

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DERRICK STINSON, KAYLA STINSON, AND
STINSON FITNESS, LLC D/B/A WORKOUT
ANYTIME

COMPLAINANT

V.

KENTUCKY-AMERICAN WATER COMPANY

DEFENDANT

CASE NO.
2024-00303

ORDER

This matter arises from the formal complaint filed by Derrick Stinson, Kayla Stinson, and Stinson Fitness, LLC d/b/a Workout Anytime on September 16, 2024, against Kentucky-American Water Company (Kentucky-American). On May 12, 2025, the Commission entered an Order directing Kentucky-American to satisfy or answer the claims of Stinson Fitness, LLC d/b/a Workout Anytime (Stinson Fitness).¹ The Commission found, however, that that the complaint did not state a *prima facie* case by Derick and Kayla Stinson because it did not show that the Stinsons, in their individual capacities, were customers of Kentucky-American.² The Order granted the Stinsons ten

¹ Order (Ky. PSC May 12, 2025) at 2.

² May 12, 2025 Order at 2.

days from the date of service of the order to amend the complaint and show cause why their claims should not be dismissed.³

On May 22, 2025, Kentucky-American filed an answer and motion to dismiss the complaint.⁴ Kentucky-American submitted with its answer and motion to dismiss a report of results of a meter test it performed on the customer meter in question indicating that the meter met regulatory accuracy requirements.⁵ Kentucky-American argued that if the testing of a meter confirms that the meter's accuracy is within regulatory standards, a presumption exists that the usage billed is accurate.⁶

On June 4, 2025, Stinson Fitness filed a response to the motion to dismiss.⁷ Stinson Fitness alleged that its bills during the time period in question showed the largest water usage ever for the property, and that it has never discovered any leak or other problem that could have led to the increased usage.⁸ The Stinsons did not seek to amend the complaint as provided for in the May 12, 2025 Order.

On August 14, 2025, the Commission entered an order that deferred ruling on the motion to dismiss and directed Kentucky-American to make the Stinson Fitness water meter available to Commission Staff for testing.⁹ On February 5, 2026, Kentucky

³ May 12, 2025 Order at 2.

⁴ Kentucky-American's Answer and Motion to Dismiss (filed May 12, 2025).

⁵ Kentucky-American's Answer and Motion to Dismiss, Attachment.

⁶ Kentucky-American's Answer and Motion to Dismiss at 3.

⁷ Stinson Fitness's Response to Motion to Dismiss (filed June 4, 2025).

⁸ Stinson Fitness's Response to Motion to Dismiss at 1.

⁹ Order (Ky. PSC Aug. 14, 2025) at 4.

American filed notice that the subject meter was disposed of on December 18, 2024,¹⁰ which was one year after the meter was tested and approximately three months after Complainants filed the formal complaint against it.

On May 19, 2026, the Commission entered an Order finding that because Kentucky-American's disposal of the meter prevented Commission Staff from confirming the results of the utility's test of the meter, the presumption that arises from a meter testing within accuracy requirements should not be applied in this case.¹¹ The Commission established a procedural schedule that authorized the parties and Commission Staff to serve one round of requests for information and set a deadline of June 26, 2026, for the parties to either request that a hearing be held in this matter or that the case be decided on the written record.¹²

Commission Staff served requests for information on each of the parties,¹³ neither of which served any requests for information on the other. Kentucky-American filed responses to Staff's requests on June 19, 2026, and filed a statement on June 26, 2026, requesting that this matter be submitted on the written record.¹⁴ Stinson Fitness failed to respond to Commission Staff's requests, and did not submit a request for hearing or that the matter be submitted on the record.

¹⁰ Kentucky-American's Notice of Meter Status in Response to Commission Order (filed Feb.25, 2026) at 1.

¹¹ Order (Ky. PSC May 19, 2026) at 6-7.

¹² May 19, 2026 Order at 7.

¹³ Commission Staff First Request for Information to Kentucky-American Water Company (issued June 3, 2026); Commission Staff First Request for Information to Complainants (issued June 3, 2026)

¹⁴ Kentucky-American's Responses to Commission Staff's First Request for Information (filed June 19, 2026).

LEGAL STANDARDS

The Commission has original jurisdiction over complaints as to rates or service of any utility pursuant to KRS 278.260. The statute provides that the Commission shall not enter an order affecting the rates or service complained of without a formal public hearing.¹⁵ The Commission, however, may dismiss any complaint without a hearing if, in its opinion, “a hearing is not necessary in the public interest or for the protection of substantial rights.”¹⁶ The complainant in a formal complaint case bears the burden of proof.¹⁷

The Commission's regulations provide that all water sold by a utility shall be upon the basis of metered volume sales.¹⁸ Pursuant to KRS 278.160(2), no person shall receive service from a utility for compensation greater or less than that prescribed within the utility's filed schedules. The Commission has consistently applied this requirement in holding that customers are responsible for paying for all water that passes through their meters.¹⁹

DISCUSSION

As noted, Kentucky-American provided, along with its with its answer and motion to dismiss, a report of results of a meter test it performed on the water meter in question

¹⁵ KRS 278.260(1).

¹⁶ KRS 248.260(2).

¹⁷ Case No. 2019-00016, *Bollinger v. Kentucky-American Water Co.* (Ky. PSC Dec. 23, 2020), Order at 2.

¹⁸ 807 KAR 5:066, Section 13(1).

¹⁹ See Case No. 2008-00513, *Rogers v. Northeast Woodford County Water Association* (Ky. PSC Feb. 26, 2010); Case No. 2005-00035, *Lewis v. Southeastern Water Association* (Ky. PSC Mar. 13, 2007).

indicating that the customer meter at issue met regulatory accuracy requirements.²⁰ The Commission has previously held that if a meter is tested and the testing reflects that the meter is within accuracy parameters established by the Commission's regulations, and there is no evidence that the meter was misread, then a rebuttable presumption exists that the water went through the meter.²¹ Because Kentucky-American disposed of the meter before Commission Staff could have the meter independently tested, however, the Commission in the May 19, 2026 Order did not apply the presumption and authorized the parties to serve requests for information.

The Commission nonetheless finds that dismissal of the complaint is now warranted. Stinson Fitness, which bears the burden of proof in this matter,²² failed to respond to Commission Staff's request for information regarding its claim and did not avail itself of the opportunity to request information from Kentucky-American to support its claim. On the other hand, Kentucky-American has presented the results of a test of the customer meter showing that the meter met applicable accuracy requirements. In these circumstances, the Commission finds that the complaint should be dismissed without a hearing because a hearing is not necessary in the public interest or for the protection of substantial rights.

²⁰ Kentucky-American's Answer and Motion to Dismiss, Attachment.

²¹ Case No. 2023-00115, *Richard Hall Jouett vs. Kentucky-American Water Company* (Ky. PSC Dec. 20 2023), at 2.

²² Case No. 2019-00016, *Bollinger v. Kentucky-American Water Co.* (Ky. PSC Dec. 23, 2020), Order at 2.

IT IS THEREFORE ORDERED that:

1. The complaint is dismissed without prejudice.
2. This case is closed and removed from the Commission's docket.

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Entered on this 3rd day of August, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair

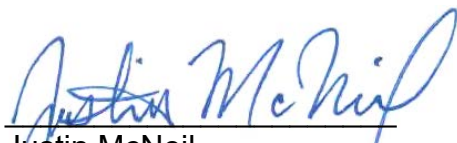


Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:


Justin McNeil
Executive Director

Service List for Case 2024-00303

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