

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

DaTanya Shanay Morgan — Complainant

v.

Louisville Gas and Electric Company — Defendant

CASE NO. 2026-00124

**APPLICATION FOR REHEARING AND DEMAND TO VACATE VOID DISMISSAL
ORDER**

Comes the Complainant, DaTanya Shanay Morgan, acting on her own behalf as an individual consumer, and pursuant to KRS 278.400, KRS 278.260, and all governing administrative statutes and regulations, and hereby submits this Application for Rehearing regarding the Commission's September 11, 2026 Dismissal Order. Complainant demands that the Commission vacate, set aside, and hold for naught its September 11, 2026 Order. In support thereof, Complainant states as follows:

I. THE IRONCLAD CHRONOLOGICAL RECORD

- **May 11, 2026 — Formal Complaint Filed:** Complainant filed a formal complaint against Louisville Gas and Electric Company (LG&E) in Case No. 2026-00124 pursuant to KRS

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**PUBLIC SERVICE
COMMISSION**

278.260, explicitly detailing multi-year billing disputes, hardship disconnections, unverified "ghost" audits, and direct telephone communications with branch manager Rosemary.

- **June 16, 2026 — Commission Order:** The Commission issued an Order finding that Complainant's complaint failed to establish a prima facie case and permitted Complainant to file an amended complaint within 20 days.
- **July 2, 2026 — Amended Complaint Timely Filed:** Complainant timely filed her amended complaint within the period provided by the Commission.
- **July 6, 2026 — Motion for Extension Filed:** Complainant filed a motion requesting additional time to supplement the record due to the significant volume of records involved.
- **July 20, 2026 — Extension Granted for Good Cause:** The Commission entered an Order expressly granting Complainant's motion for an extension of time. The Commission stated that Complainant had requested additional time "due to the significant volume of records involved" and expressly found good cause to grant the motion. The July 20, 2026 Order specifically provided that Complainant "shall file any supplement to the record on or before August 14, 2026."
- **August 14, 2026 — Supplementation Deadline:** The August 14 deadline established by the July 20 Order was not sufficient, under the circumstances, for Complainant to obtain, compile, organize, and present the significant volume of records necessary to fully support the amended complaint. Complainant was continuing to gather historical records, including communications with the Commission and LG&E, billing and account records, telephone communications, audit-related documentation, complaint records, and other evidence relevant to the allegations already presented.
- **September 11, 2026 — Dismissal Order:** The Commission entered an Order dismissing the amended complaint after determining that no additional material had been filed by August 14, 2026.
- **September 17, 2026 — July 20 Order Communication Located:** Complainant located the electronic email communication containing or transmitting the July 20, 2026 Order on September 17, 2026. The communication had remained buried within Complainant's email account and had not been located by Complainant during the period in which the August 14 supplementation deadline was running.
- Complainant does not contend that the Commission failed to transmit the July 20, 2026 Order. Rather, Complainant states that she did not locate or have actual knowledge of that communication or the August 14 deadline during the supplementation period.
- Complainant is preserving the July 20 email and the Order transmitted with it, including any available electronic information concerning the transmission, delivery, opening, or access of that communication.
- The circumstances surrounding the August 14 deadline, the significant volume of records involved, and Complainant's subsequent discovery of the July 20 communication are material to whether Complainant was afforded a meaningful and reasonable opportunity to present the evidence necessary to support her amended complaint.

II. GROUNDS FOR REHEARING AND STATUTORY VIOLATIONS

- **Violation of Statutory Jurisdiction and Hearing Rights — KRS 278.260:** Under KRS 278.260(1), the Commission holds original jurisdiction over utility service complaints. Furthermore, KRS 278.260(3) provides that the complainant and the person complained of shall be entitled to be heard and to introduce evidence. Complainant's complaint concerns disputed utility billing, service disconnection, account records, audit-related issues, and the handling and investigation of those disputes. Complainant was attempting to compile the evidence necessary to establish the factual basis for those allegations. The Commission itself recognized the significant volume of records involved and found good cause to grant Complainant additional time. Complainant respectfully contends that the circumstances surrounding the August 14 deadline did not provide her a meaningful and reasonable opportunity to complete and present the evidentiary record before the complaint was dismissed.
- **Due Process and Meaningful Opportunity to Be Heard:** Complainant respectfully contends that the dismissal should be reconsidered because the circumstances did not afford her a meaningful opportunity to present the evidence necessary to support her amended complaint. The Commission had already determined that good cause existed for additional time because of the significant volume of records involved. The August 14 deadline nevertheless arrived before the Complainant was able to complete the collection and organization of the records necessary to supplement the record. In addition, Complainant did not locate the electronic communication containing the July 20 Order until September 17, 2026. Therefore, Complainant did not have actual knowledge of the Order establishing the August 14 deadline during the supplementation period. Complainant respectfully submits that the September 11 dismissal should be reconsidered in light of these circumstances and that she should be permitted a meaningful opportunity to present the evidence she was attempting to obtain and organize.
- **Violation of Utility Service and Billing Standards — KRS 278.030 & 807 KAR 5:006:** Pursuant to KRS 278.030, all rates and services rendered by a utility are subject to requirements of fairness, justice, and reasonableness. 807 KAR 5:006 establishes requirements governing utility service, including provisions concerning customer complaints, records, payment arrangements, and disconnection of service. Complaint's allegations concern disputed billing, account records, service disconnection, payment arrangements, prior audit representations, and the handling of consumer complaints. The Commission's dismissal addressed provisions of 807 KAR 5:006 concerning complaint investigation and records, payment arrangements, and disconnection. Complainant respectfully requests an

opportunity to submit the specific factual and documentary evidence necessary to establish the applicability of those provisions to her account and the conduct alleged.

- **Statutory Power to Vacate — KRS 278.400:** Under KRS 278.400, the Commission possesses authority on rehearing to change, modify, vacate, or affirm its former orders. The statute also provides for consideration of additional evidence that could not, with reasonable diligence, have been offered previously. Complainant's request is based upon the circumstances described above, including the significant volume of records, the Commission's own finding of good cause for additional time, the inability to complete the evidentiary record by August 14, and Complainant's September 17 discovery of the electronic communication containing the July 20 Order. Complainant therefore requests that the Commission exercise its authority under KRS 278.400 to reconsider and vacate or modify the September 11, 2026 Dismissal Order and permit Complainant to complete the evidentiary record.

III. COMMISSION DERELICTION OF DUTY AND THE "ROSEMARY" AUDIT CONTRADICTION

- **Unverified Mailings and Missing Records:** Branch manager Rosemary previously claimed that audit papers were mailed to Complainant years ago, yet the utility and Commission staff have failed to produce verifiable, accurate records or proof of these alleged mailings, leaving Complainant to bear the brunt of unrecorded administrative claims.
- **Dereliction of Agency Oversight:** Complainant repeatedly telephoned the Public Service Commission seeking intervention and resolution over a multi-year period concerning her billing and account disputes, including communications concerning the alleged audit and account review.
- Complainant seeks the preservation and production, to the extent maintained, of telephone records, call logs, recordings, notes, correspondence, complaint records, audit records, account-review records, and related documentation concerning communications with Rosemary and other Commission personnel involved in these matters. These records are material to Complainant's ability to establish the factual history underlying her complaint and to respond to the deficiencies identified in the Commission's dismissal Order.

IV. RELIEF REQUESTED

Wherefore, Complainant DaTanya Shanay Morgan respectfully demands that the Public Service Commission take the following immediate actions:

1. **GRANT** this Application for Rehearing pursuant to KRS 278.400.
2. **VACATE AND SET ASIDE** the September 11, 2026 Dismissal Order, or otherwise modify that Order as necessary to permit consideration of the supplemental evidence.
3. **REINSTATE** Case No. 2026-00124 to the active docket and permit Complainant to supplement the record with the evidence necessary to support the amended complaint.
4. **GRANT** Complainant a reasonable additional period of time to obtain, organize, and submit the significant volume of records involved, including billing records, account records, service and disconnection records, prior PSC complaints and communications, audit-related records, and telephone records and communications to the extent maintained.
5. **PRESERVE** relevant Commission records, including complaint records, correspondence, telephone records, call logs, recordings if maintained, notes, audit-related records, account-review records, and electronically stored information relevant to the issues raised by Complainant.
6. **CONSIDER** the July 20, 2026 Order's express finding of good cause and the circumstances under which Complainant did not locate the electronic communication containing that Order until September 17, 2026.
7. **GRANT** such other and further relief as the Commission deems appropriate.

Respectfully submitted,

DaTanya Shanay Morgan

Complainant

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