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February 3, 2011

Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

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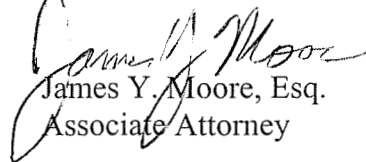
PUBLIC SERVICE
COMMISSION

**RE: BULLDOG'S ENTERPRISES INC., d/b/a BULLDOG'S ROAD HOUSE
PSC CASE NO. 2010-00404**

Dear Commission:

Please find enclosed an original and eleven (11) copies of Complainant's **MOTION TO DISMISS** and Complainant's proposed **ORDER** to be filed in the above captioned case. Please return the remaining copy, filed stamped, in the self-addressed, stamped envelope.

Respectfully,


James Y. Moore, Esq.
Associate Attorney

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

BULLDOG’S ENTERPRISES INC. d/b/a)
BULLDOG’S ROAD HOUSE)
)
COMPLAINANT)
)
vs.)
)
DUKE ENERGY KENTUCKY, INC.)
)
DEFENDANT)
)

CASE NO. 2010-00404

MOTION TO DISMISS

Comes now Bulldog’s Enterprises Inc., d/b/a Bulldog’s Road House (“Complainant”), by and through counsel, moves the Kentucky Public Service Commission (“Commission”) to dismiss **without prejudice** Complainant’s case against Defendant Duke Energy Kentucky, Inc. (“Defendant”).

Complainant originally filed a class action complaint before this Commission stating multiple claims for relief. These claims included claims for fraud, breach of contract, breach of covenant of good faith and fair dealing, a violation of KRS §367.170, and unjust enrichment. Plaintiff also sought multiple remedies including punitive damages. The Commission allowed Complainant’s underlying billing dispute to go forward, but dismissed all other aspects of the class action complaint because the Commission lacked jurisdiction to hear those claims or grant the relief requested. Complainant has now resolved to carry the dismissed claims forward by filing a new complaint in the relevant Kentucky Circuit Court, and drop its claims before the Commission.

WHEREFORE, Complainant requests that the instant case be dismissed **without prejudice**; and that the Case be stricken from the Commission's Docket.

Respectfully Submitted,



Eric C. Deters (81812)
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5247 Madison Pike
Independence, KY 41051
(859)363-1900; Fax: (859) 363-1444
Email: eric@ericdeters.com
Attorney for Complainant

CERTIFICATE OF SERVICE

I Eric C. Deters, do hereby certify that a true and exact copy of the foregoing was sent by US Mail, postage paid this 5th day of February, 2011, to: Mark David Goss, Frost Brown Todd LLC, 250 W. Main St., Suite 2800, Lexington, KY 40507.

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

BULLDOG’S ENTERPRISES INC. d/b/a)
BULLDOG’S ROAD HOUSE)
)
)
)
COMPLAINANT)
)
vs.)
)
DUKE ENERGY KENTUCKY, INC.)
)
)
)
DEFENDANT)

CASE NO. 2010-00404

ORDER

IT IS ORDERED that Complainant Bulldog’s Enterprises Inc. d/b/a Bulldog’s Road House’s case against Defendant Duke Energy Kentucky, Inc. be dismissed **WITHOUT PREJUDICE** and **STRICKEN FROM THE DOCKET OF THE PUBLIC SERVICE COMMISSION.**

By the Commission

ATTEST:

Executive Director

CC:

Mr. Eric C. Deters, Esq.
ERIC C. DETERS & ASSOCIATES, PSC
5247 Madison Pike
Independence, KY 41051

Mr. Mark David Goss, Esq.
Frost Brown Todd LLC
250 W. Main St., Suite 2800
Lexington, KY 40507