



roadway.<sup>1</sup> He alleged that LG&E then decided to install the line on the other side of the street and backfilled the hole on his property. He further alleged that soon after the installation of the pipeline on the other side of the street, a large hole developed in his easement that collects water from an underground source.<sup>2</sup> He stated that this area remains stagnant, which he stated poses a safety issue and threatens erosion of the roadway.<sup>3</sup> He further stated that there is a natural spring located approximately 200 feet north of the hole that developed on his property.<sup>4</sup> He requested the Commission to order LG&E “to repair the source of the underground water leak” that he contends poses a threat to public safety.<sup>5</sup>

On December 17, 2025, the Commission ordered LG&E to satisfy or answer the Complaint. On December 29, 2025, LG&E filed a motion to dismiss and answer. LG&E asserted that the only potential claim Mr. Vincent addressed in his amended complaint concerned the large hole that allegedly had developed in the easement on his property.<sup>6</sup> LG&E argued that the other potential claims in the original complaint should therefore be dismissed.<sup>7</sup>

LG&E argued that the claim regarding the development of a sinkhole should be dismissed because the complaint, as supplemented by Vincent’s response to the August

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<sup>1</sup> James M. Vincent Response to Commission’s August 13, 2025 Order (filed Aug. 22, 2025) (Vincent’s Response) at 1.

<sup>2</sup> Vincent’s Response at 1.

<sup>3</sup> Vincent’s Response at 1.

<sup>4</sup> Vincent’s Response at 1.

<sup>5</sup> Vincent’s Response at 1.

<sup>6</sup> LG&E’s Motion to Dismiss and Answer (filed Dec. 29, 2025) at 2.

<sup>7</sup> LG&E’s Motion to Dismiss and Answer at 2-3.

13, 2025 Order, does not describe the nature of this claim “[f]ully, clearly, and with reasonable certainty” as is required by 807 KAR 5:001, Section 20(1)(c).<sup>8</sup> Specifically, LG&E asserted that the Mr. Vincent did not make it clear where the alleged hole is on his property and whether the hole developed in the same location as the excavation work.<sup>9</sup> LG&E also noted that the original complaint made no mention of the development of a large hole that collected water,<sup>10</sup> and that Mr. Vincent’s response to the August 13 Order failed to specify when the hole allegedly developed or what caused it.<sup>11</sup> Additionally, LG&E asserted that the amended complaint failed to reference “the law, order, or administrative regulation, of which a failure to comply is alleged,”<sup>12</sup> and that any claim related to the alleged development of the hole would be a civil tort claim and not a complaint as to a utility’s rates or services within the Commission’s jurisdiction over complaints set forth in KRS 278.060(1).<sup>13</sup>

Mr. Vincent did not respond to LG&E’s answer and motion to dismiss.

#### LEGAL STANDARDS

Pursuant to KRS 278.260, the Commission has original jurisdiction over complaints as to rates or service of any utility. Section 20(4) of 807 KAR 5:001 provides that, upon the filing of a complaint, the Commission shall examine the complaint to determine if it establishes a prima facie case and conforms to the procedural

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<sup>8</sup> LG&E’s Motion to Dismiss and Answer at 3.

<sup>9</sup> LG&E’s Motion to Dismiss and Answer at 4.

<sup>10</sup> LG&E’s Motion to Dismiss and Answer at 4.

<sup>11</sup> LG&E’s Motion to Dismiss and Answer at 4-5.

<sup>12</sup> LG&E’s Motion to Dismiss and Answer at 5.

<sup>13</sup> LG&E’s Motion to Dismiss and Answer at 6-8.

requirements of the regulation. If a complaint fails to establish a *prima facie* case or conform to the requirements of the regulation, the Commission is required to notify the complainant and afford the complainant an opportunity to amend the complaint within a specified time. If the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.<sup>14</sup>

KRS 278.260 provides that although the Commission cannot enter an order affecting the rates or service complained without a formal public hearing, the Commission may enter an order dismissing a complaint without a hearing if it finds that “a hearing is not necessary in the public interest or for the protection of substantial rights.”<sup>15</sup>

#### DISCUSSION

Mr. Vincent’s amended complaint only addressed the claim regarding the development of a large hole in the easement on his property that collects water. As noted by LG&E, the Commission determined that Mr. Vincent’s complaint failed to state a *prima facie* case with respect to the remainder of his claims, because the facts were unclear and he did not indicate the relief that he was requesting. The remainder of the potential claims were not amended or supplemented, and Commission finds that these claims should be dismissed pursuant to 807 KAR 5:001, Section 20(4)(a)(2), failing to assert a *prima facie* case.

Mr. Vincent in his response to the Commission’s August 13, 2025 Order did set forth the relief he was seeking in connection with the hole that he says developed on his property. Specifically, he requested that the Commission order LG&E “to repair the

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<sup>14</sup> 807 KAR 5:001, Section 20(4)(a)(2).

<sup>15</sup> KRS 278.260(2).

source of the underground water leak” causing water to collect on his property, and implied that the source of the underground water is a natural spring located 200 feet north of the large hole on his property. In effect, Mr. Vincent requests injunctive relief for the alleged negligence of LG&E in connection with the installation of a new gas main that caused damage to his property.

It is well established that the Commission has specific and limited powers over public utilities.<sup>16</sup> The Commission has the statutory duty to regulate utilities and enforce the provisions of KRS Chapter 278.<sup>17</sup> It has “exclusive jurisdiction over the regulation of rates and services of utilities”<sup>18</sup> and “original jurisdiction over complaints as to rates or service of any utility.”<sup>19</sup>

Mr. Vincent, who receives electric but not gas service from LG&E, did not raise any issue concerning LG&E’s rates or services. Nor is his complaint based on any alleged violation by LG&E of its tariff, statute, regulation, or Commission Order. Rather, as noted, he is asking the Commission to order LG&E to remediate the collection of water on his property allegedly caused by LG&E’s construction activities. The Commission, however, does not have jurisdiction to adjudicate claims based on a utility’s alleged negligence in

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<sup>16</sup> See, e.g., *Boone County Water District v. Public Service Commission*, 949 S.W.2d 588, 591 (Ky. 1997) (“The PSC is a creature of statute and has only such powers as have been granted to it by the General Assembly.”).

<sup>17</sup> KRS 278.040(1).

<sup>18</sup> KRS 278.040(2).

<sup>19</sup> KRS 278.260(1).

causing property damage,<sup>20</sup> nor to award monetary damages,<sup>21</sup> or grant injunctive relief.<sup>22</sup> The Commission therefore finds that it lacks the authority to grant the relief requested by the complainant. Given its lack of authority to adjudicate tort claims, the Commission forgoes any additional findings regarding Mr. Vincent's claims.

In its August 13, 2025 Order, the Commission found that the complaint, as filed, did not comply with 807 KAR 5:001, Section 20(1)(c), because it did not provide sufficient facts to acquaint the Commission fully with the details of the matter and afforded Mr. Vincent an opportunity to amend his complaint. In his response to the August 13, 2025 Order, Mr. Vincent clarified one of the claims made in the complaint.<sup>23</sup> In its motion to dismiss and answer, filed on December 29, 2025, LG&E notably raised issues concerning the Commission's jurisdiction to adjudicate tort claims among other defenses. As of the date of this Order, Mr. Vincent has not filed a response to the motion to dismiss and answer. As discussed above, given the Commission's limited jurisdiction to adjudicate tort claims, the Commission finds that this Complaint should be dismissed without hearing given that a hearing is not necessary in the public interest or for the protection of substantial rights.

IT IS THEREFORE ORDERED that:

1. Mr. Vincent's complaint is dismissed.

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<sup>20</sup> Case No. 2004-00189, *John Arthur Yarbrough vs. Kentucky Utilities Company* (Ky. PSC June 25, 2004), Order at 1.

<sup>21</sup> Case No. 2006-00043, *Gene Ray Hardy vs. Louisville Gas & Electric Company* (Ky. PSC Feb. 17, 2006), Order at 1.

<sup>22</sup> Case No. 2023-00288, *Vowels v. Louisville Gas and Electric Company* (Ky. PSC Dec. 21, 2023) at 2.

<sup>23</sup> Vincent's Response.

2. This case is closed and removed from the Commission's docket.

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Entered on this 1st day of July, 2026.

PUBLIC SERVICE COMMISSION




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Angie Hatton  
Chair



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Mary Pat Regan  
Vice Chair



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Andrew W. Wood  
Commissioner



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Barry L. Mayfield  
Commissioner

ATTEST:



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Linda C. Bridwell, PE  
Executive Director

Case No. 2024-00360

## Service List for 2024-00360

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