

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NICOLAS PANGALLO
COMPLAINANT

CASE NO.
2026-00130

v.

DUKE ENERGY KENTUCKY, INC.
DEFENDANT

**COMPLAINANT'S REQUEST FOR HEARING AND STATEMENT OF FACTUAL
ISSUES**

Comes now Nicolas Pangallo (“Complainant”), pro se, and pursuant to the Commission's Order entered August 24, 2026, respectfully requests that the Commission set this matter for hearing, and submits the following statement of the factual issues to be raised therein.

I. REQUEST FOR HEARING

Complainant requests a hearing in this matter because the central factual disputes — including Duke Energy Kentucky's own sworn testimony regarding its billing-exception process, and the contents of the February 17, 2026 call recording — turn on witness credibility and require live testimony and cross-examination for the Commission to resolve. While Complainant has attempted to build a complete written record, Duke Energy Kentucky's sworn discovery responses have left material questions unanswered, and a hearing is necessary to obtain complete answers under oath and to allow the Commission to assess the credibility of the parties directly.

II. STATEMENT OF FACTUAL ISSUES TO BE RAISED

1. Whether Duke Energy Kentucky's billing system generated, or should have generated, a billing exception for account number 9101 8770 6109 (or meter number 1286766) at any point between December 2025 and April 2026, and if so, what action Duke Energy Kentucky took or failed to take in response.
2. What is the specific numerical deviation threshold that triggers a billing exception for Complainant's customer class and meter type under KY.P.S.C. Gas No. 2, Fourth Revised Sheet No. 24, and whether the 62% usage increase from January 2026 to February 2026 exceeded that

threshold. Duke Energy Kentucky's witness Beth White did not disclose this threshold in response to Commission Staff's First Request for Information, Item 2(b), despite being directly asked.

3. Under what specific circumstances Duke Energy Kentucky dispatches a field investigation versus conducting a phone-only review when a billing exception is triggered, and whether the February 17, 2026 call from Complainant should have resulted in a field investigation under Duke Energy Kentucky's own described process.

4. Whether the content of the February 17, 2026 call recording (Confidential Attachment 1) is consistent with Duke Energy Kentucky's sworn Answer, which characterized the call as a routine billing inquiry in which Complainant denied any odor, or whether the recording instead shows that Complainant explicitly referenced a gas leak, that Duke Energy Kentucky's own supervisor placed the account "on observation" and used the word "investigate," and that Duke Energy Kentucky's own representative confirmed the correct protocol for a reported leak is to "send a crew."

5. Whether Duke Energy Kentucky's Answer contains an internal contradiction between its statement that no leak was found in the Company's equipment and its statement, in the same Answer, that a leak measuring 10 LEL was identified and repaired at the furnace fitting on April 7, 2026, as documented in Duke Energy Kentucky's own Exhibit A.

6. Whether the weather-adjusted billing analysis set forth in the Complaint — calculating 131 excess CCF billed to Complainant during December 2025 through February 2026 using a baseline derived from Complainant's own November 2025 usage and temperatures recorded on Duke Energy Kentucky's own bills — accurately reflects the excess gas consumption attributable to Duke Energy Kentucky's delayed response to Complainant's reported safety concern, and whether Installment Plan # [REDACTED] should be adjusted accordingly.

7. Whether Duke Energy Kentucky's response to Commission Staff Data Request STAFF-DR-01-001, stating that Complainant "has only had service at this address in his name since July 3, 2025," was materially incomplete in failing to disclose that meter number [REDACTED] at the Premises has continuous usage history dating to at least 2023 under a prior account held by Complainant's father, and whether that prior usage history — including a February 2024 anomaly in which usage rose despite warmer temperatures — is relevant to whether the furnace leak predated the period at issue in this Complaint.

8. Whether the installment plan created on account number [REDACTED] on May 19, 2026, at 10:36 AM by Duke Energy Kentucky's Consumer Affairs department, without Complainant's

knowledge, authorization, or verification, was proper, and whether it was created in response to Complainant's KPSC complaint filed the previous evening.

9. Whether Duke Energy Kentucky's threatened disconnection of service on or about May 16–17, 2026, during an active billing dispute and pending Commission investigation, violated 807 KAR 5:006, Section 12.

10. Whether Duke Energy Kentucky violated 49 CFR § 192.605(b)(11) and its general duty of safety by failing to dispatch a technician in response to Complainant's February 17, 2026 report, notwithstanding that a confirmed leak was subsequently found by Duke Energy Kentucky's own technician.

III. RELIEF REQUESTED

Complainant respectfully requests that the Commission:

1. Set this matter for an evidentiary hearing;
2. Direct Duke Energy Kentucky to produce, prior to the hearing, complete and specific answers to the unanswered portions of STAFF-DR-01-002(b) identified in Complainant's Supplemental Filing of July 31, 2026 — specifically, the numerical deviation threshold and the specific circumstances triggering a field investigation — so that Complainant may prepare for meaningful cross-examination on these points;
3. Direct Duke Energy Kentucky to produce the complete gas usage history for meter number 1286766 from its earliest available record through the present, as previously requested in Complainant's Supplemental Filing;
4. Direct Duke Energy Kentucky to produce the ticket and all associated notes created on February 17, 2026, referenced by its own representative on the call recording; and
5. Grant such other relief as the Commission deems appropriate and just.

/s/ Nicolas Pangallo

Nicolas Pangallo, Complainant, Pro Se

2751 Alexandria Ave, Latonia, Kentucky 41015

Phone: [REDACTED]

Date: October 2, 2026

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing has been emailed to the Kentucky Public Service Commission at PSCED@ky.gov, and served on counsel for Duke Energy Kentucky, Inc. at the addresses listed below, on this 2nd day of October, 2026.

Larisa M. Vaysman, larisa.vaysman@duke-energy.com; Rocco O. D'Ascenzo, rocco.d'ascenzo@duke-energy.com; Sheena McGee Leach, sheena.mcgee@duke-energy.com — Duke Energy Business Services LLC, 139 East Fourth Street, 1303-Main, Cincinnati, Ohio 45202.

/s/ Nicolas Pangallo
Nicolas Pangallo