COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL HEMPHILL	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2026-00191
	)	
SOUTH EASTERN WATER ASSOCIATION, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On November 9, 2026, Mr. Michael Hemphill filed an application[1] for rehearing regarding the Commission's final Order issued in this matter on October 23, 2026.[2] Mr. Hemphill requested that, among other things, the Commission resolve the facial conflict to reflect a dismissal without prejudice.[3] Mr. Hemphill also filed supplemental information on November 9, 2026.[4] This matter now stands submitted for a decision.

APPLICATION FOR REHEARING

Mr. Hemphill asserts that the October 23, 2026 final Order is structurally deficient because the ordering paragraph dismisses the matter "with prejudice", while the internal findings state that the matter is dismissed "without prejudice"[5]. Mr. Hemphill also stated

[1] Michael Hemphill Request for Rehearing (filed Nov. 9, 2026).

[2] Order (Ky. PSC Oct. 23, 2026).

[3] Michael Hemphill Request for Rehearing at 2.

[4] Michael Hemphill Supplemental Information (filed Nov. 9, 2026).

[5] Michael Hemphill Request for Rehearing at 1, paragraph 1.

that an administrative order cannot simultaneously bar a complainant from refiling a claim while concurrently reserving their right to do so, arguing that this deprived the complainant of a clear record and opportunity to be heard, and creating a violation of due process under the color of law.[6] Lastly, Mr. Hemphill requested the Commission to reflect "without prejudice" in its findings to ensure that his property right claims are properly preserved for the Pulaski Circuit Court.[7]

SUPPLEMENTAL INFORMATION

In addition to his request for rehearing, Mr. Hemphill filed a paper entitled "Notice of Procedural Manipulation and Violation of Constitutional Due Process" into the record on November 9, 2026.[8] Mr. Hemphill argued that the Commission's October 23, 2026 Order had displayed defective, deceptive, and contradictory language for seventeen consecutive days.[9] Mr. Hemphill argued that the Commission failed to investigate the Defendant in this case pursuant to KRS 278.260, shielded the Defendant in this case pursuant to KRS 278.160, and concealed the Defendant's May 14, 2026 board meeting minutes, contrary to KRS 273.333.[10] However, in contrast to his request for rehearing filing, Mr. Hemphill conceded that the Commission has no statutory authority over his property right claims currently being litigated in Pulaski Circuit Court, and any decision made by the Commission will have no effect upon those cases.[11]

[6] Michael Hemphill Request for Rehearing at 2, paragraph 2.

[7] Michael Hemphill Request for Rehearing at 2, paragraph 3.

[8] Michael Hemphill Supplemental Information.

[9] Michael Hemphill Supplemental Information at 1, paragraph I.

[10] Michael Hemphill Supplemental Information at 2, paragraph III.

[11] Michael Hemphill Supplemental Information at 2, paragraph IV.

LEGAL STANDARD

KRS 278.400, which establishes the standard of review for motions for rehearing, limits rehearing to new evidence not readily discoverable at the time of the original hearings, to correct any material errors or omissions, or to correct findings that are unreasonable or unlawful. A Commission Order is deemed unreasonable only when "the evidence presented leaves no room for difference of opinion among reasonable minds."[12] An order can only be unlawful if it violates a state or federal statute or constitutional provision.[13]

By limiting rehearing to correct material errors or omissions, and findings that are unreasonable or unlawful, or to weigh new evidence not readily discoverable at the time of the original hearings, KRS 278.400 is intended to provide closure to Commission proceedings. Rehearing does not present parties with the opportunity to relitigate a matter fully addressed in the original Order.

DISCUSSION AND FINDINGS

Having reviewed the application for rehearing, supplemental information, and the October 23, 2026 Order, and being otherwise sufficiently advised, the Commission finds that Mr. Hemphill has identified an error in the final Order in this case. Therefore, to the extent an error has been identified the Commission finds rehearing should be granted to correct that error; otherwise, the Commission finds that rehearing should be denied in regard to any remaining allegations.

[12] *Energy Regulatory Comm'n v. Kentucky Power Co.,* 605 S.W.2d 46 (Ky. App. 1980).

[13] *Public Service Comm'n v. Conway,* 324 S.W.3d 373, 377 (Ky. 2010); *Public Service Comm'n v. Jackson County Rural Elec. Coop. Corp.,* 50 S.W.3d 764, 766 (Ky. App. 2000); *National Southwire Aluminum Co. v. Big Rivers Elec. Corp.,* 785 S.W.2d 503, 509 (Ky. App. 1990).

The first paragraph under the Discussion and Findings header in the Commission's October 23, 2026 Order states

> Following review of the record and as further discussed below, the Commission finds that the complaint should be dismissed **without** prejudice, and the case closed. (emphasis added).[14]

While numerical ordering paragraph "1." stated that "The complaint filed by Michael Hemphill is dismissed **with** prejudice." (emphasis added).

Following review of the above referenced language in the final Order, the Commission finds that the first paragraph under the Discussion and Findings header in its October 23, 2026 final Order should be amended to read as follows:

> Following review of the record and as further discussed below, the Commission finds that the complaint should be dismissed with prejudice, and the case closed.

The remainder of Mr. Hemphill's application for rehearing put forth arguments regarding preservation, or lack thereof, of his claims put forth in property rights litigation filed in the Pulaski Circuit Court. Review of the Commission's October 23, 2026 Order reveals that the Commission, neither asserted jurisdiction over the claims alleged by Mr. Hemphill being adjudicated in Pulaski Circuit Court nor adjudicated those claims on the merits. Accordingly, the Commission finds that Mr. Hemphill has failed to prove that the October 23, 2026 Order contained any material errors or omissions, or that it contained findings that are unreasonable or unlawful regarding these claims.

A copy of this Order should be served through the U.S. Postal Service, Certified Mail, Return Receipt Requested, and First-Class Mail upon Mr. Hemphill at the address listed in the supplemental information.

[14] Order (Ky. PSC Oct. 23, 2026) at 7.

IT IS THEREFORE ORDERED that:

1. Mr. Hemphill's request for a rehearing is granted for the purpose of providing a correction to an error identified in the application. Any remaining allegations contained in the request for rehearing are denied.

2. The first paragraph under the Discussion and Findings header in its October 23, 2026 Order is amended and replaced with the following:

> Following review of the record and as further discussed below, the Commission finds that the complaint should be dismissed with prejudice, and the case closed.

3. All other provision of the October 23, 2026 final Order that are not in conflict with the terms of this Order remain in full force and effect.

4. A copy of this Order shall be served on Mr. Michael Hemphill, by U.S. Postal Service, Certified Mail, Return Receipt Requested, and First-Class Mail at 6271 Blue John Road, Burnside, Kentucky 42519. Service shall be considered complete on the first day the U.S. Postal Service attempts delivery of the certified mail.

5. This case is closed and removed from the Commissions docket.

Entered on this 25th day of November, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil
Executive Director

Service List for Case 2026-00191

* Michael Hemphill
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* South Eastern Water Association, Inc.
6615 Hwy 914
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* Tina C. Frederick
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* Denotes served by Email