

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KIDZ CAPITOL and JAMES PRATT)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 2003-00369
)	
LOUISVILLE GAS AND ELECTRIC COMPANY))	
)	
DEFENDANT)	

O R D E R

On May 19, 2004, the Commission entered an Order setting forth a procedural schedule in this case. Paragraph 2 of the Order provided that:

On or before June 2, 2004, each party may serve upon any other party an initial request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

On June 2, 2004, Louisville Gas and Electric Company ("LG&E") sent to Kidz Capitol and James Pratt ("Complainants"), via certified mail, LG&E's interrogatories and requests for production of documents. The responses to the requests and interrogatories were due to LG&E by June 14, 2004. LG&E received no discovery requests or interrogatories from Complainants.

On June 16, 2004, LG&E filed a motion with the Commission, alleging that Complainants had not responded to the requests or interrogatories. LG&E, moreover, alleges that it has not received the return receipts from the United States Post Office. LG&E moves the Commission to suspend the procedural schedule, compel

Complainants to file a response to LG&E discovery requests, and require Complainants to show cause why the complaint should not be dismissed for failure to comply with the Commission's Order.

The Commission finds that good cause exists to suspend the procedural Order and direct Complainants to show cause why the complaint should not be dismissed.

IT IS THEREFORE ORDERED that:

1. The procedural schedule issued on May 19, 2004 is suspended generally.
2. Within 10 days of the date of this Order, Complainants shall show cause why the complaint should not be dismissed for lack of prosecution and failure to comply with the Commission's May 19, 2004 Order.
3. If no response is received within 10 days of the date of this Order, this case will be dismissed with prejudice without further Order.

Done at Frankfort, Kentucky, this 25th day of June, 2004.

By the Commission

ATTEST:



Executive Director

Case No. 2003-00369