

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RICK MURPHY	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2026-00206
	)	
OHIO COUNTY WATER DISTRICT	)	
	)	
DEFENDANT	)	

ORDER

On July 21, 2026, the Commission received for filing a letter from Rick Murphy asserting several claims against Ohio County Water District (Ohio District).¹ Specifically, Mr. Murphy alleged that he and his sisters own a residence located in Ohio County, and that in August 2025 and again in November 2025, he discovered damage to the front yard and concrete sidewalk caused by workers from Ohio District using heavy equipment to repair a water main leak.² Mr. Murphy stated that on one occasion, he called law enforcement about the damage.³ He asked that Ohio District be required to hire contractors to repair the yard and sidewalk. He also asked that Ohio District be required to repair and reset the meter box and to check the service line for leaks where the heavy equipment had traveled over it. This letter was treated as a formal complaint.

¹ Letter from Rick Murphy dated June 8, 2026 (Complaint) (filed July 21, 2026).

² Complaint at 3.

³ Complaint at 3.

On July 22, 2026, the Commission received a copy of a letter from an attorney for Ohio District to Mr. Murphy, which was filed into the record in this matter.⁴ The attorney stated that Ohio District had conducted excavation activities in July and October 2025 to repair leaking water lines adjacent to Mr. Murphy's property, and that additional work was performed in the area in April 2026.⁵ He further stated that Ohio District did restoration work after the excavations.⁶

On July 24, 2026, Mr. Murphy resubmitted his July 21 filing as an attachment to a completed formal complaint form. He reiterated in the complaint the claims he made and the relief he requested in his July 21 letter.⁷

On July 28, 2026, Mr. Murphy's sister, Cheryl Watts, filed a supplemental complaint to Mr. Murphy's complaint.⁸ She made similar claims that in August 2025, Ohio District damaged the front yard of the property and the sidewalk using heavy equipment.⁹ She further alleged that November 2025, Ohio District further damaged the property and left a large hole that accumulates water when it tried to fix the earlier damage.¹⁰ She requested the same relief as Mr. Murphy did in his complaint.¹¹

⁴ Letter from Justin Keown dated June 24, 2026 (filed July 22, 2026).

⁵ June 24, 2026 Letter from Keown at 1.

⁶ June 24, 2026 Letter from Keown at 1–2.

⁷ Complaint (refiled July 24, 2026).

⁸ Supplemental Complaint (filed July 28, 2026).

⁹ Supplemental Complaint at 1–2.

¹⁰ Supplemental Complaint at 2–3.

¹¹ Supplemental Complaint at 2.

On August 4, 2026, Mr. Murphy filed a response to the letter from Ohio District's attorney received by the Commission on July 22, 2026.¹² Mr. Murphy challenged several statements he alleged were made by the district's attorney and provided additional details concerning his claims of property damage and negligence.¹³

Also, on August 4, 2026, Ohio District filed a response to Ms. Watts July 28, 2026 supplemental complaint.¹⁴ On August 6, 2026, Ohio District filed a response to Mr. Murphy's August 4, 2026 response to the July 22, 2026 letter from Ohio District's attorney.¹⁵

LEGAL STANDARDS

The Commission has jurisdiction pursuant to KRS 278.260 over complaints as to rates or services of any utility. Commission regulation 807 KAR 5:001, Section 20(1)(c), requires a complaint to state "[f]ully, clearly, and with reasonable certainty, the act or omission" that the complaint alleges the utility failed to comply with and facts, with details, of the alleged failure.

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(4)(a), upon the filing of a complaint, the Commission shall examine the complaint to determine if it establishes a *prima facie* case and conforms to the administrative regulation. A complaint

¹² Letter from Rick Murphy (filed August 4, 2026).

¹³ August 4, 2026 Letter at 1.

¹⁴ Letter from Erik Hickman dated August 4, 2026 (filed Aug. 4, 2026).

¹⁵ Letter from Erik Hickman dated August 6, 2026 (filed Aug. 6, 2026).

establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.¹⁶

If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Section 20(4)(a)(2) of the regulation provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed

DISCUSSION

The Commission finds that the Murphy complaint, as supplemented, fails to state a *prima facie* case for the reason that the Commission lacks jurisdiction to award the relief requested. The complaint does not relate to the rates or water services of Ohio District but rather sets forth a tort claim for property damage caused by excavation activities and requests the Commission to grant injunctive relief. The Commission's jurisdiction over complaints against utilities is limited to issues pertaining to rates and services and does not extend to tort claims for property damage.¹⁷

Notwithstanding that the Commission's finding that it lacks jurisdiction to grant the relief requested, Section 20(4)(a) of 807 KAR 5:001 provides that a complainant shall be given an opportunity to amend a complaint upon a finding that it fails to establish a *prima facie* case. Thus, the Commission finds that Mr. Murphy should be afforded an opportunity to amend his complaint within 20 days of the date of service of this Order.

¹⁶ Case No. 2023-00367, *Futrell Holding Co., LLC vs. Barkley Lake Water District* (Ky. PSC Mar. 10, 2025) at 4.

¹⁷ Case No. 2025-00256, *LeMaster v. Mountain Water District* (Ky. PSC Aug. 11, 2026) at 6–7.

The Commission further finds that the complaint should be dismissed if the complaint is not amended to state a *prima facie* case within the time allowed.

IT IS THEREFORE ORDERED that:

1. Complainant, Rick Murphy, shall have 20 days from the date of service of this Order to amend his complaint to establish a *prima facie* case.

2. If Mr. Murphy fails to amend his complaint as permitted herein, the complaint shall be dismissed.

3. A copy of this Order shall be served on Rick Murphy by email, and by Certified, Return Receipt Requested, and First-Class U.S. Postal Service mail at 10361 McIntyre Road, Owensboro, Kentucky 42301.

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Entered on this 2nd day of September, 2026.

PUBLIC SERVICE COMMISSION



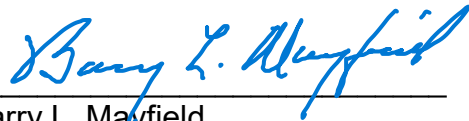
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

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