

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN YUEN	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2004-00450
	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On November 16, 2004, John Yuen (“Complainant”) filed with the Commission a formal complaint against Louisville Gas and Electric Company (“LG&E”). The complaint alleged that LG&E improperly assessed Complainant charges for meter tampering and diversion of service that occurred at 3528 Parthenia Avenue, Louisville, Kentucky, a rental property owned by Complainant. Complainant alleges that the meter tampering and diversion of service was caused by a third party and argues that he should not be held liable for the illegal actions of a third party.

In its answer, LG&E argues that because there was no active account at 3528 Parthenia Avenue, it properly billed Complainant for the meter tampering and theft of service charges pursuant to Original Sheet 82.1 of its tariff. Original Sheet 82.1 states, in pertinent part, that, “[u]pon the absence of an active account, the property owner assumes responsibility for any consumption and the Company’s property and service.”

On March 30, 2006, the Commission issued a scheduling Order setting a hearing in this and other related cases for May 16, 2006 at the Commission's offices. The Order also allowed for interrogatories to be served on any party and for testimony to be filed with the Commission. Complainant neither served interrogatories nor filed testimony with the Commission.<sup>1</sup> A hearing was held on May 16, 2006 in this and the other related cases involving LG&E. The Commission's hearing officer called this case twice and Complainant did not appear at either calling.

Paragraph 13 of the March 30, 2006 scheduling Order states:

As the Complainants bear the burden of proof in these matters, their failure to appear at the formal hearing and to present proof in support of their complaints may result in the dismissal of their complaints with prejudice.

Complainant neither appeared at the formal hearing nor presented any proof in support of his complaint. Accordingly, the Commission finds that Complainant has not carried his burden of proof and his complaint should be dismissed with prejudice.

IT IS THEREFORE ORDERED that the complaint is dismissed with prejudice and is removed from the Commission's active docket.

Done at Frankfort, Kentucky, this 13<sup>th</sup> day of September, 2006.

By the Commission

ATTEST:

  
Executive Director

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<sup>1</sup> LG&E and other parties to the numerous proceedings did file testimony with the Commission as well as serving Complainant with copies of the filings.