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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

CASE NO. 2026-00152

TERESA BIAGI AND RAPHE ELLIS – COMPLAINANTS

V.

KENTUCKY-AMERICAN WATER COMPANY – DEFENDANT

MOTION FOR IMMEDIATE PRIMA FACIE DETERMINATION AND ORDER OF SERVICE

Come the Complainants, Teresa Biagi and Raphe Ellis, pro se, and respectfully move the Commission to immediately enter a *prima facie* determination in this matter and issue a formal Order of Service directing Defendant Kentucky-American Water Company (KAW) to satisfy or answer the Formal Complaint. In support of this Motion, Complainants state as follows:

1. **Undeniable Prima Facie Case.** Complainants filed their Formal Complaint on May 29, 2026. The Complaint sets forth clear, unambiguous violations of Kentucky utility law by the Defendant, to wit: (a) maintaining utility infrastructure directly on Complainants' private land without a recorded easement; (b) actively maintaining an unauthorized, 2-year-old multi-customer hookup configuration in direct violation of 807 KAR 5:066, Section 15; and (c) physically blocking an active, legally permitted state highway driveway encroachment site.
2. **Severe Material Hardship and Layout Constraints.** This infrastructure conflict has been pending since October 2025. The [Kentucky Transportation Cabinet \(KYTC\)](#) mandated this exact driveway location based strictly on objective highway safety, traffic curves, and sight lines—independent of any private property utilities, as detailed in the permit attached to Complainants' initial Formal Complaint. Complainants have spent nearly nine months manually clearing stumps to comply with organic farm standards. Shifting the driveway is structurally impossible because Complainants' own water meter anchors one side of the site and their permanent septic tank system anchors the other. KAW's illegal meter is the sole obstacle paralyzing this state-approved safety project.
3. **Defendant's Explicit Exploitation of Commission Backlog.** On June 17, 2026, Anne Trout, Vice President and General Counsel for Kentucky-American Water, contacted the pro se Complainants via email. In that communication (attached

hereto as Exhibit A), Ms. Trout explicitly stated that KAW would refuse to participate, answer, or comply with this action because the Commission had not yet issued a formal *prima facie* determination.

4. **Abuse of Process.** Defendant has actual notice of this action. Rather than satisfying the complaint or moving its infrastructure to the public right-of-way, Defendant's Chief Legal Officer is intentionally weaponizing the Commission's administrative backlog as a corporate shield. Defendant is using the lack of a formal service order to avoid defending its lack of an easement on the record, while simultaneously maintaining an ongoing trespass on an organic farm and protecting an illegal service connection.
5. **Demand for Statutory Civil Penalties Under KRS 278.990.** Complainants state that Defendant KAW has maintained an unauthorized multi-customer hookup on Complainants' private land in open violation of 807 KAR 5:066 for at least two years. General Counsel Anne Trout's June 17, 2026 email proves that KAW has actual notice of this non-compliance but has consciously chosen to defy the regulatory process to avoid remediation costs. Because KRS 278.990 mandates a civil penalty of up to \$2,500 per day for each continuous day of a willful regulatory violation, Complainants respectfully move the Commission to initiate formal show-cause proceedings against KAW and assess the maximum daily statutory fines to prevent the utility from further profiting off its intentional delay.

WHEREFORE, Complainants respectfully request that the Commission immediately review this file, enter a formal finding that Complainants have established a *prima facie* case under 807 KAR 5:001, Section 20, and issue an immediate Order of Service compelling Defendant KAW to file a formal Answer within ten (10) days.

Respectfully submitted,

/s/ Teresa Biagi

Teresa Biagi

Pro Se Complainant

/s/ Raphe Ellis

Raphe Ellis

Pro Se Complainant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was uploaded electronically to the Kentucky Public Service Commission portal, which will send automated notification to all registered parties of record on this 7th day of July, 2026.

/s/ Teresa Biagi

Teresa Biagi

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

CASE NO. 2026-00152

TERESA BIAGI AND RAPHE ELLIS – COMPLAINANTS

V.

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WHEREFORE, Complainants respectfully request that the Commission immediately review this file, enter a formal finding that Complainants have established a *prima facie* case under 807 KAR 5:001, Section 20, and issue an immediate Order of Service compelling Defendant KAW to file a formal Answer within ten (10) days.

Respectfully submitted,

/s/ Teresa Biagi

Teresa Biagi

Pro Se Complainant

/s/ Raphe Ellis

Raphe Ellis

Pro Se Complainant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was uploaded electronically to the Kentucky Public Service Commission portal, which will send automated notification to all registered parties of record on this 7th day of July, 2026.

/s/ Teresa Biagi

Teresa Biagi



Anne E Trout

Jun 17,
2026,
10:28 A
M

to me

Ms. Biagi:

I am writing to advise that Kentucky American will not be responding to your production request below as this is inconsistent with the Kentucky PSC's rules for formal complaints. 807 KAR 5:001, Section 20. The PSC has not issued an order and/or determined that your complaint establishes a prima facie case, conforms to the administrative regulations, or has otherwise authorized discovery. *Id.* at Section 20 (4).

As such, Kentucky American will not be responding to your discovery requests at this time.

Sincerely,

Anne

Anne E. Trout

Vice President, General Counsel (IN, KY, TN)

2300 Richmond Road

Lexington, Kentucky 40502

859-335-3339

Anne.Trout@amwater.com

From: Teresa Biagi [REDACTED]

Sent: Tuesday, June 16, 2026 5:08 PM

To: Anne E Trout <Anne.Trout@amwater.com>

Subject:

Subject: Case No. 2026-00152 - Complainant's Initial Request for
Production of Records

To: Anne Trout, Chief Legal Counsel

From: Teresa Biagi and Raphe Ellis

Date: June 16, 2026

Pursuant to the active proceeding before the Kentucky Public Service Commission, Case No. 2026-00152, Complainant hereby requests that Kentucky American Water Company produce the following internal records, communications, and data within five (5) business days:

All internal and external emails, text messages, memos, and written communications involving John Magner, Anne Trout, or any KAW right-of-way agents referencing Complainant's property address from May 1, 2025, to the present date.

All engineering logs, service tickets, work orders, tap records, and installation notes regarding the water meter located at Complainant's property.

All internal documentation, billing records, or service maps identifying the multi-customer connection, including any records showing when KAW first became aware that this single meter served multiple separate households.

All internal communications regarding the drafting, preparation, and decision to send the "Temporary Right-of-Entry" and rudimentary aerial sketch to the Complainant.

Please provide these documents in digital PDF format. Failure to produce these records will be formally brought before the Commission via a Motion to Compel.

Sincerely,

Teresa Biagi and Raphe Ellis