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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERESA BIAGI AND RAPHE ELLIS

COMPLAINANTS

v.

KENTUCKY-AMERICAN WATER COMPANY

DEFENDANT

CASE NO. 2026-00152

COMPLAINANTS' MOTION FOR IMMEDIATE DEFAULT JUDGMENT, COMPULSION OF DISCOVERY, AND EXPEDITED PROCEDURAL ORDER

Complainants, Teresa Biagi and Raphe Ellis, hereby move the Commission to enter an Order finding the Defendant, [Kentucky-American Water Company \(KAW\)](#), in immediate procedural default, granting judgment on the pleadings in favor of the Complainants, and compelling the immediate removal and relocation of the disputed water meter pit. In support of this Motion, Complainants state as follows:

1. **Total Procedural Default:** Pursuant to 807 KAR 5:001, KAW's formal responses, answers, or legal objections to the Complainants' May 29, 2026 discovery requests were strictly due on or before June 29, 2026. That deadline has passed. KAW has failed to file any response, defense, or motion for an extension of time on the official case docket, thereby legally waiving all rights to contest or object to the facts presented in this matter.
2. **Uncontested Facts Mandate Immediate Relief:** Because KAW has failed to offer any defense, the following severe, non-compliant, and hazardous facts stand entirely unchallenged as a matter of record:
 - **Active Life-Safety Emergency:** A residential home sits on the subject property with **zero fire department or emergency vehicular access** because KAW maintains its meter pit directly inside the Complainants' sole remaining driveway site, which was officially designated and permitted by the [Kentucky Transportation Cabinet \(KYTC\)](#).

- **Critical Grid Vulnerability:** High-voltage electric transmission lines operated by Kentucky Utilities (KU) cross the property. KAW's un-moved meter pit completely blocks emergency utility repair vehicles from entering the land to service this vital regional power infrastructure.
 - **Prior Attempted Regulatory Violations:** In June 2026, KAW attempted to circumvent these proceedings by proposing an unlawful temporary agreement to install a shared meter on the Complainants' property to serve three independent, off-site parcels, in direct violation of 807 KAR 5:066, Section 12.
3. **Bypass of Administrative Queue:** Given the Commission's documented administrative constraints and limited legal staff, this total default removes any questions of fact or conflicting testimony. The case requires no further investigation or staff resources to determine compliance.

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

1. Finding KAW in default and granting **Immediate Default Judgment** to the Complainants;
2. Ordering KAW to immediately relocate its meter pit out of the KYTC-permitted driveway zone at its own sole corporate expense;
3. Ordering KAW to immediately clear any remaining infrastructure or barriers preventing vehicular ingress and egress to the residential structure and the KU transmission line corridor.

Dated: June 30, 2026

Respectfully submitted,

/s/ Teresa Biagi

Teresa Biagi

/s/ Raphe Ellis

Raphe Ellis

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