

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FUTRELL HOLDING CO., LLC	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2023-00367
BARKLEY LAKE WATER DISTRICT	)	
	)	
DEFENDENT	)	

ORDER

Futrell Holding Company, LLC (Futrell) originally filed a complaint against Barkley Lake Water District (Barkley Lake District) on November 15, 2023. The complaint alleged that Barkley Lake District placed a meter intended to serve an adjacent property (the Horner Property or the Horners) on land owned by Futrell without first obtaining an easement or consent from Futrell.<sup>1</sup> At the time Futrell filed the Complaint, it was already engaged in litigation in Trigg Circuit Court as a plaintiff against the property owners being served by the meter Barkley Lake District allegedly had located on Futrell property without an easement or consent.<sup>2</sup> Futrell's initial Complaint stated that it was seeking, "among other things, injunctive relief requiring [the Horner Property] to remove the service lines

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<sup>1</sup> Complaint (filed Nov. 15, 2023) at 3.

<sup>2</sup> Complaint at 3. Futrell filed its action against the Horners, who owns the property being served by Barkley District from the at issue infrastructure in this Complaint on September 16, 2022. *Futrell Holding Co., LLC vs. Carrie Horner, Glen Horner and Bank of Cadiz and Trust Co.*, Trigg Circuit Court Civil Action No. 22-CI-00152.

from [Futrell's] property.”<sup>3</sup> Additionally, Futrell's initial Complaint requested that the Commission issue an Order “compelling [Barkley Lake District] to immediately cease providing water through the Service lines[]” and that the Commission “initiat[e] an investigation [] into [Barkley Lake District's] violations of Kentucky Statutes and/or regulations in relation to the Service Lines[.]”<sup>4</sup>

On March 10, 2025, the Commission issued an Order rejecting Futrell's Complaint and directing Futrell to file an amended complaint within 20 days which met the requirements of 807 KAR 5:001, Section 20(1)(c) and that established a prima facie case. On March 27, 2025, Futrell filed a response to the Commission's March 10, 2025 Order as well as an amended complaint. The amended complaint requested that the Commission issue an Order that, among other items,: “initiat[ed] an investigation [] into [Barkley Lake District's] violations of Kentucky statutes and/or regulations in relation to the Service Lines[.]”; and “[c]ompelling [Barkley Lake District] to immediately remove the Service Lines from Futrell's property;” and “[c]ompelling [Barkley Lake District] to immediately cease providing water through the Service Lines[.]”<sup>5</sup>

It is the Commission's belief that the litigation between Futrell and the owners of the Horner Property in Trigg Circuit Court remains ongoing. There is a clear relationship between Futrell's litigation in Trigg Circuit Court and its complaint against Barkley Lake District. Therefore, because the Trigg Circuit Court case remains ongoing, the Commission finds that this case should be held in abeyance until the conclusion of the

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<sup>3</sup> Complaint at 3.

<sup>4</sup> Complaint at 5.

<sup>5</sup> Verified Amended Complaint (filed Mar. 10, 2025) at 6.

Trigg Circuit Court case. Futrell should notify the Commission of the resolution of the Trigg Circuit Case and should reaffirm, amend or withdraw its Complaint at that time.


IT IS THEREFORE ORDERED:

1. This case shall be held in ABEYANCE.
2. Futrell shall notify the Commission of the resolution of the Trigg Circuit Court case by filing within 60 days after the resolution of that matter.
3. Upon the resolution of the Trigg Circuit Court case, Futrell shall review its Complaint and shall submit appropriate filings to reaffirm, amend, or withdraw same.

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PUBLIC SERVICE COMMISSION

Chairman

  
Andrew W. Wood  
Commissioner

Commissioner

  
Mary Pat Regan  
Commissioner

ATTEST:

  
Linda Bridwell RP  
Executive Director



Case No. 2023-00367

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