

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVID PATRICK POWERS)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2023-00260
)	
JESSAMINE COUNTY WATER DISTRICT #1)	
)	
DEFENDANT)	

ORDER

On July 31, 2023, David Patrick Powers tendered a formal complaint against Jessamine County Water District #1 (Jessamine County District #1), alleging that Jessamine County District #1 refused to correct the storm drainage system at his residence. Mr. Powers alleged that the pipes are buried and closed off which caused overflow of storm water that caused extensive property damage.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001, Section 20(1)(c), a complaint must 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. In accordance with 807 KAR 5:001, Section 20(4)(a), the Commission examines a complaint to determine whether the complaint establishes a prima facie case and conforms to the administrative regulation. A complaint 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.

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. Additionally, 807 KAR 5:001, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

DISCUSSION AND FINDINGS

In his complaint, Mr. Powers alleged that Jessamine County District #1 performed work which caused multiple overflows of a nearby storm drainage system resulting in property damage.

On December 4, 2024, Jessamine County District #1 filed a motion to dismiss the complaint based on the following grounds: (1) lack of PSC Jurisdiction; (2) failure to state a *prima facie* case; and (3) that the issue is now moot. On December 26, 2024, the Complainant, David Patrick Powers filed a consent to dismiss the complaint. In his Consent to Dismiss motion David Powers affirmed "...that the issues raised by the Complaint have been fully and completely resolved to his satisfaction and that there exists no reasonable cause why the Complaint should not be dismissed."

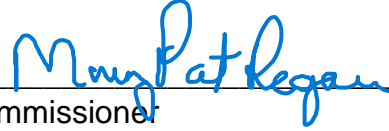
IT IS THEREFORE ORDERED THAT:

1. Mr. Powers' formal complaint and this case shall be dismissed with prejudice.
2. A copy of this Order will be mailed by U.S. Postal Service, First-Class Mail, to Mr. Powers at 124 Carolyn Lane, Nicholasville, Kentucky 40356.

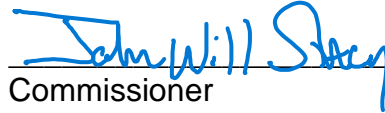
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

 PP
Executive Director



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