

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RKP HOSPITALITY, LLC)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2026-00105
BLUEGRASS WATER UTILITY OPERATING)	
COMPANY, LLC)	
)	
DEFENDANT)	

ORDER

On April 22, 2026, RKP Hospitality, LLC (RKP Hospitality) tendered for filing a complaint against Bluegrass Water Utility Operating Company, LLC (Bluegrass Water).¹ The initial complaint was not tendered by an attorney, but on April 24, 2026, RKP Hospitality tendered an amended complaint that was signed by licensed attorney.²

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service.³ Commission regulation 807 KAR 5:001, Section 20(1)(c), requires:

[E]ach complaint to state fully, clearly and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation, of which failure to comply is alleged, and other

¹ Initial Complaint (filed Apr. 22, 2026).

² Amended Complaint (filed Apr. 24, 2026).

³ KRS 278.206.

matters, of facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure.⁴

Furthermore, 807 KAR 5:001, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case.⁵ A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed.

RKP Hospitality's Amended Complaint does not state fully, clearly and with reasonable certainty, an act or omission by Bluegrass Water of which failure to comply is alleged. Nor does RKP Hospitality currently allege a violation of a regulation, Commission Order, tariff, or statute by Bluegrass Water.

Based on the above, the Commission finds that the complaint fails to comply with Kentucky law and the requirements of 807 KAR 5:001, Section 20(1)(c), by failing to establish a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that RKP Hospitality should be granted 30 days from the service date of this Order to amend this complaint to state a *prima facie* case complying with 807 KAR 5:001, Section 20(1). RKP Hospitality should include specific details and facts including, but not limited to, the dates of disconnection and any correspondence with Bluegrass Water. Failure to file a properly filed timely amended complaint in this case should result in dismissal without prejudice.

⁴ 807 KAR 5:001, Section 20(1)(c).

⁵ 807 KAR 5:001, Section 20(4)(a).


The Commission also finds that a virtual informal conference shall be held in this matter to discuss the alleged claims with all parties on May 7, 2026, at 1 p.m. Eastern Daylight Time. Commission Staff should contact participants by electronic mail to provide details for joining the conference by video link.

IT IS THEREFORE ORDERED that:

1. RKP Hospitality's initial complaint is rejected for filing.
2. RKP Hospitality's amended complaint failed to establish a *prima facie* case.
3. RKP Hospitality, through its legal representative, shall have 30 days from the date of service of this Order to file a supplemental amended complaint with the Commission that conforms to the requirements in 807 KAR 5:002, Section 20(1), and that states a *prima facie* case.
4. Failure to file a properly filed timely amended complaint in this case shall result in dismissal without prejudice.
5. A virtual informal conference shall be held on May 7, 2026, at 1 p.m. Eastern Daylight Time. A video link will be provided via electronic mail by Commission Staff.

Entered on this 5th day of May, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2026-00105

* Harold F. Simms
112 North Court Street
Georgetown, KY 40324

* Kishan Patel
RKP Hospitality, LLC
385 Cherry Blossom Way
Georgetown, KY 40324

* Bluegrass Water Utility Operating Company, LLC
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