

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLES DOUGLAS CHAMBERS	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2024-00350
	)	
KENTUCKY-AMERICAN WATER COMPANY	)	
	)	
DEFENDANT	)	

ORDER

This matter arises from the formal complaint filed by Charles Douglas Chambers against Kentucky-American Water Company (Kentucky-American) on October 28, 2024. On April 8, 2025, the Commission ordered Kentucky-American to satisfy or answer the complaint. On April 18, 2025, Kentucky-American filed an answer and motion to dismiss the complaint. Mr. Chambers filed a response to the motion on April 30, 2025. On August 11, 2025, the Commission entered an Order that deferred ruling on the motion to dismiss and directed Kentucky-American to make Mr. Chamber's water meter available to Commission Staff for testing. The meter test results were filed into the record by Commission Staff on September 12, 2025.

BACKGROUND

Mr. Chambers alleged in his complaint that he is a residential customer of Kentucky-American, and that in July 2024, he received a water bill that was ten times

what his typical bill was and showed a monthly usage of 7,000 gallons.<sup>1</sup> Chambers stated that in early June 2024, he had a leaking basement toilet. He asserted that he had plumbers repair the leak and confirm there were no other leaks.<sup>2</sup> Chambers claimed there is no way that 7,000 gallons could have leaked into his basement without him noticing it.<sup>3</sup>

On April 8, 2025, the Commission issued an Order finding that the complaint stated a *prima facie* case and complied with procedural requirements, and ordering Kentucky-American to satisfy or answer the complaint. On April 18, 2025, Kentucky-American filed an answer and motion to dismiss the complaint. Kentucky-American stated that the meter data logs for service to Chambers' premise showed an elevated usage during the second half of July 2024 and the first part of August 2024.<sup>4</sup> Kentucky-American further stated that it tested the meter in place at the premises during the period in question and that the meter meets all applicable accuracy requirements.<sup>5</sup> Kentucky-American submitted the meter test results and data logs with its answer/motion to dismiss.<sup>6</sup> Kentucky-American noted that Chambers acknowledged having a leaking toilet at the residence.<sup>7</sup>

On April 30, 2025, Mr. Chambers filed a response to the motion to dismiss in which he claimed that a Kentucky-American employee had indicated that the meter was not functioning properly, and that measured water usage returned to normal after the meter

---

<sup>1</sup> Complaint at 3.

<sup>2</sup> Complaint at 3.

<sup>3</sup> Complaint at 3.

<sup>4</sup> Answer and Motion to Dismiss (filed Apr. 18, 2025) at 2.

<sup>5</sup> Answer and Motion to Dismiss at 2.

<sup>6</sup> Answer and Motion to Dismiss at 5.

<sup>7</sup> Answer and Motion to Dismiss at 2.

was replaced.<sup>8</sup> Mr. Chambers also submitted an audio file of a voicemail left for Mr. Chambers' wife, Melissa, by a Kentucky-American employee. In the voicemail, the employee stated that h/e tested the meter, and the meter was recording water usage when no one was present at the residence.<sup>9</sup> Chambers claimed that three different plumbers had inspected their plumbing for leaks and found none.<sup>10</sup> Chambers did not contest the meter test results filed by Kentucky-American.

On August 11, 2025, the Commission entered an order deferring consideration of Kentucky-American's motion to dismiss.<sup>11</sup> The Commission ordered Kentucky-American to make the meter in question available to Commission Staff.<sup>12</sup> The Commission found that each party should have an opportunity to serve requests for information and to request a hearing in the matter. The Commission ordered that each party could serve upon any other party requests for information no later than August 15, 2025, with responses due no later than August 29, 2025. Requests for a hearing could be filed no later than September 12, 2025.<sup>13</sup>

On August 30, 2025, Commission Staff's meter test report was filed into the record. The report states that Commission Staff took custody of the meter on September 12, 2025, and transported the meter to Louisville Water Company's meter testing facility. Per the report, Louisville Water Company tested the meter at minimum, intermediate, and

---

<sup>8</sup> Response (filed Apr. 30, 2025) at 1.

<sup>9</sup> Voicemail Recording (filed Apr. 30, 2025).

<sup>10</sup> Response at 1.

<sup>11</sup> Order (Ky. PSC Aug. 11, 2025) at 2.

<sup>12</sup> Order (Ky. PSC Aug. 11, 2025) at 2.

<sup>13</sup> Order (Ky. PSC Aug. 11, 2025) at 3.

high flow rates. Commission Staff found that the results of the tests are within the Commission's accuracy limits for each flow range.<sup>14</sup>

Neither party served any requests for information nor filed a request for a hearing in this matter.

### LEGAL STANDARDS

The Commission has original jurisdiction over complaints as to rates or service of any utility pursuant to KRS 278.260. The statute provides that the Commission shall not enter an order affecting the rates or service complained without a formal public hearing. The Commission, however, 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>

The Commission's regulations provide that all water sold by a utility shall be upon the basis of metered volume sales. (807 KAR 5:066, Section 13(1)). Pursuant to KRS 278.160(2), no person shall receive service from a utility for compensation greater or less than that prescribed within the utility's filed schedules. KRS 278.160(2) codifies the "filed rate doctrine," which requires strict application of tariffed rates and bars equitable defenses against a utility billing its filed rates for services provided.<sup>16</sup> The Commission has consistently applied this requirement in holding that customers are

---

<sup>14</sup> PSC Notice of Filing of Meter Test Report (Customer Meter Test Report) (filed Sept. 30, 2025) at 2.

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

<sup>16</sup> See *Boone County Sand and Gravel v. Owen County Rural Electric Coop. Corp.*, 779 S.W.2d 224, 226 (Ky. App. 1989).

responsible for paying for all water that passes through a meter that is reading accurately.<sup>17</sup>

Although the rates may not vary from the tariff, a customer may be entitled to a refund if that customer can establish an overage due to meter inaccuracy to the degree set forth in Commission regulations. Under 807 KAR 5:006, Section 11(2)(a), a bill adjustment is required “[i]f test results on a customer's meter show an average meter error greater than two (2) percent fast or slow, or if a customer has been incorrectly billed for another reason.” For the purposes of a billing adjustment, the average error should be determined by testing the meter at 75, 50, and 25 percent of its maximum rated capacity and taking the algebraic average of those results.<sup>18</sup>

If a meter is tested by a utility and by the Commission and the testing reflects that the meter is within accuracy parameters established by Commission regulations based on industry standards, and there is no evidence that the meter was misread, then a rebuttable presumption exists that the stated usage went through the meter.<sup>19</sup>

### DISCUSSION

As noted, Commission Staff caused the meter in question to be tested in accordance with 807 KAR 5:066, Section 15(2)(a). The meter was tested at the minimum flow rate of ¼ gallon per minute (gpm), the intermediate flow rate of 2 gpm, and the high flow rate of 15 gpm as prescribed in 807 KAR 5:066, Section 15(3). The accuracy results

---

<sup>17</sup> See Case No. 2008-00513, *Rogers v. Northeast Woodford County Water Association* (Ky. PSC Feb. 26, 2010); Case No. 2005-00035, *Lewis v. Southeastern Water Association* (Ky. PSC Mar. 13, 2007).

<sup>18</sup> Section 15(4) of 807 KAR 5:066.

<sup>19</sup> Case No. 2023-00115, *Richard Hall Jouett vs. Kentucky-American Water Company* (Ky. PSC Dec. 20, 2023), at 2.

of this meter test were 99.2 percent at the minimum flow rate of 1/4 gpm, 100.3 percent at the intermediate flow rate of 2 gpm, and 98.8 percent at the maximum flow rate of 15 gpm.<sup>20</sup> These results are consistent with the meter test performed by Kentucky-American, which found the meters accuracy to be 99, 100.4, and 98.9 percent at minimum, intermediate, and maximum flow rates.<sup>21</sup>

Based on the results of the meter accuracy tests, the Commission finds that a rebuttable presumption exists that the meter readings accurately reflect the volume of water that went through the meter. The Commission further finds the circumstantial evidence presented by Mr. Chambers is insufficient to overcome this presumption, and that Mr. Chambers is responsible for the quantity of water supplied. Finally, pursuant to KRS 278.260(2), the Commission further finds that the complaint should be dismissed without hearing, as a hearing is not necessary for the public interest or for the protection of a substantial right.

IT IS THEREFORE ORDERED that:

1. Mr. Chambers' formal complaint is dismissed and is removed from the Commission's docket.
2. A copy of this Order shall be served on the Complainant, Charles Douglas Chambers, by U.S. Postal Service Certified Mail, Return Receipt Requested, and First-Class Mail at 645 Lakeshore Drive, Lexington, KY 40502.

---

<sup>20</sup> Customer Meter Test Report, at Attachment B.

<sup>21</sup> Answer and Motion to Dismiss at 7.

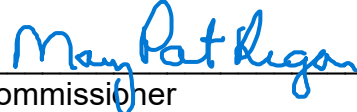
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director



Case No. 2024-00350

## Service List for 2024-00350

\* Charles D. Chambers  
645 Lakeshore Drive  
Lexington, KY 40502

\* Kentucky-American Water Company  
2300 Richmond Road  
Lexington, KY 40502