

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEEDHAM BETZ THOROUGHBREDS, INC.)

COMPLAINANT)

V.)

KENTUCKY-AMERICAN WATER COMPANY)

DEFENDANT)

CASE NO.
2019-00373

ORDER

On August 18, 2021, Complainant Needham Betz Thoroughbreds, Inc., (Complainant) moved the Commission to dismiss this action with prejudice and remove it from the active docket. As grounds for its motion, Complainant states that the parties have reached an agreed resolution of the case and that Defendant Kentucky-American Water Company (Kentucky-American) also agree that the case should now be dismissed.¹

On September 1, 2021, Kentucky-American furnished to the Commission notice of its satisfaction of Complainant's October 1, 2019 complaint in this matter. The complaint alleged that Kentucky-American used a wrong or incomplete usage period to calculate

¹ Complainant's Motion to Dismiss at 1.

estimated water usage during a period when the subject water meter was not working correctly because it was “stuck,” meaning it was not registering any water usage.²

Since the case was filed in October 2019, Kentucky-American has been able to monitor Complainant’s water usage for nearly two years with a properly functioning meter.³ Kentucky-American states that the new data coupled with the continued expenditure of Kentucky-American’s internal and external resources that would be required to litigate this matter led to negotiations between counsel for Kentucky-American and counsel for Complainant.⁴ Those negotiations resulted in Kentucky-American’s agreement to satisfy the complaint by agreeing to accept less than what Kentucky-American originally said was owed. Essentially, Kentucky-American satisfied the Complaint by considering different usage periods.⁵ The parties reached this mutual agreement in full satisfaction of the complaint.⁶

Based upon the foregoing, IT IS HEREBY ORDERED that:

1. The Commission accepts the agreed resolution of the parties.
2. This matter is now closed and removed from the Commission's docket.

² Kentucky-American’s Notice of Satisfaction of Complaint at 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

By the Commission



ATTEST:


Executive Director

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