COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICAN METAL CHEMICAL CORPORATION	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2026-00100
	)	
EAST DAVIESS COUNTY WATER ASSOCIATION, INC.	)	
	)	
	)	
DEFENDANT	)	

O R D E R

On March 30, 2026, Alexandra Henry, on behalf of American Metal Chemical Corporation (AMCOR or Complainant), tendered a formal complaint with the Commission against East Daviess County Water Association, Inc. (East Daviess Water). As Ms. Henry was not an attorney, the Commission issued an Order on July 6, 2026, giving AMCOR 20 days to file an amended complaint with an attorney licensed to practice law in Kentucky or the complaint would be dismissed. On July 24, 2026, AMCOR tendered an amended complaint with the Commission against East Daviess Water.

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(1), a complaint is required, amongst other items, to state:

> (c) Fully, clearly, and with reasonable certainty, the act or omission, of which compliant is made, with a reference, if practicable, to the law, order, or administrative regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure; and
> (d) The relief sought.

Pursuant to Commission regulation in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainants to the requested relief. If a complaint fails to establish a *prima facie* case, it may be dismissed. It is the Complainant's responsibility to file information in his complaint that says what the issue is, the relief he is requesting, the basis for the claimed relief, and any documentation to supplement the complaint.

Complainant alleged that on February 5, 2026, it noticed standing water on AMCOR's premises and subsequently determined that there was a water leak. On February 9, Complainant alleged that East Daviess Water informed Complainant that the water leak was on AMCOR's side of the meter, at which point Complainant requested that East Daviess Water shut off the flow of water to its meter until the leak could be repaired. Complainant alleges that East Daviess Water failed to shut off AMCOR's water until February 19, resulting in a water bill far in excess of its average monthly usage. Complainant has requested an adjusted bill for January-February to an amount it would have owed if East Daviess Water had shut off AMCOR's water flow on February 10.

Pursuant to 807 KAR 5:001, Section 20(1), a complaint is required to include, if practicable, a "reference . . . to the law, order, or administrative regulation, of which a failure to comply is alleged . . .." In reviewing the complaint, AMCOR fails to allege the specific law, order, tariff provision, or administrative regulation violated by East Daviess Water that would entitle it to its requested relief. The facts alleged are not, on their own, sufficient to justify such relief. It is possible that Complainant is entitled to other relief

which it has not requested, or that there exists an applicable law, order, administrative regulation, or tariff provision that would entitle it to its currently requested relief. However, the Commission is limited to considering the facts and allegations as they are presented in the complaint.

For the foregoing reasons, the Commission finds that the complaint does not comply with 807 KAR 5:001, Section 20(1), and a *prima facie* case has not been established. Pursuant to 807 KAR 5:001, Section 20(4)(a)(1), Complainant shall be permitted 20 days to file an amended complaint establishing a *prima facie* case.

IT IS THEREFORE ORDERED that:

1. The complaint fails to establish a *prima facie* case.

2. Complainant shall have 20 days from the service of this Order to file an amended complaint establishing a *prima facie* case.

Entered on this 21st day of October, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil
Executive Director

Service List for Case 2026-00100

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