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VIA EMAIL: PSCED@ky.gov

RECEIVED
OCT 21 2026
PUBLIC SERVICE COMMISSION

October 21, 2026

Mr. Justin McNeil
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Re: **Case No. 2026-00130**
In the Matter of Nicolas Pangallo v. Duke Energy Kentucky, Inc.

Dear Mr. McNeil:

Duke Energy Kentucky, Inc. hereby submits electronically pursuant to 807 KAR 5:001, Section 8, its Response to Complainant's Motion for Leave to File Response to Duke Energy Kentucky, Inc.'s Brief and Request to Strike Complainant's Response to Duke Energy Kentucky, Inc.'s Brief.

I certify that the electronically filed documents are true and accurate copies of the originals. A paper copy of this filing was mailed via U.S. Mail to the Complainant on October 21, 2026.

Respectfully submitted,

/s/Larisa M. Vaysman
Larisa M. Vaysman (98944)
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Duke Energy Business Services LLC
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Counsel for Duke Energy Kentucky, Inc.

Enclosures: As stated
Cc: Mr. Nicolas Pangallo (via regular mail)

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NICOLAS PANGALLO	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2026-00130
v.	)	
	)	
DUKE ENERGY KENTUCKY, INC.	)	
	)	
DEFENDANT	)	

RESPONSE OF DUKE ENERGY KENTUCKY, INC. TO COMPLAINANT'S MOTION FOR LEAVE TO FILE RESPONSE TO DUKE ENERGY KENTUCKY, INC.'S BRIEF AND REQUEST TO STRIKE COMPLAINANT'S RESPONSE TO DUKE ENERGY KENTUCKY, INC.'S BRIEF

Now comes Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by and through counsel, pursuant to 807 KAR 5:001, Section 5(2), and respectfully submits this response, requesting that the Kentucky Public Service Commission (Commission) deny Complainant's "Motion for Leave to File Response to Duke Energy Kentucky, Inc.'s Brief," filed in this proceeding on October 14, 2026 (Motion) and strike his Response to Duke Energy Kentucky Inc.'s Brief (Complainant's Response) filed on the same day. The Motion should be denied for three reasons: 1) the Motion is in violation of the Commission's procedural deadlines in this case, issued on August 24, 2026; 2) the Motion seeks an unfair procedural advantage for Mr. Pangallo and offers no basis to justify this; and 3) the Complainant could have filed a brief on October 2, 2026, per the Commission's August 24, 2026, Order, and chose not to do so. In accordance with the denial of the

Motion, the Commission should also strike the Complainant's Response.

For these reasons, as elaborated further below, the Company respectfully requests the Commission deny the Complainant's Motion and strike the Complainant's Response from the record. In the alternative, if the Commission grants Complainant's Motion and does not strike the Complainant's Response, the Commission should grant Duke Energy Kentucky permission to make a responsive filing as well.

I. ARGUMENT

In this proceeding, the Complainant has already previously filed two superfluous pleadings. First, on July 1, 2026, Complainant filed a "Reply" to the Company's Answer, making various arguments and allegations.[1] Second, on August 3, 2026, Complainant filed a "Supplemental Filing," also making various arguments and allegations.[2] Believing that the record in this case would eventually speak for itself and not wishing to further complicate the docket, Duke Energy Kentucky did not respond to these pleadings.

Understandably, given the Complainant's multiple redundant filings, the Commission issued an order on August 24, 2026, "[t]o ensure the orderly processing of this case."[3] The August 24, 2026 Order set fair and ***simultaneous*** procedural deadlines for both parties, with the following final deadline:

> All parties shall file a request for a hearing, if any, supported by a detailed statement of the factual issues to be raised therein no later than October 2, 2026, and all parties may file a brief, as part of or separate from any request for a hearing, explaining their respective positions on the substantive issues presented in this case no later than October 2, 2026.[4]

[1] Complainant's Reply to Duke Energy Kentucky Inc.'s Answer (Jul. 1, 2026).

[2] Complainant's Supplemental Filing Regarding Incomplete Response to Staff Data Request, Prior Meter History, and Findings from February 17, 2026 Call Recording (Aug. 3, 2026).

[3] Order, p. 1 (Ky. P.S.C. Aug. 24, 2026).

[4] *Id.*, pp. 1-2.

Complainant could have filed a motion requesting that the Commission modify the procedural schedule to permit simultaneous reply briefs for all parties, but he did not do so at any time prior to October 2, 2026.

Both parties made simultaneous filings on October 2, 2026, in accordance with the August 24, 2026 Order. The Complainant filed a Request for Hearing and Statement of Factual Issues on October 2, 2026, and did not file any brief, although the August 24, 2026 Order had clearly permitted him to file a brief. The Company, as was its right under the August 24, 2026 Order, filed a Brief in support of its position on October 2, 2026.[5] Although Duke Energy Kentucky did not, by any means, agree with everything contended by Complainant in his October 2, 2026 Request for Hearing and Statement of Factual Issues, the Company complied with the August 24, 2026 Order.

On October 14, 2026, Complainant filed the Motion and Complainant's Response, arguing in the Motion that his unilateral effective reply brief should be permitted because: 1) he was surprised by the Company's request to dismiss the Complaint; 2) he had not previously had an opportunity to respond to the Company's arguments in its Brief; 3) he is *pro se* and therefore entitled to a one-sided response; and 4) his response is "confined to the points raised" in the Company's Brief.[6] None of these offer a basis to permit Complainant's unilateral reply. First, Complainant cannot claim to be surprised by the Company's request to dismiss his Complaint. It was not made "for the first time in this proceeding" in the Company's Brief, but rather in the Company's Answer, filed on June

[5] Duke Energy Kentucky Inc.'s Brief (Oct. 2, 2026).

[6] Complainant's Response, pp. 1-2.

18, 2026,[7] approximately 3.5 months before briefs were due on October 2. Additionally, the Commission's August 24, 2026, Order explicitly contemplated that parties would be allowed to "request a hearing ***or that the case be decided on the record***," (emphasis added), *i.e.*, without a hearing. Second, by permitting the parties to file only one set of simultaneous briefs for the first time in this case, the Commission's August 24, 2026 Order clearly anticipated that ***neither*** party would be able to respond to the other's arguments in any brief. Complainant made no motion to modify this schedule ***prior*** to the deadline. Third, while non-attorneys representing themselves may sometimes be held to less stringent standards than attorneys, Complainant's *pro se* status does not justify a wholesale disregard of the Commission's procedures or orders or permit him a one-sided reply. Fourth, whether or not Complainant's Response would have been appropriate as a reply brief—if the procedural schedule had authorized such—is not the point. If the Commission had authorized reply briefs, it would have authorized them to be filed simultaneously by both parties by a common deadline, not by just one party at its own leisure. Complainant's Motion should therefore be denied and Complainant's Response struck.

Insofar as Complainant argues that "Duke Energy Kentucky will suffer no prejudice" from granting the Motion,[8] this is patently false. The Company has been proceeding in reliance on the August 24, 2026 Order and complying with the procedural deadlines therein, including restraining itself from responding to Complainant's October 2, 2026 filing. Permitting the Complainant an extra filing is a prejudicial procedural advantage. If the Commission does not deny the Motion and does not strike Complainant's Response, at the very least, Duke Energy Kentucky should also be permitted to file a

[7] Answer, p. 9 (Jun. 8, 2026).

[8] Complainant's Response, p. 2.

responsive filing. In addition to being prejudicial to the Company, granting this Motion and permitting Complainant a unilateral reply brief runs contrary to the Commission's expressed intention "[t]o ensure the orderly processing of this case,"[9] and is likely to invite further disorder, additional scattered filings, and confusion.

II. CONCLUSION

WHEREFORE, for the foregoing reasons, Duke Energy Kentucky, Inc. respectfully requests that the Commission deny the Complainant's Motion and strike Complainant's Response from the record. In the alternative, if the Commission does not deny the Motion and does not strike the Complainant's Response, Duke Energy Kentucky requests permission to file a responsive filing of its own.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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Counsel for Duke Energy Kentucky, Inc.

[9] Order, p. 1 (Ky. P.S.C. Aug. 24, 2026).

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing has been emailed to the Kentucky Public Service Commission at PSCED@ky.gov. In addition, a true and accurate copy of the foregoing was placed in the U.S. mail, postage prepaid, on October 21, 2026, addressed to the following:

Nicolas Pangallo
2751 Alexandria Avenue
Latonia, Kentucky 41015

/s/Larisa M. Vaysman
Counsel, Duke Energy Kentucky, Inc.