

20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.³ 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, it may be dismissed.

BACKGROUND

In his initial complaint, Mr. Boyd alleged that “[Farmers] RECC is misleading Brian Boyd for financial gains with the obligation for the government of public debt.”⁴ He further alleged that “[Farmers] RECC [taking] payment from Brian Boyd is theft not a gift.”⁵ Mr. Boyd asked Farmers RECC to reimburse his account for “any and all payment and credits that were made by Brian Boyd and to continue payment to the obligated parties (government) and to leave service active for Brian Boyd.”⁶

On February 19, 2025, the Commission entered an Order giving Mr. Boyd 20 days from the date of service to amend his complaint to clarify the allegations therein and, if not clarified, that the complaint should be dismissed.⁷ Mr. Boyd filed his response on March 6, 2025.⁸

³ 807 KAR 5:001, Section 20(4)(a).

⁴ Complaint at 1.

⁵ Complaint at 1.

⁶ Complaint at 2.

⁷ Order (Ky. PSC Feb. 19, 2025).

⁸ Brian Dewayne Boyd Response to Commission Order (filed Mar. 6, 2025).

On April 3, 2025, Commission Staff's First Request for Information (Staff's First Request) to Farmers RECC was issued.⁹ On April 4, 2025, in response to Staff's First Request, Farmers RECC provided Application for Membership and Electric Service and the Farmers RECC Agreement for Participation in the Pay-As-You-Go Program, which Mr. Boyd entered into on October 13, 2023.¹⁰

DISCUSSION AND FINDINGS

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that Mr. Boyd's complaint fails to establish a *prima facie* case. Although the Commission has jurisdiction over complaints, it must determine if a utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.

Even viewing the facts alleged in the most favorable light to the complainant, Mr. Boyd failed to state or provide what he is specifically alleging regarding false representations and theft; the time periods when the allegations occurred; the specific amount Mr. Boyd believes he is owed; copies of any relevant bills; or any additional information relevant to the allegations. In contrast, Farmers RECC provided proof that Mr. Boyd has entered into a pay-as-you-go program agreement with Farmers RECC as a member. In the agreement, Mr. Boyd agreed to purchase electric energy from the cooperative and make payments of all amounts on or before the due date.

Pursuant to the forgoing, the Commission finds that the complaint fails to establish a *prima facie* case that Farmers RECC has violated a statute, regulation, tariff, or order

⁹ Commission Staff's First Request for Information (Staff's First Request) to Farmers RECC (issued Apr. 3, 2025).

¹⁰ Farmers RECC's Response to Staff's First Request (filed Apr. 4, 2025).

for which the Commission may grant relief. Accordingly, this complaint should be dismissed.

IT IS THEREFORE ORDERED that:

1. This proceeding is dismissed, pursuant to KRS 278.260(2), for failure to establish a *prima facie* case.

2. This Order shall be mailed through the U.S. Postal Service by way of Certified Mail, return receipt requested, and First-Class Mail to Brian Boyd at 5401 Dripping Springs Road, Smiths Groves, Kentucky 42171.

3. This matter shall be removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION

Chairman



Vice Chairman

Commissioner



ATTEST:


Executive Director



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