

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

Duke Energy Kentucky, Inc. (Duke Kentucky) is hereby notified that it has been named as a Defendant in a formal complaint filed on May 18, 2026, a copy of which is attached as an Appendix to this Order and incorporated herein.

The Commission finds that pursuant to 807 KAR 5:001, Section 20, Duke Kentucky should satisfy the matters complained of or file a written answer to the complaint within ten days from the date of service of this Order. The Commission directs Duke Kentucky to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky shall satisfy the matters complained of or file a written answer to the complaint within ten days from the date of service of this Order.

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission mandated the use of the electronic filing procedures found in 807 KAR 5:001, Section 8, except for *pro se* formal complaints filed against utilities).

2. A copy of this Order shall be served by U.S. Postal Service, First-Class Mail, on Nicolas Pangallo at 2751 Alexandria Ave, Latonia, Kentucky 41015.

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Entered on this 8th day of June, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2026-00130 DATED JUN 08 2026

SIX PAGES TO FOLLOW

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION**

**PUBLIC SERVICE
COMMISSION**

211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602

Phone: (502) 564-3940 | psc.ky.gov

FORMAL CUSTOMER COMPLAINT

Filed By	Nicolas Pangallo
Service Address	2751 Alexandria Ave, Latonia, KY 41015
Account Number	[REDACTED]
Utility	Duke Energy / Piedmont Natural Gas
Date of Filing	May 19, 2026
KPSC Investigation	Active — Investigation Initiated Approximately May 1, 2026

I. NATURE OF COMPLAINT

This complaint is filed against Duke Energy / Piedmont Natural Gas regarding: (1) failure to respond to a reported potential gas leak in violation of federal pipeline safety regulations; (2) improper billing charges resulting from that failure; (3) threatened disconnection of service during an active billing dispute and regulatory investigation; and (4) refusal to provide the customer with their own call recording without a subpoena, obstructing the customer's ability to document and dispute the matter.

II. CHRONOLOGY OF EVENTS

1. February 17, 2026 — Customer contacted Duke Energy to report a suspected gas leak, citing an abnormally high bill as the basis for concern. The customer explicitly stated they believed there may be a gas leak. Duke Energy did not dispatch a technician. Instead, the customer was placed on a payment plan. No safety investigation was conducted. Duke Energy has since argued that because the customer did not specifically report a gas odor, the call did not trigger emergency response obligations. This argument fails for three independent reasons: First, 49 CFR § 192.605(b)(11) requires prompt response to reports of gas odor inside or near a building, but this does not limit a utility's duty to respond only to odor reports. A reported suspected leak is itself a safety concern requiring investigation. Second, abnormal gas usage of the magnitude shown on the billing records — more than double the weather-adjusted baseline — is itself an indicator of a potential leak that a reasonable utility should investigate. Third, and most critically, Duke Energy's own March 2026 bill documents that Installation Plan # [REDACTED] has a start date of February 17, 2026 — the

exact date of the call. Duke Energy cannot simultaneously claim the February 17 call was insufficient to trigger a safety response while also using that same call as the basis for establishing a formal payment plan. Their own records confirm they logged, processed, and acted on the February 17 contact. The question is not whether they received the call — it is why they chose to respond to the billing aspect while ignoring the safety concern entirely.

2. Approximately Late February 2026 — The customer independently identified that the gas line to an old kitchen stove was the source of the suspected leak and shut off that line. Gas consumption dropped significantly on the subsequent bill, confirming this as the primary source of the excess usage — and validating that the customer's February 17 concern was legitimate.
3. Approximately Mid-March 2026 — The customer called Duke Energy again. A technician was dispatched approximately one month after the original February 17 report. The technician verbally confirmed an active furnace leak and assisted the customer in tightening the connection. Despite this, the service report does not clearly document the confirmed leak — a direct contradiction of what the technician stated on-site.
4. May 2026 (Early) — Customer formally disputed the inflated bills with Duke Energy. A supervisor denied the dispute, claiming the February 17 call did not qualify under emergency response policies and that no documentation supported the customer's account. During this same interaction, the customer disclosed that they are on disability and SSI — a fixed income — and requested a more reasonable payment arrangement given their financial circumstances. Duke Energy acknowledged the medical certification option but offered no meaningful accommodation to address the underlying inflated balance. The medical certification option, which only temporarily delays disconnection without resolving the billing dispute, was not a reasonable response to a customer on fixed disability income facing charges they contend resulted from Duke Energy's own failure to act.
5. May 2026 (Following Denial) — Customer requested the recording of the February 17, 2026 call to verify what was reported. Duke Energy's representative informed the customer that obtaining the recording would require a subpoena. This response is highly irregular and suggests the recording may contain content that contradicts Duke Energy's denial.
6. May 16-17, 2026 — Duke Energy issued a disconnection notice requiring payment of \$775.92 by May 17, 2026, despite an active KPSC investigation and a pending billing dispute — in direct violation of 807 KAR 5:006, Section 12.

III. REGULATORY VIOLATIONS

Duke Energy's conduct violates the following federal and Kentucky regulations:

- 49 CFR § 192.605(b)(11) — Requires gas utilities to respond promptly to a report of a gas odor inside or near a building. Duke Energy has argued this provision did not apply because the customer did not use the word “smell.” This interpretation is both technically incorrect and operationally reckless. The regulation establishes a floor, not a ceiling, for utility safety obligations. A customer reporting a suspected gas leak with supporting evidence of abnormal usage — over double the weather-adjusted baseline — falls squarely within the spirit and intent of this provision. Furthermore, a confirmed leak was subsequently found by Duke Energy’s own technician, proving the customer’s concern was valid regardless of the precise words used.
- 49 CFR § 192.615(a) — Requires operators to maintain written emergency procedures providing for prompt and effective response to notices of emergencies, with actions directed toward protecting people first and then property.
- 807 KAR 5:027 — Kentucky Administrative Regulation requiring Duke Energy to comply with the minimum federal safety requirements for pipeline facilities set forth in 49 CFR.
- 807 KAR 5:006, Section 12 — A customer account shall be considered current while a billing dispute is pending, provided the customer continues to make undisputed payments. Duke Energy’s threatened disconnection during an active dispute and KPSC investigation violates this provision.

IV. CONCERNING CONDUCT REGARDING CALL RECORDING

When the customer requested a copy of the February 17, 2026 call recording to verify the contents of the reported safety concern, Duke Energy informed the customer that a subpoena would be required to obtain it. This is not standard practice for a customer requesting their own call records and raises serious concerns:

- Duke Energy’s refusal to produce the recording without legal compulsion — in the context of an active safety and billing dispute — suggests the recording may contain content that undermines their stated position that the call did not constitute a reportable safety concern.
- The recording represents objective, unaltered evidence of what was communicated on February 17, 2026 — the central factual dispute in this case.
- The KPSC has full authority to compel production of this recording as part of its investigation without the need for a judicial subpoena.

The customer respectfully requests that the Commission exercise its authority to compel Duke Energy to produce this recording immediately.

V. WEATHER-ADJUSTED BILLING ANALYSIS

The following analysis uses temperature data recorded on Duke Energy's own bills to calculate expected gas consumption based on the customer's established usage pattern. November 2025 serves as the pre-leak baseline (69 CCF at 46°F average), yielding a rate of 3.6 CCF per degree below 65°F.

Month	Avg Temp	Actual CCF	Expected CCF	Excess CCF
November 2025	46°F	69	69	0 (baseline)
December 2025	31°F	137	122	15
January 2026	38°F	138	97	41
February 2026	24°F	223	148	75
TOTAL EXCESS				131 CCF (to be removed from installment plan balance)

Note: January 2026 is particularly significant. Despite being 7 degrees warmer than December, usage was nearly identical (138 vs 137 CCF). Under normal conditions, warmer temperatures produce lower gas usage. This anomaly is consistent with an active and worsening leak, not normal heating demand. All temperature figures are taken directly from Duke Energy's own billing records.

VI. RELIEF REQUESTED

The customer respectfully requests the following relief from the Kentucky Public Service Commission:

- A stay of disconnection for account number [REDACTED] pending resolution of this complaint.
- An adjustment to Installment Plan # [REDACTED] to remove the 131 excess CCF identified in the weather-adjusted billing analysis above. These CCF units represent gas billed during the leak period in excess of what would have been consumed under normal conditions, as calculated using Duke Energy's own recorded temperatures. The customer should not be required to repay gas charges that accumulated as a direct result of Duke Energy's failure to respond to a reported safety concern. Duke Energy is best positioned to calculate the precise dollar value of 131 CCF at the applicable rates during the billing periods in question and should be ordered to apply that adjustment to the outstanding installment plan balance accordingly.
- Removal of all late fees accumulated on inflated balances during the leak period (December 2025 through February 2026).

- An order compelling Duke Energy to immediately produce the complete recording and transcript of the February 17, 2026 customer service call, including all associated account notes entered on that date.
- An order compelling Duke Energy to produce the complete and unaltered service report from the technician visit in approximately mid-March 2026, including all internal notes and any dispatch records.
- A finding that Duke Energy violated 49 CFR § 192.605(b)(11) and its general duty of safety by failing to dispatch a technician in response to a reported suspected gas leak on February 17, 2026, notwithstanding that a confirmed leak was subsequently found by their own technician — validating the customer’s original concern.
- A finding that Duke Energy’s threatened disconnection during an active billing dispute and KPSC investigation violates 807 KAR 5:006, Section 12.
- An order directing Duke Energy to provide a reasonable extended payment arrangement for any legitimate remaining balance, taking into account that the customer is on disability and SSI and has a fixed income. A three-month installment plan built on an inflated balance caused by Duke Energy’s own failure to respond to a safety report is not a reasonable accommodation for a customer in these circumstances.
- Such other relief as the Commission deems appropriate.

VII. SUPPORTING DOCUMENTATION

The following documents are attached or available upon request:

- Duke Energy gas bills for July 2025 through April 2026 (Account No. 9101 8770 6109)
- Gas usage history showing spike during leak period and drop following customer-initiated repair
- Weather-adjusted usage analysis using temperatures recorded on Duke Energy’s own bills

VIII. CERTIFICATION

I certify that the information contained in this complaint is true and accurate to the best of my knowledge. I respectfully request that the Kentucky Public Service Commission investigate this matter and grant the relief requested above.

Signature: _____

Printed Name: Nicolas Pangallo

Date: _____

Phone: _____

Email: _____

Service List for 2026-00130

* Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

* Nicolas Pangallo
2751 Alexandria Avenue
Latonia, KY 41015