

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERESA LYN CUNNINGHAM)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2009-00333
)	
DUKE ENERGY KENTUCKY, INC.)	
)	
DEFENDANT)	

O R D E R

Complainant, Teresa Lyn Cunningham, brought this action against Duke Energy Kentucky, Inc. ("Duke Kentucky") on August 3, 2009, claiming that Duke Kentucky improperly billed her for service due to a broken electric meter that was replaced by Duke Kentucky following complaints directed to the utility. Complainant further requests that the Commission order Duke Kentucky to review her electric bills for the prior ten years and to "prove [her] exact usage" for that period of time.

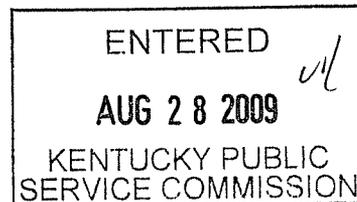
Defendant, Duke Kentucky, filed its Answer to the Complaint on August 25, 2009 and moved the Commission to dismiss the complaint for failure to state a claim upon which the Commission may grant relief. Defendant claims that it properly billed Complainant for all service provided to her, in compliance with all applicable statutes, regulations, and tariff provisions. Defendant also denies that Complainant is entitled to a review of her billing statements for the prior ten years.

Complainant shall file with the Commission, within 20 days of the date of this Order, a written response to Defendant's Motion to Dismiss, addressing the issues raised therein. Duke Kentucky shall file its Reply, if any, no later than 10 days thereafter.

IT IS HEREBY ORDERED that:

1. Complainant, Teresa Lyn Cunningham, shall submit a written response to Defendant's Motion to Dismiss within 20 days of the date of this Order.
2. Any Reply to the Response shall be filed no later than 10 days thereafter.

By the Commission



ATTEST:



Executive Director

Teresa L Cunningham
4590 Burlington Pike
Burlington, KY 41005

Rocco D'Ascenzo
Duke Energy Kentucky, Inc.
P. O. Box 960
139 East 4th Street
Cincinnati, OH 45201