COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the	Matter of:			
	HENRY HESTON LACY))	
		COMPLAINANT		CASE NO.
	V.)	2024-00270
	MORGAN COUNTY WATER DISTRICT)	
		DEFENDANT)	

<u>ORDER</u>

This matter arises upon Henry Heston Lacy's complaint against Morgan County Water District (Morgan District) that was tendered on August 14, 2024. For the reasons discussed below and in accordance with the Commission's October 17, 2024 Order, the Commission finds that Mr. Lacy has failed to establish a prima facie case, and has not filed an amended complaint within 30 days from the date of service, thus the case should be dismissed.

BACKGROUND

On August 14, 2024, Mr. Lacy tendered a complaint against Morgan District alleging water over pressurization issues that resulted in multiple after-meter leaks and seeking relief from \$298.22 in water use charges.¹ On October 17, 2024, the Commission entered an Order finding that no prima facie case existed because the requested relief

¹ Complain (filed Aug. 14, 2024).

was for a separate period where there were no allegations of wrongdoing.² The Commission provided Mr. Lacy with 30 days, from the date of service of the October 17, 2024 Order, to file an amended complaint to establish a prima facie case.³ Mr. Lacy was served with a copy of the October 17, 2024 Order on November 29, 2024. As of the entry of this Order, no response has been received from Mr. Lacy.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001, Section 20(1)(c), a complaint must state "[f]ully, clearly, and with reasonable certainty, the act or omission" that the complaint alleges the utility failed to comply with and facts, with details, of the alleged failure. In accordance with 807 KAR 5:001, Section 20(4)(a), the Commission examines a complaint to determine whether the complaint establishes a prima facie case and conforms to the 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 person filing the complaint 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.

² Order (Ky. PSC Oct. 17, 2024) at 6.

³ Oct. 17, 2024, Order at 6.

DISCUSSION AND FINDINGS

Based upon 807 KAR 5:001, Section 20(4)(a)(2) and the case record, the Commission finds that this case should be dismissed because Mr. Lacy has not responded to the October 17, 2024 Order to file an amended complaint that establishes a prima facie case within 30 days of the date of service of that Order, and more than 45 days have passed since service of that Order.

IT IS THEREFORE ORDERED that:

- 1. Mr. Lacy's complaint is dismissed.
- 2. This case is closed and removed from the Commission's Docket.
- 3. A copy of this Order shall be served on Mr. Lacy by U.S. Mail at 2048 Highway 705, West Liberty, Kentucky 41472.

PUBLIC SERVICE COMMISSION
Chairman
Commissioner
Man Pat Ragum Commissioner

Commissioner John Will Stacy did not participate in the deliberations or decision concerning this case.

ATTEST:

Executive Director

RP

ENTERED
FEB 03 2025
AH
KENTUCKY PUBLIC
SERVICE COMMISSION

Henry Heston Lacy 2048 Highway 705 West Liberty, KENTUCKY 41472

*Morgan County Water District 1009 Hwy 172 West Liberty, KY 41472

*Shannon Elam General Manager Morgan County Water District 1009 Hwy 172 West Liberty, KY 41472