

The Commission issued an Order on August 30, 2019, notifying Kentucky-American that it had been named as a Defendant in a formal complaint, attached a copy of said complaint, and stated that Kentucky-American was to satisfy the matters complained of or file a written answer to the Complaint within ten days from the date of the Order. The Commission further ordered Kentucky-American to file copies of all bills into the record that were issued to Mr. Shepherd for 2018 and 2019.

Kentucky American filed an Answer and Motion to Dismiss on September 10, 2019, and asserted that the meter in place at Mr. Shepherd's premises during the billing period in question had been tested and met all applicable accuracy requirements.⁵ Kentucky-American provided a copy of the meter test results indicating the same, and verified that it is still in possession of said meter.⁶ Kentucky-American further contended that because the water meter tested accurately, the water meter readings in question did pass through the meter; therefore, the customer is liable for all of the amounts that were billed.⁷ Finally, as requested in the Commission's August 30, 2019 Order, Kentucky-American provided copies of all bills issued to Mr. Shepherd in 2018 and 2019.⁸

The Commission Staff issued two rounds of discovery to Kentucky-American to fully explore Mr. Shepherd's allegations, to which Kentucky-American filed responses in the case record to the same. No party requested to intervene in the present case.

⁵ Kentucky-American's Answer and Motion to Dismiss at 2.

⁶ *Id.* at 2 and Tab 1.

⁷ *Id.* at 2.

⁸ *Id.* at Tab 2.

Having reviewed the evidentiary record and being otherwise sufficiently advised, the Commission finds that because Mr. Shepherd is alleging that Kentucky-American overcharged him for water service in February 2019, but per the only evidence in the record Mr. Shepherd's old meter has tested accurately, the Commission will provide Mr. Shepherd 20 days from the date of this Order to submit additional evidence in support of his complaint.

The Commission directs Mr. Shepherd to the Commission's March 16, 2020 Order in Case No. 2020-00085⁹ regarding the filing of physical documents with the Commission. In the March 16, 2020 Order, the Commission stated that if a non-electronic case is not converted to an electronic case, the Commission will grant a deviation from the filing requirements 807 KAR 5:001, Section 7(1), insofar that a filer may file one original document with no copies, or send an electronic mail message with an electronic copy of the document to the Commission and to parties to the matter. The Commission expects that original documents will be filed with the Commission within 30 days of the lifting of the current state of emergency.¹⁰ Any electronic email filed in this manner should be sent to this email: PSCED@ky.gov, and each message should include the case number in the subject line of the message and a read receipt to ensure the Commission received the message and documents. If electronic mail is used, please limit the size of the documents to 5MB.

IT IS HEREBY ORDERED that within 20 days of the date of this Order, Mr. Shepherd may file additional information into the record in support of his complaint.

⁹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020).

By the Commission



ATTEST:



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