

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

In the Matter of:
Complaint of Brian Mitchell Johnson
regarding Natural Energy Utility Corporation

**COMPLAINANT'S MOTION FOR PROCEDURAL RULING,
ENTRY OF ORDER TO SATISFY OR ANSWER, AND
LIMITED EVIDENCE-PRESERVATION RELIEF**

Case No. 2026-00095

Account No. 103083

2571 W Rockhouse Road, Ashland, Kentucky 41102

Complainant, Brian Mitchell Johnson, proceeding pro se, respectfully moves the Kentucky Public Service Commission (Commission) for a procedural ruling on his pending formal complaint, entry of an order requiring Natural Energy Utility Corporation (NEUC) to satisfy or answer the complaint, and narrow evidence-preservation relief pending further order. This motion does not ask the Commission to decide the ultimate merits or determine a refund amount at this stage. It asks the Commission to move the case beyond the threshold-review stage and protect evidence material to the issues already raised.

1. BACKGROUND

1. Complainant filed his formal complaint on April 14, 2026, concerning natural-gas service to Account No. 103083 at 2571 W Rockhouse Road, Ashland, Kentucky. The complaint raises service-quality, physical-configuration, gas-source, billing, Gas Cost Recovery, record-production, corrective-service, and refund issues.
2. The Commission acknowledged the filing on April 15, 2026. Complainant filed a correction to a transcript certification on April 15, supplemental information concerning the meter area and preservation concerns on April 16, and supplemental information concerning a May 5 service incident on or about May 6, 2026.
3. The complaint and supporting materials identify specific alleged acts and omissions, cite applicable statutes, regulations, tariff provisions, and Commission proceedings, and state the

relief sought, including a historical account-level recalculation and cash refund of any amounts determined to have been improperly collected.

4. As of the date of this motion, more than three months have elapsed since Complainant filed the formal complaint on April 14, 2026, and since the Commission acknowledged the filing on April 15, 2026. The public docket presently reflects no notice identifying a deficiency, no order determining that the complaint fails to establish a prima facie case, no order directing NEUC to satisfy or answer, no answer from NEUC, and no procedural schedule.
5. During the preceding two weeks, Complainant requested a procedural status update from Commission personnel on two occasions. As of the date of this motion, no substantive procedural ruling or docketed order addressing the threshold status of the complaint has issued.
6. While the complaint remains at the threshold stage, evidence material to the dispute may be altered, replaced, overwritten, or lost through ordinary utility operations, corrective work, record-retention practices, or changes to the physical service configuration.

2. LEGAL BASIS

7. Under 807 KAR 5:001, Section 20(4)(a), upon the filing of a formal complaint the Commission shall immediately examine the complaint to determine whether it establishes a prima facie case and conforms to the regulation.
8. If the Commission determines that the complaint does not establish a prima facie case or does not conform to the regulation, Section 20(4)(a)1 requires notice to the complainant and an opportunity to amend within a specified time.
9. If the complaint, as filed or amended, establishes a prima facie case and conforms to the regulation, Section 20(4)(b) provides that the Commission shall serve an order on the person

complained of requiring that the matter be satisfied or that the complaint be answered in writing within ten days from service of the order.

10. Section 5(1) of 807 KAR 5:001 provides that requests for relief not otherwise required to be made by application, petition, or written request shall be made by motion and that a motion shall state precisely the relief requested.

11. Complainant recognizes that NEUC's ten-day period to satisfy or answer does not begin until the Commission enters and serves the order contemplated by Section 20(4)(b). Accordingly, Complainant does not seek default, judgment, or sanctions against NEUC at this time.

3. REASONS FOR REQUESTED RELIEF

12. A threshold procedural ruling is appropriate because the present delay leaves the parties without notice whether the complaint has been found sufficient, whether amendment is required, or when NEUC must formally state its position. Complainant does not seek preferential treatment or an immediate determination on the merits, but only a written threshold determination so that the parties may know how the matter will proceed.

13. The requested ruling would not prejudice the merits. It would either identify a correctable pleading deficiency or require NEUC to admit, deny, or otherwise respond to the material allegations and defenses in an answer.

14. Advancing the case is especially important because Complainant seeks a historical billing recalculation and refund. Resolution will likely require records uniquely held by NEUC, including billing data, GCR workpapers, invoices, contracts, source and volume records, maps, work orders, pressure and flow information, equipment records, sampling documentation, and records of corrective work.

15. Narrow preservation relief is also warranted. The existing physical arrangement and historical records are directly disputed. Preservation will reduce later disputes about spoliation, completeness, authenticity, and whether post-complaint work changed the conditions relevant to the complaint.
16. Complainant does not seek to prevent emergency, safety-related, or necessary service work. Any preservation direction may expressly permit such work while requiring reasonable before-and-after documentation and preservation of removed components when practicable.

4. REQUEST FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Commission:

- A. Promptly determine and memorialize whether the complaint, as filed and supplemented, establishes a prima facie case and complies with 807 KAR 5:001, Section 20;
- B. If the Commission finds the complaint deficient, enter an order identifying each deficiency with reasonable specificity and providing Complainant a reasonable period to amend;
- C. If the Commission finds the complaint sufficient, enter and serve the order contemplated by 807 KAR 5:001, Section 20(4)(b), directing NEUC to satisfy the complaint or file a written answer within the prescribed period that complies with Section 20(6), including specific admissions or denials of the material allegations and a statement of each new matter asserted as a defense;
- D. Pending further order, direct NEUC to preserve documents, electronically stored information, and tangible evidence reasonably related to Account No. 103083 and the issues raised in this case, including: service-line and system maps; as-built drawings; line-locate and installation records; work orders; inspection, maintenance, pressure, flow, regulator, valve, drip, filter, separator, purge, blowout, and corrective-work records; records identifying historical and

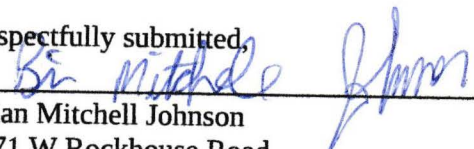
current gas sources; gas-quality, dehydration, odorization, sampling, laboratory, and chain-of-custody records; meter and billing data; GCR workpapers and native-format electronic spreadsheets, including formulas, linked cells, supporting schedules, and available metadata; purchase invoices, contracts, volumes, allocations, and reconciliation records; communications concerning the account or service configuration; photographs and videos; and removed or replaced components when reasonably practicable. This preservation request does not seek immediate production of every listed item and is without prejudice to Complainant's right to request relevant information after entry of a procedural schedule;

E. Clarify that emergency or safety-related work may proceed without delay, but require NEUC, when reasonably practicable, to document the relevant conditions before and after non-emergency work, identify the work performed, and preserve removed components or provide notice before disposal;

F. Following the filing of NEUC's answer, establish a reasonable procedural schedule that permits the parties to serve requests for information pursuant to 807 KAR 5:001, Section 4(12), provides deadlines for responses and any motions concerning incomplete responses, and allows the parties to address whether a hearing or other further proceedings are necessary; and

G. Grant all other procedural relief to which Complainant may be entitled.

Respectfully submitted,



Brian Mitchell Johnson

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Ashland, Kentucky 41102

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Complainant, pro se

Date: July 22, 2026

CERTIFICATE OF SERVICE

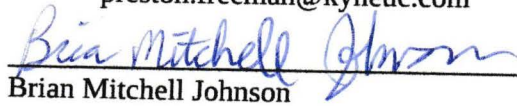
I certify that on July 22, 2026, a true and correct copy of the foregoing motion was served by electronic mail upon the following:

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Brian Mitchell Johnson