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**PUBLIC SERVICE
COMMISSION**

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

BRIAN JOHNSON V. NATURAL ENERGY UTILITY CORPORATION

CASE NO. 2026-00095

**COMPLAINANT'S NOTICE OF CONTINUED PENDENCY AND
MOTION FOR PROCEDURAL STATUS**

Account No. [REDACTED]

2571 W Rockhouse Road, Ashland, Kentucky 41102

Complainant, Brian Mitchell Johnson, proceeding pro se, respectfully files this Notice of Continued Pendency and moves the Kentucky Public Service Commission (Commission), pursuant to 807 KAR 5:001, Sections 5(1) and 20(4), for limited procedural relief. Complainant requests only that the Commission identify the present procedural posture of this case and address, or establish a procedural schedule for addressing, the two motions that remain pending.

This Motion does not amend or supersede the Complaint, add a new claim, present new merits evidence, re-argue either pending motion, or request a determination of the ultimate merits. Its purpose is limited to preserving the procedural record and requesting clarification and action concerning the present status of this proceeding.

1. PROCEDURAL RECORD

1. On April 14, 2026, Complainant filed a formal Complaint against Natural Energy Utility Corporation. The Commission acknowledged receipt, and the Complaint and acknowledgment were placed on the public docket on April 15, 2026.
2. The public docket reflects no order notifying Complainant that the Complaint fails to establish a prima facie case or otherwise fails to conform to 807 KAR 5:001, and no order requiring Respondent to satisfy or answer the Complaint. The public docket also reflects no answer or appearance by Respondent.
3. On July 7, 2026, Complainant made a written procedural status inquiry to the Commission's Filings Branch. The inquiry was forwarded to the Team Leader associated with the case. Complainant made a further written status inquiry before filing the July 22 Motion described below.
4. On July 22, 2026, Complainant filed a Motion for Procedural Ruling, Entry of Order to Satisfy or Answer, and Limited Evidence-Preservation Relief. That Motion requested, among other limited procedural relief, a threshold ruling under 807 KAR 5:001, Section 20(4), and an order requiring Respondent to satisfy or answer if the Complaint was found sufficient. That Motion remains pending.
5. On August 7, 2026, Complainant made another written procedural status inquiry. The Filings Branch Manager advised that the case still appeared to be under review and forwarded the inquiry to the Team Leader and the legal department.

6. On August 21, 2026, Complainant filed a Motion to Make Specified Documents on File with the Commission Part of the Record by Reference and Clarification of GCR Inference. That Motion remains pending.
7. As of September 11, 2026, the Commission's public case file contains no ruling on either pending Motion, no threshold order under Section 20(4)(a), and no order to satisfy or answer under Section 20(4)(b). Complainant has received no further procedural status communication from the Commission since the August 7, 2026 response.

2. GOVERNING PROCEDURAL PROVISIONS

8. KRS 278.260(1) gives the Commission original jurisdiction over complaints concerning utility rates or service and provides that, upon a qualifying written complaint, the Commission shall proceed to make such investigation as it deems necessary or convenient.
9. 807 KAR 5:001, Section 20(4)(a) provides that, upon the filing of a complaint, the Commission shall "immediately examine" the complaint to ascertain whether it establishes a prima facie case and conforms to the regulation. If the Commission finds that the complaint does not establish a prima facie case or does not conform to the regulation, Section 20(4)(a) provides for notice to the complainant and an opportunity to amend within a stated time.
10. If the complaint, as originally filed or as amended, establishes a prima facie case and conforms to the regulation, Section 20(4)(b) provides that the Commission shall serve an order upon the person complained of requiring that the matter be satisfied or that the complaint be answered in writing within ten days from service of the order.
11. Section 5(1) provides that requests for relief not otherwise required to be made in an application, petition, or written request shall be made by motion and that a motion shall state

precisely the relief requested. This Motion therefore states the requested procedural relief narrowly and does not seek a merits determination.

12. As of September 11, 2026, 150 days have elapsed since the Complaint was filed. The public docket reflects neither an order providing Complainant an opportunity to amend under Section 20(4)(a) nor an order requiring Respondent to satisfy or answer under Section 20(4)(b). The July 22 and August 21 Motions also remain without a publicly docketed disposition. Complainant does not contend that Section 20(4)(a) establishes a fixed numerical deadline for the Commission's threshold examination; rather, the elapsed time and the absence of a publicly docketed threshold disposition support the limited request for clarification of procedural status.

3. RESPONSE AND REQUESTED RELIEF

13. Under 807 KAR 5:001, Section 1(10)(c), NEUC is a party because it is named as the defendant in this formal Complaint. Section 5(2) establishes the ordinary response period for motions unless the Commission orders otherwise. Complainant respectfully leaves to the Commission the response procedure it considers appropriate at the present threshold stage. Nothing in this Motion requests the answer contemplated by Section 20(4)(b), unauthorized discovery, merits admissions, or waiver of any defense.

WHEREFORE, Complainant respectfully requests that the Commission:

- a. Advise the parties of the present procedural posture of Case No. 2026-00095, including whether the Complaint remains under the threshold examination contemplated by 807 KAR 5:001, Section 20(4), or has otherwise proceeded to another procedural stage;
- b. Address the Motions filed July 22, 2026 and August 21, 2026, or, in the alternative, establish or identify the anticipated procedural schedule for their disposition;

- c. Recognize that this Motion neither amends nor supersedes the Complaint, does not add new merits evidence, does not re-argue either pending Motion, and does not request a ruling on the ultimate merits of the Complaint; and
- d. Grant such other limited procedural relief as the Commission deems appropriate.

Respectfully submitted,
/s/ Brian Mitchell Johnson
Brian Mitchell Johnson
2571 W Rockhouse Road
Ashland, Kentucky 41102
Telephone:
Email:
Complainant, pro se
Date: September 11, 2026

CERTIFICATE OF SERVICE

I certify that on September 11, 2026, I transmitted a true and correct electronic copy of the foregoing Motion to Natural Energy Utility Corporation through the following electronic-mail address shown on the Commission's service list for Case No. 2026-00095:

Mark T. Baldock

Mark.Baldock@kyneuc.com

I also transmitted a courtesy electronic copy on the same date to:

Monica H. Braun

monica.braun@skofirm.com

/s/ Brian Mitchell Johnson

Brian Mitchell Johnson