

Attorneys
Licensed in
Kentucky, Ohio
and Florida

Eric C. Deters
Charles T. Lester, Jr.
Gregory A. Keyser
Wm. Eric Minamyer
Sean Maloney

Erin Murray
Ashley M. Bolender
James Y. Moore
Stephanie L. Collins
Eric S. Grinnell

August 26, 2011

RECEIVED

AUG 29 2011

PUBLIC SERVICE
COMMISSION

Federal Express
Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Ky 40601

**RE: BULLDOG'S ENTERPRISES, INC. V. DUKE ENERGY KENTUCKY,
INC.**

Dear Mr. Derouen:

Enclosed please find an original and six copies of Bulldog's Enterprises Response To Commission Staff's First Request For Information.

Sincerely,

Loretta Little
Assistant to Eric C. Deters

/ll
Encl.
cc: Mark David Goss

Q:\DUKE ENERGY\ltr. Public Service Commission wpd

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 29 2011

PUBLIC SERVICE
COMMISSION

BULLDOG'S ENTERPRISES, INC. d/b/a)
BULLDOG'S ROAD HOUSE)
COMPLAINANT)
VS.)
DUKE ENERGY KENTUCKY, INC.)
RESPONDENT)

Case No. 2010-00404

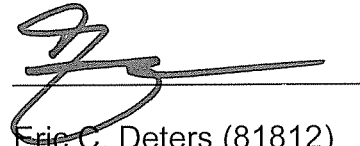
BULLDOG'S ENTERPRISES REPOSE TO
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

Comes now Bulldog's Enterprises, Inc. d/b/a, Bulldog's Road House ("Bulldog's"), by counsel, and hereby tenders its response to Commission Staff's First Request for Information (the "Requests"), respectfully stating as follows:

Bulldog's response consists of one original and six copies of information and documents responsive to Commission Staff's Requests. In accordance with the Commission's July 28, 2001 Order, June 30, 2011 Requests and the requirements of 87 KAR 5:001, the verifications for Bulldog's responses are attached hereto. The person responsible for Bulldog's responses is Eric C. Deters.

This 29th day of August, 2011.

Respectfully submitted,



Eric C. Deters (81812)
5247 Madison Pike
Independence, KY 41017
Phone: (859) 363-1900
Fax: (859) 363-1444
Email: eric@ericdeters.com

CERTIFICATE OF SERVICE

I hereby certify that on August, 2011, a copy of the foregoing was served via regular U.S. mail, postage pre-paid, upon the following:

Mark David Gross
Frost Brown Todd, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749



Counsel for Complainant

STAFF-DR-01-001

REQUEST:

Refer to the Complaint filed on October 15, 2010 at paragraph 11. The paragraph states that “[d]espite the location being closed, and virtually no utilities being used, Respondent billed Complainant over \$3,600.00 for June and over \$3,800.00 for July.”

a. Provide a list of all power-consuming devices that would require the use of electricity despite the location being closed; b. Provide a list of all power-consuming devices that would not require the use of electricity despite the location being closed; c. Provide a list of all natural gas-consuming devices that would require the use of gas despite the location being closed; d. Provide a list of all natural gas-consuming devices that would not require the use of gas despite the location being closed; e. Did Complainant request Duke Energy to terminate electric and/or gas services to the location after the business permanently closed its door to the public on June 1, 2010? If not, why not; f. Describe the activities that took place inside the location after the restaurant closed its doors to the public on June 1, 2010.

RESPONSE:

On, or around June 1, 2010, seven small refrigerators (four in the kitchen and three in the bar area), one large freezer and all of the televisions were shut down. In addition, the air was off and the lights were off. There would be no gas usage and limited electric usage.

Bulldog's Road House closed to patrons for the months of June and July 2010. The restaurant remained, however, available for the booking of private events. No such events occurred during those two months except July 4th weekend and one other night. Also, it was closed for August until the last ten days.

The restaurant remained open for the booking of private events during June and July 2010. The restaurant opened for the July 4th holiday weekend (July 2-4, 2010) and one other party in July, but that was the only activity that actually occurred inside the restaurant during the time period in question. The restaurant re-opened in late August.

Person Responsible: Eric C. Deters

STAFF-DR-01-002

REQUEST:

Provide the square footage of the restaurant which is the subject of the complaint.

RESPONSE:

7,800 square feet

Person Responsible: Eric C. Deters

STAFF-DR-01-003

REQUEST:

Provide the temperature at which the thermostat was set at the restaurant for June and July 2010..

RESPONSE:

On, or around June 1, 2010, seven small refrigerators (four in the kitchen and three in the bar area), one large freezer and all of the televisions were shut down. In addition, the air was off and the lights were off. There would be no gas usage and limited electric usage. I have no idea what specific temperature the thermostat was set.

Person Responsible: Eric C. Deters

STAFF-DR-01-004

REQUEST:

State whether Complainant believes the electric and natural gas usage for June and July was estimated or determined by meter. a. If Complainant believes the electric and natural gas usage was estimated, provide the basis for this belief; b. If Complainant believes the electric and natural gas usage was determined by meter, state whether it believes both the natural gas and electric meters measured the usage accurately. If Complainant believes either of the meters measured the usage inaccurately, explain the basis for this belief.

RESPONSE:

Complainant has received several letters from similarly situated customers causing the Complainant to believe that Respondent's customers suffer a pattern of meter malfunctions every year. For a list of persons who provided Complainant with such information, please see response to Interrogatory 10.

Person Responsible: Eric C. Deters

STAFF-DR-01-005

REQUEST:

Complainant states on page 2 of Complainant's Response to Defendant Duke Energy Kentucky, Inc.'s Motion to Dismiss that Bulldog's Roadhouse was closed to retail customers on June 1, 2010. [Emphasis added]. State the number of people occupying the restaurant after June 1, 2010, the length of time it was occupied, and the purpose of the occupation.

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RESPONSE:

Retail customers mean the day-to-day patrons of the restaurant who visited with the intention of enjoying Complainant's food and drink.

Bulldog's Road House closed to patrons for the months of June and July 2010. The restaurant remained, however, available for the booking of private events. No such events occurred during those two months except July 4th weekend and one other night. Also, it was closed for August until the last ten days.

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Person Responsible: Eric C. Deters

