

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL HEMPHILL	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2026-00191
	)	
SOUTH EASTERN WATER ASSOCIATION, INC.	)	
	)	
DEFENDANT	)	

ORDER

On July 8, 2026, Michael Hemphill, tendered a formal complaint with the Commission against South Eastern Water Association, Inc. (South Eastern Water) alleging fiduciary failure, corporate negligence, misconduct, intimidation and retaliation concerning his water service in association with a property dispute he has with South Eastern Water.¹ On July 16, 2026, South Eastern Water filed a response to Mr. Hemphill's complaint, which included a motion to dismiss.² At the time Mr. Hemphill filed the complaint, he was already engaged in litigation in Pulaski County Circuit Court as a plaintiff naming South Eastern Water and other parties as Defendants.³ Mr. Hemphill has made multiple filings since the initial complaint in support of his claim.⁴

¹ Complaint (filed July 8, 2026).

² South Eastern Water's Response to Complaint and Motion to Dismiss (filed July 16, 2026).

³ South Eastern Water Response to Complaint and Motion to Dismiss at 4-5, referencing Pulaski County Civil Action Nos. 26-CI-00602 and 26-CI-00605.

⁴ Since his initial complaint filing, Michael Hemphill has filed supplemental information on July 22, 2026, July 30, 2026, July 31, 2026, August 3, 2026, August 5, 2026, and August 6, 2026.

Mr. Hemphill's initial complaint stated that he was seeking a full refund of all monies paid to South Eastern Water to date, except for his original \$250 membership dues, to help cover for South Eastern Water's continuing trespass and unjust enrichment on his property.⁵

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20(1)(c), requires each complaint to state:

(c) 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 a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure[.]⁶

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 that conforms to this administrative regulation.⁷ 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, it may be dismissed. Stated plainly, to be accepted by the Commission, complaints must meet both the requirements of 807 KAR 5:001, Section 20(1)(c) and establish a *prima facie* case according to 807 KAR 5:001, Section 20(4)(a).

In administrative settings, both redressability and injury are limited by the jurisdictional authority given agencies by the legislature. The Commission's jurisdiction

⁵ Complaint at 5.

⁶ 807 KAR 5:001, Section 20(1)(c).

⁷ 807 KAR 5:001, Section 20(4)(a).

is established in KRS 278.040(2) and states that the Commission has “exclusive jurisdiction over the regulation of rates and service of utilities[.]”⁸ While expansive in scope with regards to ensuring “fair, just and reasonable”⁹ service, the Commission’s authority is not limitless.

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service, which states:

[t]he commission shall have original jurisdiction over complaints as to rates or service of any utility, and upon a complaint in writing made against any utility by any person that any rate which the complainant is directly interested is unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act affecting or relating to the service of the utility or any service in connection therewith is unreasonable, unsafe, insufficient, or unjustly discriminatory, or that any service is inadequate or cannot be obtained[.]¹⁰

As KRS 278.260 makes clear, complaints must be related, in some causal way, to the Commission’s jurisdiction over rates and service.

DISCUSSION AND FINDINGS

While the Commission makes no statement regarding the actionability of the facts presented, the facts are far removed from the jurisdiction created by KRS 278.260, and through references in property law, beyond the Commission’s competency to adjudicate. Although Mr. Hemphill does state claims regarding his service and the installation of meters on his property, each allegation is in regard to the ongoing property dispute, and

⁸ Indeed, the Commission’s authority regarding ratemaking is both “plenary” and broad. See e.g. *Kentucky Public Service Com’n v. Com. ex rel. Conway*, 324 S.W.3d 373 (Ky. 2010).

⁹ KRS 278.040.

¹⁰ KRS 278.206.

outside of the Commission's jurisdiction. The additional filings do not clarify or change the Commission's findings in this Order.

Based on the information above, the Commission finds that Mr. Hemphill's complaint has failed to comply with the requirements of 807 KAR 5:001, Section 20(1)(c), and Section 20(4)(a), by not establishing a *prima facie* case for which the Commission has the jurisdiction to grant relief.

In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that Mr. Hemphill should be granted 20 days from the service date of this Order to amend his complaint with the Commission citing only those issues which are outside of any Circuit Court matters currently being litigated. In addition, the amended complaint must meet the requirements of 807 KAR 5:001, Section 20(1)(c), and state a *prima facie* case complying with 807 KAR 5:001, Section 20(4)(a).

All future filing should be submitted via U.S. Postal Service or by e-mail at PSCED@ky.gov. Commission Staff will not facilitate the reproduction of documents or other requests by either party. Failure to file a properly filed timely amended complaint in this case will result in dismissal without prejudice. This Order should be served through the U.S. Postal Service, Certified Mail, Return Receipt Requested, and First-Class Mail upon Mr. Hemphill at the address listed in the complaint.

IT IS THEREFORE ORDERED that:

1. The complaint filed by Michael Hemphill is rejected for filing.
2. Michael Hemphill shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of

807 KAR 5:001, Section 20(1)(c), and Section 20(4)(a), and includes only those issues which are outside of any current Circuit Court matters.

3. Failure to file a properly filed timely amended complaint in this case shall result in dismissal without prejudice.

4. The amended complaint shall only be filed with the Commission as directed by this Order. Case No. 2026-00191 shall be included in all filings with the Commission.

5. A copy of this Order shall be served on Mr. Michael Hemphill, by U.S. Postal Service, Certified Mail, Return Receipt Requested, and First-Class Mail at 6271 Blue John Road, Burnside, Kentucky 42519. Service shall be considered complete on the first day the U.S. Postal Service attempts delivery of the certified mail.

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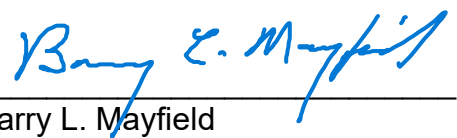
Entered on this 20th day of August, 2026.

PUBLIC SERVICE COMMISSION



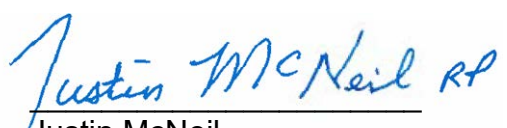
Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

Service List for Case 2026-00191

* Michael Hemphill
6271/6605 Blue John Road
Burnside, KY 42519

* South Eastern Water Association, Inc.
6615 Hwy 914
Somerset, KY 42501

* Tina C. Frederick
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801