

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

BENT TREE CONDOMINIUM ASSOCIATION)	
COMPLAINANT)	
)	
V.)	CASE NO. 2019-00133
)	
)	
KENTUCKY-AMERICAN WATER COMPANY)	
DEFENDANT)	

**BENT TREE’S REPLY BRIEF TO KENTUCKY-AMERICAN WATER COMPANY’S
RESPONSE BRIEF TO BENT TREE CONDOMINIUM ASSOCIATION’S BRIEF
AND MOTION TO DEMAND KAWC FORFEIT ITS ILLEGALLY BILLED COSTS
TO BENT TREE**

REPLY OF BENT TREE

STATEMENT OF FACTS

Bent Tree’s allegations in its original complaint are sufficient to establish a *prima facie* case under KRS 278.260. This is evidenced by the Commission’s entry of a show cause order dated May 14, 2019; Kentucky-American’s attempt to dismiss the case dated May 24, 2019, and the Commission’s order implicitly denying the motion by order dated October 10, 2019, wherein KAWC was demanded to answer staff’s requests for information.

Bent Tree’s allegations have now been supported by discovery responses from both the Commission and KAWC. Moreover, as this discovery process has proceeded, on

November 12, 2019, KAWC moved the Commission to dismiss the Complaint via its response to Bent Tree's Motion for Leave to File Data Requests dated November 5, 2019.

Again, the motion was denied by the Commission's order dated March 6, 2020.

Bent Tree has pursued this Complaint for nearly **four (4)** years and has justified its factual allegations.

ARGUMENT

As previously stated, Bent Tree has met its burden under KRS 278.260. KAWC may manipulate or do somersaults on the facts in this case¹ to avoid or attempt to prove wrong Bent Tree's allegations, but the facts justify Bent Tree's assertions. Accordingly, KAWC's cursory motion to ignore the law and the applicable regulations should be ignored.²

WHEREFORE, specifically, contrary to KRS 278.040(3), KAWC has disregarded the facts, the applicable law and regulations pertaining to Bent Tree's complaint. KAWC's imposition of rates against Bent Tree are unfair, unjust, and unreasonable under KRS 278.030. Bent Tree moves the Commission to find in favor of Bent Tree and moves KAWC forfeit \$8,034.00 billed to Bent Tree.

¹ See KAWC Response Brief page 1, footnotes 1 and 2.

² See KAWC Response Brief at page 5.

Respectfully submitted,



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**COUNSEL FOR BENT TREE
CONDOMINIUM ASSOCIATION**

CERTIFICATE OF SERVICE

I certify that this **BENT TREE'S REPLY BRIEF TO RESPONSE TO KAWC'S RESPONSE BRIEF MOTION TO DEMAND KAWC FORFEIT ITS ILLEGALLY BILLED COSTS TO BENT TREE**, is a true and accurate copy of the document being electronically filed with the Commission today, this the 17th day of September 2021.



Dennis G. Howard, II
**COUNSEL FOR BENT TREE
CONDOMINIUM ASSOCIATION**