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PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:	
ELECTRONIC APPLICATION OF SOUTH EASTERN WATER ASSOCIATION, INC. FOR A GENERAL ADJUSTMENT OF RATES PURSUANT TO 807 KAR 5:076	**CASE NO. 2026-00233**

NOTICE OF MATERIAL NON-COMPLIANCE AND FACTUALLY DEFICIENT RECORD SUBMITTED UNDER OATH

Comes now the Affected Party, submitting this formal Notice to alert the Kentucky Public Service Commission, its Staff, and the public record that the Applicant, South Eastern Water Association, Inc. ("SEWA"), has explicitly failed to comply with the Commission's explicit procedural directives and data mandates regarding the production of historical record disclosures due on November 3, 2026.

1. Pursuant to the Commission’s prior orders and specific data requests in this docket, SEWA was strictly commanded to submit under oath a comprehensive, three-year historical production of all corporate records, association disclosures, employee allocations, and complete Board of Directors meeting minutes.

2. On November 3, 2026, the Applicant and their defense counsel at Stoll Keenon Ogden ("SKO") submitted a highly fragmented, superficial response consisting of approximately nine (9) pages, covering only a portion of the calendar year 2024.

3. SEWA has entirely withheld, suppressed, and excluded all critical records, board allocations, and meeting minutes for the remainder

of the mandated look-back period, most notably failing to produce any documentation for the calendar year 2026.

4. Specifically, SEWA has completely omitted the **May 14, 2026 Board of Directors Meeting Minutes**. This specific meeting and its corresponding corporate records are directly critical to the active evaluation of the utility's governance, footprint authorizations, and the broader administrative and real estate footprint investigations intertwined with this rate case.

5. A public utility cannot satisfy a mandatory, under-oath state production order covering three years by simply uploading nine pages of isolated historical data from a single year. By intentionally withholding the entire 2026 record matrix and the vital May 14, 2026 minutes, SEWA stands in direct procedural default of the Commission's scheduling orders.

6. This material non-compliance is part of a documented, historical operational pattern by the utility. Notably, in the prior formal complaint docket (Case No. 2026-00191), the utility and its representatives sat completely silent for 81 days, refusing to address transparency issues until active measures were taken to disrupt this immediate rate increase application.

7. The scope of this rate adjustment directly impacts the public interest, targeting a benchmark increase of $3.00 per meter across at least 8,336 active meters on the Commission's records—a number that likely underestimates the modern active system count. This represents an unverified community extraction of over $25,000 every single month, or more than $300,000 annually, drawn from local families based on a hidden and legally deficient record.

8. The financial injury of this non-compliant filing falls directly upon the member-consumers. The Affected Party personally holds three (3) active utility meters and is already burdened by a baseline payment of approximately $96.00 per month under the current rate structure. Enforcing this unauthorized rate adjustment adds an immediate, recurring penalty to an already heavy utility expense.

9. Furthermore, this material omission occurs within a record that remains structurally fractured and legally non-final, wherein the

Commission's public electronic entry reads "Dismissed with Prejudice" while the signed written order reads "Without Prejudice." The Applicant cannot lawfully advance or enforce a rate adjustment under Case No. 2026-00233 while operating under a defective order baseline and simultaneously under-producing mandatory corporate evidence.

10. Appellant/Affected Party respectfully requests that the Commission note this material non-compliance, acknowledge that the current rate application rests upon an incomplete and legally deficient administrative record, and refuse to close or finalize this matter until a full, certified production of the three-year history—including the May 14, 2026 minutes—is forced into the open record.

Respectfully submitted,

/s/ Affected Party
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