

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RAYNANZA L. DUKE )  
 )  
 ) COMPLAINANT )  
 )  
 ) V. ) CASE NO. 2005-00451  
 )  
 ) LOUISVILLE GAS AND ELECTRIC COMPANY )  
 )  
 ) DEFENDENT )

ORDER

Raynanza L. Duke has filed a formal complaint with the Commission against the Louisville Gas and Electric Company ("LG&E") in which she seeks the "return of funds paid to LG&E." The basis that she provides in support of her requested relief is that she "did not receive \$260.00 nor did [she]. . .order \$260.00 worth of gas from LG&E during the month of May."

Administrative Regulation 807 KAR 5:001, Section 12(4)(a), requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a *prima facie* case. 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.

The complaint does not state sufficient allegations to establish a *prima facie* case. It does not state the Complainant's relationship to LG&E, the purpose of any payment to

LG&E, the date of such payment, the circumstances under which payment was made to LG&E or the basis for which LG&E allegedly demanded payment. The complaint as currently written does not provide sufficient allegations for the Commission to have a clear understanding of the actions complained of or for the Defendant to answer the Complainant.

Administrative Regulation 807 KAR 5:001, Section 12(4)(a), provides:

If the commission is of the opinion that the complaint does not establish a *prima facie* case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

Rather than dismiss the complaint, we find that the Complainant should be permitted an opportunity to revise the complaint to state a *prima facie* case. Should Complainant fail to submit such a complaint within 20 days of this Order, the complaint should be dismissed.

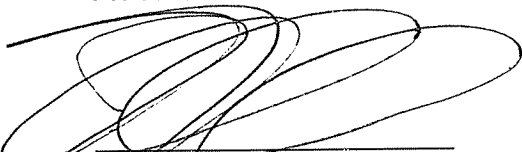
IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of this Order, Complainant shall file with the Commission a revised complaint that states a *prima facie* case.
2. Should Complainant fail to file with the Commission within the specified time a revised complaint that states a *prima facie* case, the complaint shall be dismissed.

Done at Frankfort, Kentucky, this 6th day of February, 2006.

By the Commission

ATTEST:



Executive Director