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PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

CASE NO. 2026-00152

In the Matter of:

TERESA BIAGI AND RAPHE ELLIS

HAZELFIELD FARM

COMPLAINANTS

v.

KENTUCKY-AMERICAN WATER COMPANY

DEFENDANT

AMENDED COMPLAINT

Complainants Teresa Biagi and Raphe Ellis, operating as Hazelfield Farm ("Complainants"), pursuant to KRS 278.260 and 807 KAR 5:001 Section 20, respectfully submit this Amended Complaint against Defendant Kentucky-American Water Company ("KAW"). In support of this Amended Complaint, Complainants state as follows:

I. PARTIES AND JURISDICTION

1. Complainants Teresa Biagi and Raphe Ellis reside and receive legal notices at 1585 Butler Inn Road, Worthville, Kentucky 41098. Complainants own and operate an additional agricultural property under Hazelfield Farm located at 2710 Hwy 227N, Worthville, Kentucky 41098 (the "Subject Property"). Complainants are not utility customers utilizing the specific infrastructure at issue, but are directly affected landowners.
2. Defendant KAW is a jurisdictional water utility operating under the regulatory authority of the Kentucky Public Service Commission ("Commission") pursuant to KRS Chapter 278. KAW acquired and inherited the infrastructure in question from the former Tri-Village Water District.
3. The Commission has jurisdiction over this matter pursuant to KRS 278.260, which empowers the Commission to investigate complaints regarding

unreasonable, unjust, or unsafe utility practices, equipment, and infrastructure placement.

II. STATEMENT OF FACTS

4. KAW maintains a water meter pit and connection infrastructure physically located on Complainants' private property at the Subject Property (2710 Hwy 227N), which KAW inherited through its acquisition of Tri-Village Water.
5. This meter infrastructure does not provide utility service to Complainants' Subject Property.
6. A thorough search of the property records and Complainants' deed reveals no recorded easement granting Defendant KAW, or its predecessor Tri-Village Water District, the legal right to place, maintain, or expand water distribution infrastructure on the Subject Property.
7. This single meter pit acts as a localized distribution hub serving external customer households off Complainants' Subject Property.
8. Complainants discovered and notified KAW orally and via email that a third customer household was recently spliced into the private service line downstream of the meter pit within the last two (2) years, without the permission of the Complainants or the utility.
9. KAW Director of Engineering, John Magner, PE, subsequently issued a formal written admission via email acknowledging that this single meter setup actively serves multiple separate customer households.
10. Despite having full knowledge and issuing formal written documentation through its Director of Engineering that multiple distinct residential households are improperly connected to this single meter infrastructure on Complainants' Subject Property, Defendant KAW continues to actively collect service payments and generate revenue from water sales passing through this non-compliant infrastructure configuration.
11. The physical meter pit is positioned in a manner that directly blocks a driveway site formally permitted to the Subject Property by the Kentucky Transportation Cabinet (KYTC).
12. Because the meter pit obstructs this legally permitted site, the Subject Property farm is entirely deprived of necessary vehicular ingress and egress to its agricultural operations, creating an ongoing operational emergency and safety hazard.
13. KAW has refused to relocate the meter pit off Complainants' Subject Property, asserting that it holds a permanent right or "prescriptive easement" to occupy the land by virtue of the infrastructure being present for 24 years.

14. KAW further disclaimed regulatory responsibility for the multi-household split, claiming it lacks the authority or obligation to remedy illicit customer configurations after the water leaves the utility-owned meter pit.
15. Alternatively, KAW requested that Complainants execute a "Temporary Right of Entry" agreement to relocate the offending meter pit further onto Complainants' private Subject Property and reconnect it to the illicit multi-household service line. Complainants declined to sign, as it would permanently expand an unrecorded, non-compliant utility configuration on their land.

III. LEGAL VIOLATIONS (807 KAR 5:001 SECTION 20(1)(c))

16. Violation of 807 KAR 5:066 Section 15(1) (Multi-Household Splicing / Separate Metering): PSC regulation 807 KAR 5:066 Section 15 strictly mandates that "Each customer premises shall be metered separately" unless explicitly authorized by the Commission. KAW has formally admitted via Engineer John Magner that this single meter setup hosts multiple customer households, establishing a clear violation of separate metering mandates.
17. Violation of KRS 278.030(2) (Unreasonable and Inadequate Facilities): KRS 278.030(2) mandates that every utility maintain "adequate, efficient, and reasonable service" and facilities. Relying on an unrecorded, inherited meter layout to block a landlocked farm's KYTC-permitted driveway is a patent violation of reasonable service standards.
18. Violation of 807 KAR 5:066 Section 12 (Improper Point of Service): PSC regulations require that meters be placed at the point of service on or near the property line of the actual customer being served. Maintaining a distribution cluster on non-customer land under the guise of an unrecorded prescriptive easement violates proper geographic metering regulations.
19. Violation of KRS 278.160 (Failure to Adhere to Filed Tariffs and Rate Regulations): Under KRS 278.160, a utility is legally prohibited from charging for services delivered via infrastructure setups that explicitly violate Commission administrative rules. By continuing to collect retail payments and charge rates for a shared, multi-household service line that violates separate-metering mandates under 807 KAR 5:066 Section 15, KAW is engaged in unlawful billing and collection practices.
20. Unreasonable Practices Under KRS 278.260: Attempting to force Complainants to sign a Right of Entry to expand non-compliant utility infrastructure further onto private land—rather than enforcing its own separate-meter rules—constitutes an unjust and unreasonable utility practice.

IV. REQUEST FOR RELIEF

WHEREFORE, Complainants respectfully request that the Commission enter an Order:

1. Finding that KAW's shared-meter infrastructure configuration violates 807 KAR 5:066 Section 15 and Section 12;
2. Ordering KAW to dismantle the multi-household cluster on Complainants' Subject Property;
3. Ordering KAW to relocate individual meters to the public right-of-way or the actual property lines of the individual customers being served;
4. Finding that KAW cannot claim a prescriptive utility easement to bypass explicit Commission safety, tariff, and separate-meter regulations;
5. Requiring the Commission to investigate and audit all payments and billing records collected by KAW from the meter pit configuration at Case No. 2026-00152 to determine regulatory non-compliance fines; and
6. Granting Complainants any and all other relief to which they may be entitled.

Dated this _14th____ day of August, 2026.

Respectfully submitted,

Teresa Biagi

Raphe Ellis

Hazelfield Farm

1585 Butler Inn Road

Worthville, Kentucky 41098

[redacted]

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