

20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.³ A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed. However, 807 KAR 5:001, Section 20(4)(a)(1), allows a complainant to amend a complaint within a specified time.⁴ In addition, 807 KAR 5:001, Section 20(2), states that a complaint by a corporation, association, or another organization with the right to file a complaint, shall be signed by its attorney.⁵

BACKGROUND

On November 25, 2024, Mr. Richard Landrum, owner of Ron's Food Mart, tendered a formal complaint with the Commission against Northern Kentucky District concerning the structural integrity of the water main adjacent to his business that allegedly kept rupturing.⁶ In the complaint, Mr. Landrum specifically asked for three forms of relief: financial help from Northern Kentucky District with the 2024 repairs and reimbursement for the for property damage at Ron's Food Mart resulting from the 2020 event; a plan from Northern Kentucky District for replacing aging pipes adjacent to Ron's Food Mart; and a

³ 807 KAR 5:001, Section 20(4)(a).

⁴ 807 KAR 5:001, Section 20(4)(a)(1).

⁵ 807 KAR 5:001, Section 20(2).

⁶ Complaint (filed Nov. 25, 2524).

contingency plan from Northern Kentucky District outlining a response for possible damage to the underground fuel storage tanks at Ron's Food Mart.⁷

On March 31, 2025, the Commission issued an Order stating that it was unable to determine whether Ron's Food Mart established a *prima facie* case because information concerning the line breaks was an indispensable element that only Northern Kentucky District could provide.⁸ The Order required Northern Kentucky District to provide records of all water lines within a one block radius to Ron's Food Mart for the years 2020 through 2025.⁹ On March 28, 2025, Northern Kentucky District filed a response to Commission Staff's Request for Information (Response to Staff's Request).¹⁰

DISCUSSION AND FINDINGS

Mr. Landrum's complaint does not state fully, clearly and with reasonable certainty an act or omission by Northern Kentucky District of which failure to comply is alleged. Nor does he currently allege a violation of a regulation, Commission Order, tariff or statute by Northern Kentucky District.

Concerning the water main breaks in 2024 and 2020, Northern Kentucky District's Response to Staff's Request confirmed the alleged water main breaks and that they were repaired as soon as practical.¹¹ Northern Kentucky District stated the matter was turned over to its insurance provider, Traveler's Insurance, and provided Claim Numbers for both

⁷ Complaint at 2.

⁸ Commission Staff's First Request for Information (Staff's First Request) (Ky. PSC Mar. 21, 2025).

⁹ Staff's First Request (Ky. PSC Mar. 21, 2025), Order at 6.

¹⁰ Northern Kentucky Water District (Northern Kentucky District) Response to Commission Staff's Request (Staff's Request) (filed Mar. 28, 2025).

¹¹ Northern Kentucky District's Response to Staff's Request, Item 2.

events.¹² Moreover, Northern Kentucky District discussed and explained its Water Main Replacement Program and indicated that the area complained of has been identified as a priority.

According to Northern Kentucky District Tariff Sheet Nos. 71-72, the district may assist its customers in reasonable cleanup efforts related to a water main break; however, this assistance is discretionary and, notably, limited to water removal and drying equipment. Northern Kentucky District's tariff does not provide for repairs and reimbursement, the relief requested by Mr. Landrum. Furthermore, Northern Kentucky District asserts that its insurance provider was notified about the water main breaks in question, provided claim information, and indicated its belief that Mr. Landrum had contacted its insurer.

As to a contingency plan from Northern Kentucky District outlining a response for possible damage to the underground fuel storage tanks at Ron's Food Mart, Northern Kentucky District stated that in the event Northern Kentucky District comes across spilled fuel or other hazardous substance, Northern Kentucky District contacts local authorities including the respective county emergency management office.¹³

In addition, the complaint filed by Mr. Landrum was not signed by an attorney licensed to practice law in the Commonwealth of Kentucky pursuant to 807 KAR 5:001, Section 20(2).¹⁴

¹² Northern Kentucky District's Response to Staff's Request, Item 2.

¹³ Northern Kentucky District Response to Staff's Request, Item 2 at 47.

¹⁴ Complaint at 2.

Having reviewed Mr. Landrum's complaint, the Commission finds that Mr. Landrum has not fully, clearly and with reasonable certainty stated the act or omission that Northern Kentucky District is alleged to have committed as required by 807 KAR 5:001, Section 20(1)(c), thus have failed to establish a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.

In accordance with 807 KAR 5:001, Section 20(4)(a)(1), the Commission finds that Mr. Landrum should be afforded the opportunity to amend his complaint concerning the structural integrity of the water main adjacent to his business. The Commission further finds that Mr. Landrum should file an amended complaint within 20 days of the date of service of this Order. Mr. Landrum may file his complaint by U.S. mail or by email to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. Mr. Landrum's complaint is rejected for filing for failing to state a *prima facie* case.
2. Pursuant to the applicable regulatory provision, any future filings on behalf of Ron's Food Mart shall be filed by counsel licensed to practice law in the Commonwealth of Kentucky.
3. Representatives of Ron's Food Mart shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a *prima facie* case.
4. Representatives of Ron's Food Mart may file the amended complaint with the Commission by U.S. Postal Service mail to P.O. Box 615, Frankfort, Kentucky 40602-

0615 or by email to PSCED@ky.gov. Mr. Landrum shall include the case number, 2025-00050, in all filings with the Commission.

5. A copy of this Order shall be served on the Complainant, Mr. Landrum, Owner, Ron's Food Mart Covington, by U.S. Postal Service, First-Class Mail, at 332 Greenup Street, Covington, Kentucky 41011. Service shall be considered complete on the first day the U.S. Postal Service attempts delivery of the certified mail.

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PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner



ATTEST:


Executive Director



Richard Landrum
Ron's Food Mart Covington
332 Greenup Street
Covington, KY 41011

*Northern Kentucky Water District
2835 Crescent Springs Road
P. O. Box 18640
Erlanger, KY 41018-0640