

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	)	
	)	CASE NO.
COMPLAINANT	)	2024-00303
	)	
V.	)	
	)	
KENTUCKY-AMERICAN WATER COMPANY	)	
	)	
DEFENDANT	)	

ORDER

On September 16, 2024, Derrick Stinson, Kayla Stinson, and Stinson Fitness, LLC d/b/a Workout Anytime filed a complaint against Kentucky-American Water Company (Kentucky-American), in which they alleged that their business receives water service from Kentucky-American, and that beginning in August 2022, their water bills showed much higher usage than prior periods.<sup>1</sup> They seek an adjustment and reduction in the water bills. A list of water usage details identifies the customer as Workout Anytime, the d/b/a name of Stinson Fitness, LLC (Stinson Fitness).

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<sup>1</sup> Complaint (filed Sept. 16, 2024) at 1-2. Specifically, Complainants alleged that beginning in August 2022, their water bills showed much higher usage than prior periods. Complainants claimed that prior to this time, their bills averaged usage readings between roughly 6,000 gallons per month to 7,500 gallons per month. Complainants claimed that the usage readings went up to a high usage reading for the September 2023 billing period of 243,100 gallons. Complaints stated that the usage dropped 100,000 gallons for two months in a row and was only 5,600 gallons in the January 2024 period.

On May 12, 2025, the Commission entered an Order finding that complaint stated a *prima facie* case by Stinson Fitness and complied with regulatory requirements.<sup>2</sup> The Commission directed Kentucky-American to satisfy or answer the complaint. The Commission also found 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.<sup>3</sup> The Order granted the Stinsons ten days from the date of service of the Order to amend the complaint and show cause why their claims should not be dismissed.<sup>4</sup> The Stinsons did not file anything in response to the Order.

On May 22, 2025, Kentucky-American filed an answer and motion to dismiss the complaint. Kentucky-American stated that it worked with the customer by providing detailed data logs demonstrating the daily and hourly water usage in question and by providing meter test results for the meter in question.<sup>5</sup> Kentucky-American stated that the meter test results show that the meter meets all applicable accuracy requirements.<sup>6</sup> Kentucky-American asserted that the water meter readings in question are accurate and that the indicated amount of water did pass through the meter.<sup>7</sup> Citing Commission precedent, Kentucky-American argued that the customer is liable for all charges based on the water usage shown by the meter.<sup>8</sup>

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<sup>2</sup> Order (Ky. PSC May 12, 2025) at 1-2.

<sup>3</sup> Order (Ky. PSC May 12, 2025) at 2.

<sup>4</sup> Order (Ky. PSC May 12, 2025) at 2.

<sup>5</sup> Answer and Motion to Dismiss (filed May 22, 2025) at 2.

<sup>6</sup> Answer and Motion to Dismiss at 3.

<sup>7</sup> Answer and Motion to Dismiss at 3.

<sup>8</sup> Answer and Motion to Dismiss at 3.

On June 4, 2025, Stinson Fitness filed a response to the motion to dismiss. Stinson Fitness alleged that usage during the time period in question showed the largest water usage ever for the property.<sup>9</sup> Stinson Fitness also alleged that it has never discovered any leak or other problem that could have led to the increased usage.<sup>10</sup> Stinson argued that it must be presumed, therefore, that the increased usage resulted must be the result of a problem with Kentucky-American's system notwithstanding the meter test results.<sup>11</sup>

The Commission finds that a ruling on Kentucky-American's motion to dismiss should be deferred, and that Kentucky-American should make the meter in place at the premises during the period in question available to Commission Staff for testing. The Commission further finds that each party should be afforded the opportunity to serve requests for information from the other party, and that the time for the parties to make and respond to requests for information should be established. Commission Staff may also serve requests for information pursuant to 807 KAR 5:001, Section 12(b). The Commission finds that a deadline should be established for any party to request a formal hearing on this matter. Finally, the Commission finds that the Stinsons failed to show good cause in response to the May 12, 2025 Order as to why the claims asserted in their individual capacity should not be dismissed and that therefore these claims should be dismissed.

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<sup>9</sup> Response to Motion to Dismiss (filed June 4, 2025) at 1.


<sup>10</sup> Response to Motion to Dismiss at 1.


<sup>11</sup> Response to Motion to Dismiss at 2.

IT IS THEREFORE ORDERED that:

1. A ruling on Kentucky-American's motion to dismiss the complaint is deferred.
2. Kentucky-American shall make the meter in place at the premises during the period in question available to Commission Staff for testing.
3. Each party may serve upon any other party requests for information no later than August 15, 2025.
4. Each party shall respond to any request for information from another party no later than August 29, 2025.
5. Requests for information and responses to requests for information shall comply with 807 KAR 5:001, Section 12.
6. All parties shall file a request for hearing, if any, supported by a detailed statement of factual issues to be raised therein, no later than September 12, 2025.
7. The Stinsons' claims in their individual claims are dismissed.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Executive Director



Case No. 2024-00303

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