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May 27, 2026

Ms. Linda C. Bridwell  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602-0615

**RECEIVED**

**MAY 27 2026**

**PUBLIC SERVICE  
COMMISSION**

Re: Case No. 2025-00284  
MARJORIE PATRICIA ENGLISH V. GRAYSON COUNTY WATER DISTRICT

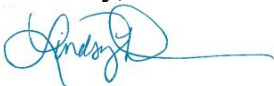
Dear Ms. Bridwell:

Please find enclosed for filing on behalf of Grayson County Water District responses to Commission Staff's First Set of Data Requests in the above styled case.

This is to certify that the Responses have been submitted to the Commission via email to [PSCED@ky.gov](mailto:PSCED@ky.gov) and mailed via first-class mail with the U.S. Mail to the Complainant at the address listed on the complaint on this the 27<sup>th</sup> day of May, 2026. No paper copies of this filing will be made with the Commission.

Should you have any questions, please contact me at your convenience.

Sincerely,



Lindsay Durbin

Enclosure

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

**In the Matter of:**

<b>MARJORIE PATRICIA ENGLISH</b>	)	
	)	
<b>COMPLAINANT</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO.</b>
	)	<b>2025-00284</b>
<b>GRAYSON COUNTY WATER DISTRICT</b>	)	
	)	
<b>DEFENDANT</b>	)	

**GRAYSON COUNTY WATER DISTRICT'S RESPONSE TO COMMISSION  
STAFF'S FIRST REQUEST FOR INFORMATION**

**QUESTION 1. Refer to the Complaint of Marjorie Patricia English, paragraph (c) and Grayson District's Answer, paragraph 1. Provide the following information regarding the water leak discovered at Marjorie Patricia English's (Complainant) address at 118 Wilson Lane, Leitchfield, Kentucky 42754, in June of 2025:**

- a. Describe how the water leak was discovered;**
  
- b. The name of the party who discovered the leak;**
  
- c. The date and approximate time of the discovery;**

- d. The date and approximate time Grayson District was notified of this water leak;**
- e. Grayson District's response to being notified of the water leak;**
- f. The location of the water leak — specifically whether the leak was located on the Complainant's side of the water meter or on the Grayson District's side of the water meter; and**
- g. How the leak was addressed, including the date and time it was addressed and by whom.**

**ANSWER 1.**

- a. Marjorie English's son-in-law, Jesse Griffith, contacted the Water District to report that he suspected there might be a leak at the location. The yard was damp when he was mowing.
- b. Marjorie English's son-in-law, Jesse Griffith, who resides at 70 Wilson Ln adjacent to Marjorie's property at 118 Wilson Ln.
- c. The date and approximate time of discovery are not certain. Grayson District was notified on June 13th, 2025, at 10:35 a.m.
- d. Grayson District was notified on June 13th, 2025, at 10:35 a.m.

e. Grayson District created a "Check for Leaks" work order, and a technician went to check the meter. Upon checking the meter, the technician discovered the electronic radio transmitter (ERT) was not connected. He replaced the ERT but failed to turn off the meter.

f. The water leak was on the Complainant's side of the water meter. The exact location of the leak on the property is not known.

g. After being contacted by the customer's son-in-law on June 13th, the District went to investigate the issue on the same day. The District technician discovered that the meter was turning and that the ERT was not working. The ERT was replaced, but the technician failed to turn the water off at the meter. On June 20th, the meter reader for the District discovered high usage. A work order was created, and the meter was disconnected on that day.

**QUESTION 2. Refer to the Complaint of Marjorie Patricia English, pages 11 and 12 of 20, Meter Maintenance – Transactions - Readings. Explain why Grayson District's water meter indicated zero customer usage at 118 Wilson Lane, Leitchfield, Kentucky 42754, from September of 2023 through June of 2026.**

**ANSWER 2.**

Grayson District's meter indicated zero usage at 118 Wilson Lane from September of 2023 to June of 2025 due to a faulty ERT. The meter continued to register usage during that time, but at some point the ERT stopped receiving reading information from the meter. When that happens, the ERT will continue to send the last reading that it received from the meter.

**QUESTION 3. Refer to Grayson District's admission that "[r]eported billing volumes at 118 Wilson Lane may have been affected by equipment issues since September 2023." Also refer to Grayson District's Answer, paragraph 6, wherein Grayson District stated that "[G]rayson District denies that it failed to properly maintain its equipment or that such alleged failure prevented timely leak detection," and paragraph 11, wherein Grayson District stated that "[G]rayson District has acted fully and consistently with its tariffs and the Filed Rate Doctrine set forth in KRS 278.160..."**

**a. Explain how Grayson District was not in violation of 807 KAR 5:006, Section 11 3(a)-(c) regarding the meter read failures at 118 Wilson Lane, Leitchfield, Kentucky 42754, from September of 2023 through June of 2025.**

**b. Explain how Grayson District was not in violation of KRS 278.160, the Filed Rate Doctrine, or its current tariff on file with the Public Service Commission,**

**in particular, Section F., Subsection 3. Monitoring Usage, on tariff Sheet No. 20, effective as of August 15, 2005, regarding the meter read failures at 118 Wilson Lane, Leitchfield, Kentucky 42754, from September of 2023 through June of 2025.**

**c. Explain why Grayson District failed to monitor Complainant's water usage from September of 2023 through June of 2025.**

**ANSWER 3.**

a. Grayson District was not in violation of 807 KAR 5:006, Section 11 3(a)-(c) because during the period from September 2023 to June 2025, the meter at 118 Wilson Lane was read monthly. During that period, the deviation in usage at the meter in question was not unusual or significant. Grayson District's meter reading software is designed with built-in checks that will alert the District to large or unusual deviations, and those checks would not have been triggered by this type of usage pattern.

b. Grayson District was not in violation of KRS 278.160, the Filed Rate Doctrine, or its current tariff, in particular Section F., Subsection 3, because the meter at 118 Wilson Lane was read monthly from September 2023 to June 2025. There were no unusual or significant deviations in the customer's usage during that period. The Tariff provides that the utility will monitor a

customer's usage at least annually in such a way to draw the utility's attention to unusual deviations and will test the meter only if usage is unduly high — defined as 100% above average. The Complainant's usage reflected zero — not unusually high — usage, and the ERT was reporting consistent readings without error codes. Accordingly, the built-in monitoring thresholds were never triggered, and no violation of the Monitoring Usage provision occurred.

c. Grayson District did not fail to monitor usage at 118 Wilson Lane. Monthly readings were taken during the period from September 2023 to June 2025 and were deemed reasonable based on historic usage and normal customer usage patterns in Grayson District. The ERT transmitted consistent readings with no error flags, giving the District no basis to question the readings or initiate further investigation. The District's obligations under its filed tariff and applicable regulations were satisfied through the monthly reading process.

**QUESTION 4. Refer to 807 KAR 5:006, Section 7(5), and Grayson District's current tariff on file with the Kentucky Public Service Commission, paragraph C, subpart 4, Frequency of meter reading, Sheet No. 11, effective as of August 15, 2005.**

**a. Explain why Grayson District did not identify the meter reading zero water usage by the Complainant from September 2023 through June 2025.**

**b. Explain why Grayson District did not identify a water leak of approximately 4.2 gallons per minute at Complainant's address until it was identified by Complainant in June of 2025.**

**ANSWER 4.**

a. Grayson District did identify, through its monthly readings, that the Complainant had zero usage from September 2023 to June 2025. Those readings were deemed reasonable based on previous usage. The Tariff requires that meter readings be taken every month, and the District complied with that obligation. The ERT continued to transmit readings without error indicators, and zero usage — while low — was not facially unreasonable given the customer's prior low-usage history and her own representations that she was not often at the property.

b. Grayson District continued to receive monthly readings from the ERT attached to the meter located at 118 Wilson Lane with no errors. A 4.2-gallon-per-minute leak would not otherwise be detectable across the broader usage in that area for the entire system. Because the leak was located on the

Complainant's side of the meter and the faulty ERT was transmitting a static last-known reading, the District had no means of detecting the leak through its remote reading system. The leak was only identified when the Complainant's son-in-law proactively reported wet conditions at the property. Under Tariff Section Y (Notification of System Problems), the customer has an obligation to notify the utility immediately of any defects, problems, trouble, or accidents affecting the water system. The customer's own observation of conditions at the property — or communications from those with access to the property — was the mechanism by which the leak was ultimately surfaced.

**QUESTION 5. Provide all historical meter test records for Grayson District's water meter, Meter/ID Number 236114078, Device # 81636757, Model .63" 7D 10M, with an installation date of July 20, 2017, as required by 807 KAR 5:006, Section 18.**

**ANSWER 5.**

See attached meter test results.

**QUESTION 6. Provide each monthly water utility bill for 118 Wilson Lane, Leitchfield, Kentucky 42754 from June of 2025 through April 2026.**

**ANSWER 6.**

See attached.

**QUESTION 7. Provide a copy of the payment plan provided to Complainant that is referenced in Grayson District's Answer, paragraph 3.**

**ANSWER 7.**

A payment plan was offered to the Complainant but was never completed due to the Complainant's decision to pursue this matter with the PSC. A normal payment plan with Grayson District would amortize the amount due over as many as 24 months. In the case of a bill of this significance, a longer payment term would be considered. Currently, the amount in question has been placed on hold on the Complainant's account and no payment has been made toward the leak amount.

**QUESTION 8. Refer to Grayson District's Answer, paragraph 5 and paragraph 13. Provide the statute, regulation, or tariff section that states that it is the customer's obligation or responsibility to identify billing or usage irregularities and suspected water leaks and promptly report them to a utility.**

**ANSWER 8.**

The following authorities support the customer's obligation to identify and report billing irregularities, usage concerns, and suspected leaks:

Tariff, Section Y — Notification of System Problems: Section Y of Grayson District's Tariff — Notification of System Problems — states that "The customer shall notify the utility immediately should the service be unsatisfactory for any reason, or should there be any defects, problems, trouble, or accidents affecting the water system." The Complainant had a leak for some time on their side of the meter and received zero-usage bills for an extended period. Both circumstances fall within the category of system problems that the customer was in the best position to identify.

Tariff, Section X — Ownership of Mains, Services, and Appurtenances: Under Section X, the customer is required to install, own, and maintain the service line from the meter to the point of usage. Because the leak occurred on the customer's side of the meter, the customer bore primary responsibility for identifying and addressing conditions on that portion of the service line.

Tariff, Section W — Leak Adjustments: Section W expressly provides that the District does not make any adjustments for leaks, which reflects the allocation of responsibility for customer-side leaks to the customer.

KRS 278.160 and the Filed Rate Doctrine: Pursuant to KRS 278.160 and the Filed Rate Doctrine, customers are bound by the rates, terms, and conditions set forth in the utility's filed tariff. The tariff's terms — including the

customer's duty to report system problems and maintain the service line post-meter — are legally binding and uniformly applied. No exception to these obligations may be made by any employee or officer of the District.

**QUESTION 9. Refer to Complaint of Marjorie Patricia English, pages 3 through 6 of 20, Customer Maintenance – Transactions – Non Financial. Given that Complainant used less than 1,500 gallons of water each month for twenty-four months prior to September of 2023, when the water meter began to reflect zero water usage, explain how Complainant could have known, or should have known, that its water meter reading or billing information was incorrect beginning in September of 2023.**

**ANSWER 9.**

Grayson District did identify through monthly readings that the Complainant had zero usage from September 2023 to June 2025. Those readings were deemed reasonable based on previous usage.

Grayson District's evidence that usage was not monitored by the Complainant stems from the fact that bills from September 2023 to June 2025 reflected zero usage, and the customer did not at any point during that period reach out to inform Grayson District that the usage should not be zero. The customer also

informed the District that she was not at the property much and used very little water.

Even if the Complainant's individual monthly usage was low, any customer who is actively using water at a property — however infrequently — would be expected to recognize over a 21-month period that their bills consistently reflected zero gallons. Each bill was mailed to the customer's address on file. Each monthly bill clearly showed zero usage. Under Tariff Section Y, the customer had an obligation to notify the District immediately of any service irregularity. The receipt of 21 consecutive zero-usage bills should have prompted the Complainant to contact the District, particularly given that she acknowledged using some water at the property during that period.

**QUESTION 10. Refer to Grayson District's Answer, paragraph 13.**

**a. Provide all evidence that Complainant did not monitor their water usage. b. Provide all evidence that Complainant did not promptly report a suspected leak.**

**ANSWER 10.**

a. Evidence that the Complainant did not monitor her water usage includes the fact that bills from September 2023 to June 2025 reflected zero usage and the customer did not at any point during that time period reach out to inform

Grayson District that the usage should not be zero. The customer also informed the District that she was not at the property much and used very little water. Had the Complainant reviewed her monthly bills — which clearly reflected zero usage — she would have had reason to contact the District to question the accuracy of her meter readings.

b. Grayson District believes that the Complainant did inform the District as soon as she was personally aware of the leak. However, it is estimated that the leak began on the Complainant's property months before it was reported to the District. The leak was ultimately reported not by the Complainant directly, but by her son-in-law, who noticed a damp yard while mowing. This supports the inference that the Complainant was not regularly monitoring conditions at the property and therefore did not promptly identify or report the suspected leak in the earlier stages.

**QUESTION 11. Refer to Grayson District's Answer, paragraph 14. Provide all evidence that Complainant regularly consumed water at, and/or continuously occupied the residence at, 118 Wilson Lane, Leitchfield, Kentucky 42754, from September of 2023 through June of 2025.**

**ANSWER 11.**

Grayson District's evidence is based on the account being active with continuous billing statements, payments during the period in question, and the customer's acknowledgement that while she wasn't there often, she did intermittently use water during that period. The combination of an active, paying account and the customer's own acknowledgment of intermittent water use establishes that the residence was not vacant and that the Complainant had the opportunity to observe her zero-usage bills and conditions at the property.

**QUESTION 12. Refer to Grayson District's Answer, paragraph 9. Also refer to KRS 278.015, KRS 278.040, KRS 278.260, KRS 278.270, KRS 278.280, 807 KAR 5:001, 807 KAR 5:006, 807 KAR 5:011, and 807 KAR 5:066. Explain why the Kentucky Public Service Commission cannot grant the relief requested by the Complainant.**

**ANSWER 12.**

Grayson District believes it has followed the law and its tariff as referenced in the responses above. The following provides additional legal basis for why the PSC cannot grant the relief requested by the Complainant:

Filed Rate Doctrine (KRS 278.160): The Filed Rate Doctrine, codified at KRS 278.160, requires that utilities charge rates and apply terms and conditions as approved by the PSC and filed in their tariff. The tariff is uniformly applicable

to all customers, and no employee or officer of the District may make exceptions. Granting a billing reduction to the Complainant for charges that arose from a customer-side leak would require departing from the filed tariff.

**Tariff, Section W — Leak Adjustments:** The District's tariff expressly and unambiguously provides that the District does not make any adjustments for leaks. Thus the District is not authorized by its filed and approved tariff and it would be inconsistent with the Filed Rate Doctrine to make a leak adjustment.

**Customer Responsibility for Service Line:** The Complainant's service line from the meter to the point of usage is the customer's property and responsibility. The leak occurred on the customer's side. The District fulfilled its obligations by responding promptly upon notification and disconnecting the meter upon discovery of high usage on June 20, 2025.

**Monthly Meter Reading Compliance:** The District complied with 807 KAR 5:006 and Tariff Section C, subpart 4 by reading the meter every month. The ERT transmitted consistent readings without error codes during the affected period. The monitoring thresholds under Tariff Section F, Subsection 3 — triggered by usage 100% above average — were never met because the usage reflected was zero, not unusually high.

Customer's Failure to Report: Tariff Section Y obligates customers to notify the District immediately of any defects, problems, trouble, or accidents affecting the water system. The Complainant received zero-usage bills for approximately 21 months and did not contact the District to report an irregularity. The customer's failure to fulfill her reporting obligation under the tariff was a proximate contributing cause of the extent of the damages now at issue. For these reasons, the PSC should deny the relief requested by the Complainant.

Dated: May 27<sup>th</sup>, 2026.

Respectfully submitted,

/s/ Lindsay Durbin

**Lindsay Durbin**

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*Counsel for Grayson County Water District*



## CERTIFICATE OF SERVICE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on May 27, 2026; A copy of this response has this day been mailed via First-Class Mail to: Marjorie Patricia English at 118 Wilson Lane Leitchfield, KY 42754.

/s/ Lindsay Durbin

Lindsay Durbin

*Counsel for Grayson County Water District*