With regard to the averment that “[his] business (KIDZ CAPITOL) was put out of business due to personal differences between LG&E and their issues with Patricia Conner,” LG&E is without knowledge or information sufficient to form a belief as to the reason Kidz Capitol went out of business. However, LG&E affirmatively states that Patricia Conner Young was evicted from 522-524 West Main Street in Louisville pursuant to a Court order issued on February 2, 2004. A copy of the Court’s judgment in Case Number 04C000714F is attached hereto. In addition, LG&E has recently learned that Mr. Pratt filed for bankruptcy protection, which case was converted to Chapter 7 of the Bankruptcy Code on November 1, 2004. A copy of the Notice of Conversion is attached hereto.

3. With regard to Mr. Pratt’s demand to “stop harrassing men [sic] and attacking [his] character in association with Patricia Conner” and that “the business The Children’s Garden should have their services restored immediately -- without delay,” LG&E denies any harassment or attack on Mr. Pratt’s character. Further, LG&E is unfamiliar with the business, “The Children’s Garden,” and is unaware of any utility service provided to that entity by LG&E. However, utility service to any business associated with Mr. Pratt will only be restored if: (1) service is lawfully established by presenting to LG&E a copy of a legitimate lease of the premises; (2) past due post-petition amounts owed by all lessees are paid in full to LG&E; and (3) a deposit determined in accordance with KPSC regulations and applicable tariffs is paid in advance.

4. LG&E denies all allegations in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

**FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to set forth any claim upon which relief can be granted by this Commission and, therefore, should be dismissed.

**SECOND AFFIRMATIVE DEFENSE**

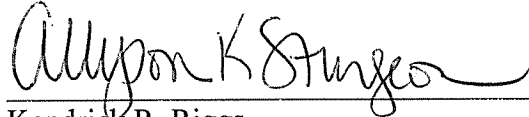
Complainant has failed to set forth a *prima facie* case that LG&E has violated its tariff or any Commission statute or regulation, and the Complaint should be dismissed for that reason.

**WHEREFORE**, for all of the reasons set forth above, Louisville Gas and Electric Company respectfully requests:

- (1) that the Complaint herein be dismissed without further action being taken by the Commission;
- (2) that this matter be closed on the Commission's docket; and
- (3) that LG&E be afforded any and all other relief to which it may be entitled.

Dated: November 8, 2004

Respectfully submitted,



Kendrick R. Riggs  
Allyson K. Sturgeon  
Ogden Newell & Welch PLLC  
1700 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
Telephone: (502) 582-1601

Elizabeth L. Cocanougher  
Senior Regulatory Counsel  
Louisville Gas and Electric Company  
220 West Main Street  
Post Office Box 32010  
Louisville, Kentucky 40232  
Telephone: (502) 627-4850

COUNSEL FOR LOUISVILLE GAS  
AND ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following persons on the 8th day of November 2004, U.S. mail, postage prepaid:

Mr. James W. Pratt  
211 LaRuisseau Way  
Louisville, Kentucky 40223-3107

Kruger Schwartz & Morreau  
Two Paragon Centre, Ste. 220  
6040 Dutchmans Lane  
Louisville, Kentucky 40205



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Counsel for Louisville Gas and Electric Co.

JUDGMENT IN FAVOR OF PLAINTIFF  
IN FORCIBLE DETAINER

Case No. 04C000714F

JEFFERSON DISTRICT COURT

ARTHUR LERMAN, et al

PLAINTIFFS

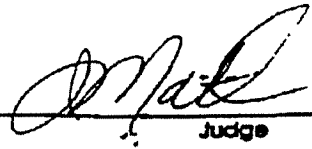
VS.

PATRICIA YOUNG, NOW PATRICIA YOUNG CONNER

DEFENDANT


.....

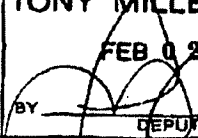
This cause coming on to be heard, and the Court being sufficiently advised, it is hereby ordered and adjudged that the Defendant is guilty of forcible detainer as charged and that Plaintiff have restitution of the premises. 522-24 West Main Street, Louisville, Ky. 40202 and recover of the Defendant the costs expended herein.

  
\_\_\_\_\_  
Judge

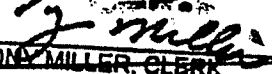
Date: \_\_\_\_\_

Tendered by:

  
\_\_\_\_\_  
COHEN & COHEN, Attorneys  
3415 BARDSTOWN ROAD, #306  
LOUISVILLE, KENTUCKY 40218  
TELEPHONE (502) 458-8757  
FAX (502) 458-7684

ENTERED IN COURT  
TONY MILLER, CLERK  
FEB 03 2004  
BY   
DEPUTY CLERK

CERTIFIED COPY OF RECORD  
OF JEFFERSON DISTRICT COURT

  
\_\_\_\_\_  
TONY MILLER, CLERK  
BY \_\_\_\_\_ D.C.

# UNITED STATES BANKRUPTCY COURT

Western District of Kentucky

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IN RE:  
James W. Pratt

Case No.:04-31029

Debtor(s)

Chapter: 7

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## NOTICE OF DEBTOR'S ELECTION TO CONVERT AND RELATED ORDERS

On motion/notice of the debtor(s), by counsel, to convert said petition from a Chapter 13 to a Chapter 7, you are hereby notified that pursuant to the debtor's(s') right to convert under Bankruptcy Rule 1017(f), such conversion is effective as of the date of entry of the debtor's notice.

IT IS HEREBY ORDERED that the debtor(s) be granted an Order of Relief under Chapter 7 of the Bankruptcy Code, and be required to file a new petition \* under said Chapter, on or before 11/16/04. **The debtor(s) shall certify to the Court whether the Court's current matrix is correct. If additions or changes are required, the debtor(s) shall file with the Court only those changes or additions (a new matrix is not required in this case). DO NOT USE CASE UPLOAD TO FILE CONVERSION PETITION. PETITION MUST BE FILED AS SCHEDULES UNDER THE MISCELLANEOUS CATEGORY.**

IT IS FURTHER ORDERED that William W. Lawrence, Trustee, be, and is, relieved of his duties as trustee, and Thomas W Frentz is hereby appointed to serve as trustee in the above estate(s).

By separate mailing, a meeting of creditors notice will be mailed to all scheduled creditors and parties in interest.

A copy of this Order shall be mailed to the debtor(s), counsel for the debtor(s), to William W. Lawrence, to the interim trustee, the U.S. Trustee and to all scheduled creditors and parties in interest.

Dated: 11/1/04

By: sg  
Deputy Clerk

FOR THE COURT

D. Robl  
Clerk, U.S. Bankruptcy Court

**\* No additional filing fee is required**

**Please reflect case number on new petition when filing**