



Ernie Fletcher
Governor

Mark David Goss
Chairman

LaJuana S. Wilcher, Secretary
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Commonwealth of Kentucky
Public Service Commission
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Teresa J. Hill
Vice Chairman

Christopher L. Lilly
Commissioner
Department of Public Protection

September 13, 2006

Kent W. Blake
Director State Regulations and Rates
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

CERTIFICATE OF SERVICE

RE: Case No. 2004-00450
Louisville Gas and Electric Company

I, Beth O'Donnell, Executive Director of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the addressee by U.S. Mail on September 13, 2006.

Executive Director

BOD/jc
Enclosure



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Honorable Elizabeth L. Cocanougher
Senior Corporate Attorney
Kentucky Utilities Company
c/o Louisville Gas & Electric Co.
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Honorable J. Gregory Cornett
Attorney at Law
Stoll Keenon Ogden PLLC
1700 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

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Honorable Dennis G. Howard II
Assistant Attorney General
Office of the Attorney General Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

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John Yuen
310 East Jacob Street
Louisville, KY 40203

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Louisville Gas and Electric Company

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A handwritten signature in black ink, appearing to read "Beth O'Donnell", written over a horizontal line.

Executive Director

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John Yuen
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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN YUEN)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2004-00450
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

On November 16, 2004, John Yuen ("Complainant") filed with the Commission a formal complaint against Louisville Gas and Electric Company ("LG&E"). The complaint alleged that LG&E improperly assessed Complainant charges for meter tampering and diversion of service that occurred at 3528 Parthenia Avenue, Louisville, Kentucky, a rental property owned by Complainant. Complainant alleges that the meter tampering and diversion of service was caused by a third party and argues that he should not be held liable for the illegal actions of a third party.

In its answer, LG&E argues that because there was no active account at 3528 Parthenia Avenue, it properly billed Complainant for the meter tampering and theft of service charges pursuant to Original Sheet 82.1 of its tariff. Original Sheet 82.1 states, in pertinent part, that, "[u]pon the absence of an active account, the property owner assumes responsibility for any consumption and the Company's property and service."

On March 30, 2006, the Commission issued a scheduling Order setting a hearing in this and other related cases for May 16, 2006 at the Commission's offices. The Order also allowed for interrogatories to be served on any party and for testimony to be filed with the Commission. Complainant neither served interrogatories nor filed testimony with the Commission.¹ A hearing was held on May 16, 2006 in this and the other related cases involving LG&E. The Commission's hearing officer called this case twice and Complainant did not appear at either calling.

Paragraph 13 of the March 30, 2006 scheduling Order states:

As the Complainants bear the burden of proof in these matters, their failure to appear at the formal hearing and to present proof in support of their complaints may result in the dismissal of their complaints with prejudice.

Complainant neither appeared at the formal hearing nor presented any proof in support of his complaint. Accordingly, the Commission finds that Complainant has not carried his burden of proof and his complaint should be dismissed with prejudice.

IT IS THEREFORE ORDERED that the complaint is dismissed with prejudice and is removed from the Commission's active docket.

Done at Frankfort, Kentucky, this 13th day of September, 2006.

By the Commission

ATTEST:



Executive Director

¹ LG&E and other parties to the numerous proceedings did file testimony with the Commission as well as serving Complainant with copies of the filings.