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From: Hazelfield Farm [REDACTED]
Sent: Tuesday, June 23, 2026 10:28 AM
To: PSC Executive Director <PSCED@ky.gov>
Subject: CASE NO. 2026-00152

Please file this motion to our case number 2026-00152 **COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION IN THE MATTER OF: Teresa Biagi and Raphe Ellis COMPLAINANT v. CASE NO. 2026-00152 KENTUCKY AMERICAN WATER COMPANY RESPONDENT EMERGENCY MOTION FOR A CEASE AND DESIST ORDER AND IMMEDIATE FIELD INSPECTION** Complainant, Teresa Biagi and Raphe Ellis, acting pro se, respectfully moves the Kentucky Public Service Commission ("Commission") to immediately issue a Cease and Desist Order against Respondent, Kentucky American Water Company ("KAW"), and to order an expedited field inspection of the water meter infrastructure located on Complainant's private property. This Emergency Motion is brought to prevent immediate, irreparable harm to Complainant's property rights and to halt an active, severe violation of Kentucky administrative utility regulations. In support, Complainant states as follows: **I. AN UNCONTRADICTED REGULATORY EMERGENCY EXISTS**

1. Complainant has an active, formal complaint and a pending Motion for Emergency Relief filed on June 12, 2026, regarding a KAW water meter that does not serve Complainant's property but actively obstructs Complainant's only viable driveway site. 2. KAW has refused to participate in basic information sharing or cooperate with Complainant, stating that the Commission has not yet issued a formal prima facie determination. KAW is actively weaponizing administrative timelines to maintain an illegal encroachment. 3. Approximately two years ago, a third dwelling (a double-wide home) was constructed on the lane behind Complainant's land. 4. Sometime last winter, Complainant directly asked the owner of that third dwelling if the property had city water. The owner explicitly confirmed to Complainant: "Yes, they all come off one meter." 5. This third household was connected to the existing customer service line after it passes through Complainant's property. As a result, three separate and distinct households are now pulling city water through the single residential meter pit located on Complainant's land. No easement was ever requested or granted for this multi-property expansion. **II. EXTENSION OF SERVICE AND TARIFF VIOLATIONS** 6. Under 807 KAR 5:066, a water utility is strictly prohibited from allowing multiple distinct customer accounts or independent dwellings to "master-meter" or share a single private customer service line

without a dedicated main or separate, authorized utility meters. 7. By continuously serving three separate households through a single meter pit on Complainant's property, KAW is in active violation of its own filed tariffs and state regulatory laws. 8. Any historical claim KAW intends to make regarding an implied or "prescriptive" easement based on 24 years of use is legally voided. An easement is strictly limited to its original scope. It cannot be unilaterally expanded or "overburdened" to transport water for newly constructed properties without the explicit written permission of the landowner. This configuration constitutes an active, daily civil trespass. III. IRREPARABLE HARM TO COMPLAINANT 9. The disputed water meter sits approximately five feet inside Complainant's private property line, dead center of the safest highway encroachment site for the property as formally determined by the Kentucky Transportation Cabinet (KYTC). 10. Complainant's primary construction project is completely halted because this utility equipment physically blocks the only viable, state-approved highway access point. 11. The multi-family network relying on this meter has actively denied Complainant the use of a previous driveway, forcing reliance on this single KYTC-approved site. Complainant is experiencing an immediate, unconstitutional deprivation of the use of their own land due to KAW's failure to police its infrastructure. IV. CONCLUSION AND REQUEST FOR EMERGENCY RELIEF KAW cannot hide behind standard discovery delays while actively facilitating an illegal multi-home distribution network across private land. The Commission has the statutory authority and obligation under KRS 278.260 to address immediate utility misconduct. WHEREFORE, Complainant respectfully requests that the Commission bypass standard procedural timelines and immediately GRANT this Motion by entering an Order to: 1. COMMAND KAW to immediately Cease and Desist from routing water to unauthorized, multi-family extensions across Complainant's private property; 2. ORDER the Commission's Division of Inspections to conduct an immediate, expedited field investigation and physical audit of the meter pit to map this illegal multi-home configuration; and 3. COMPEL KAW to abandon this illegal infrastructure on Complainant's land and permanently relocate their delivery lines and meters to the public right-of-way. Respectfully submitted, Dated: June 23, 2026 Teresa Biagi and Raphe Ellis 1585 Butler Inn rd, Worthville KY 41098 [REDACTED] [REDACTED]

Hazelfield Farm

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