



administrative regulation. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.

If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

#### DISCUSSION AND FINDINGS

In response to the Commission's Request for Information Kentucky-American verified that the AMR system at issue in the complaint worked properly and accurately. This was achieved by comparing the usage obtained via the AMR process to the measured usage as shown on the actual meter itself. The AMR system takes the usage data from the meter itself and transmits it electronically to the collection point in a Kentucky-American truck. Any variance between the usage shown on the meter and usage as transmitted via AMR may indicate that one or both are malfunctioning. Kentucky-American's comparison did not identify any variation. The lack of a variance indicates that the AMR system was working properly. Moreover, Kentucky-American notes that the meter itself was working properly as shown by its meter test results and the Commission's meter test results (performed by Louisville Water Company).

Following review of the Complaint alongside the other information of record, the Commission finds that the Complaint fails to establish a *prima facie* case and that Mr.

Young should be given 20 days from service of this Order to file an amended complaint or the complaint will be dismissed.

IT IS THEREFORE ORDERED THAT:

1. Mr. Young shall file an amended complaint within 20 days of service of this Order that establishes a *prima facie* case or this case shall be dismissed with prejudice.

2. A copy of this Order will be mailed through the U.S. Postal Service, certified mail return receipt requested, to Mr. Bobby Young at 1691 Donelwal Drive, Lexington Kentucky 40511. Service shall be considered complete on the first day the U.S. Postal Service attempts the first delivery.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

 *AP*  
Executive Director



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