

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RKP HOSPITALITY, LLC)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2026-00105
BLUEGRASS WATER UTILITY OPERATING)	
COMPANY, LLC)	
)	
DEFENDANT)	

ORDER

This matter arises from a complaint filed by RKP Hospitality, LLC (RKP Hospitality) against Bluegrass Water Utility Operating Company, LLC (Bluegrass Water). For the reasons outlined below, the Commission finds that the complaint should be dismissed without prejudice and removed from the Commission’s docket.

BACKGROUND

On April 22, 2026, RKP Hospitality tendered for filing a complaint against Bluegrass Water.¹ The initial complaint was not tendered by an attorney, but on April 24, 2026, RKP Hospitality tendered an amended complaint that was signed by a licensed attorney, and stated the amended complaint superseded and replaced the initial complaint.²

¹ Initial Complaint (filed Apr. 22, 2026).

² Amended Complaint (filed Apr. 24, 2026).

By Order issued May 5, 2026, the Commission granted RKP Hospitality an additional 30 days from the date of the Order to file a supplemental amended complaint that conformed to the requirements in 807 KAR 5:001, Section 20(1) and stated a *prima facie* case.³ The Commission stated that “[f]ailure to file a properly filed timely amended complaint in this case shall result in dismissal without prejudice.”⁴

Commission Staff held an informal conference on May 7, 2025, where the parties discussed the estimated \$150,000 sewer balance dating back to October 2021, and Commission Staff was available for any questions that RKP Hospitality might have about the filing requirements in the May 5, 2026 Order.⁵

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service.⁶ Commission regulation 807 KAR 5:001, Section 20(1)(c), requires:

[E]ach complaint to state fully, clearly and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation, of which failure to comply is alleged, and other matters, of facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure.⁷

³ Order (Ky. PSC May 5, 2026) at 3, ordering paragraph 3.

⁴ Order (Ky. PSC May 5, 2026) at 3, ordering paragraph 4.

⁵ See Notice of Filing of Informal Conference Memorandum and Attendance List (filed May 12, 2026).

⁶ KRS 278.206.

⁷ 807 KAR 5:001, Section 20(1)(c).

Furthermore, 807 KAR 5:001, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case.⁸ A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed.

DISCUSSION AND FINDINGS

The Commission previously found that RKP Hospitality was entitled to an opportunity to supplement its amended complaint within 30 days of service of the Order.⁹ RKP Hospitality had until June 4, 2026, to file its supplemental amended complaint, and to date, no filings have been made. Therefore, based upon review of the record and being otherwise sufficiently advised, the Commission finds that the complaint should be dismissed without prejudice and removed from the Commission's docket.

IT IS THEREFORE ORDERED that the complaint filed by RKP Hospitality is dismissed without prejudice and removed from the Commission's docket.

⁸ 807 KAR 5:001, Section 20(4)(a).

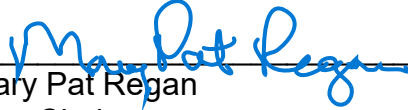
⁹ Order (Ky. PSC May 5, 2026) at 3, ordering paragraph 3.

Entered on this 8th day of July, 2026.

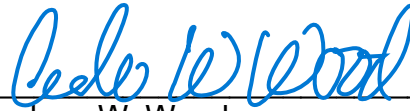
PUBLIC SERVICE COMMISSION



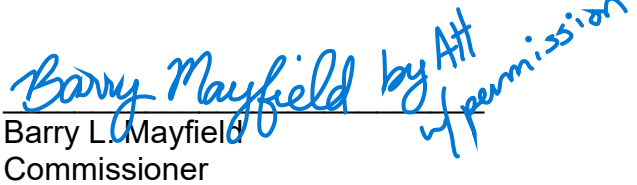
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2026-00105

* Harold F. Simms
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Georgetown, KY 40324

* Kishan Patel
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* Bluegrass Water Utility Operating Company, LLC
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