

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

CASE NO. 2026-00152

TERESA BIAGI AND RAPHE ELLIS

COMPLAINANTS

v.

KENTUCKY-AMERICAN WATER COMPANY

RESPONDENT

RECEIVED

AUG 10 2026

**PUBLIC SERVICE
COMMISSION**

COMPLAINANTS' SUPPLEMENTAL MEMORANDUM OF FACT: ABSENCE OF UTILITY NECESSITY

Complainants, Teresa Biagi and Raphe Ellis, hereby formally submit this Supplemental Memorandum of Fact to the Kentucky Public Service Commission ("Commission") to bring to light an egregious operational fact that completely invalidates any potential utility defense regarding infrastructure placement.

1. **Zero Service to Subject Property:** The non-compliant water meter pit and infrastructure currently obstructing the Complainants' sole state-permitted driveway corridor does *not* provide utility service to the Complainants' property. It sits entirely on the Complainants' land without a written easement, serving as a pure civil trespass.
2. **Direct Main Line Access on Adjoining Property:** The infracting infrastructure exclusively provides water service to an adjoining property. This adjoining property is directly contiguous to the public highway right-of-way where the Kentucky-American Water ("KAW") main water line is physically located.
3. **Complete Absence of Legal or Engineering Necessity:** Because the neighboring property touches the public utility corridor, KAW possesses a direct, unobstructed path to serve those customers entirely within the public right-of-way or on the neighbor's own deeded property. There is absolute zero "utility necessity" to route this infrastructure across the Complainants' private land.

4. **Willful Exploitation of Landowner:** KAW is maintaining this hazardous obstruction inside a state-permitted driveway—leaving the Complainants with zero vehicular access to their own farm—solely to avoid the excavation labor costs of moving their meters onto the public highway right-of-way or onto the property of the actual customers being served.

CONCLUSION

The legal defense of utility necessity is unavailable to KAW. Complainants respectfully request that the Commission review this supplemental fact alongside the pending July 8 *Motion for Immediate Prima Facie Determination* and order KAW to immediately relocate their equipment to the public right-of-way or the adjoining property at their sole expense.

Dated: August 10, 2026

Respectfully submitted,

Teresa Biagi

Raphe Ellis

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**NOTICE OF UTILITY EXECUTIVE KNOWLEDGE AND CONTINUING
NON-COMPLIANCE**

Complainants, Teresa Biagi and Raphe Ellis, hereby formally submit this Notice to the Kentucky Public Service Commission ("Commission") to establish irrefutable corporate executive knowledge and the ongoing, willful nature of the regulatory and tariff infractions perpetrated by Respondent, Kentucky-American Water Company ("KAW").

1. **Executive Service of Fact:** On Monday, August 3, 2026, the Office of the President of Kentucky-American Water Company formally accepted and signed for a Certified Mail correspondence delivered via the United States Postal Service (Tracking No. [9589 0710 5270 4211 3150 97]).
2. **Imputed Knowledge of Illegal Infraction:** The certified correspondence explicitly detailed KAW's ongoing maintenance of an illegal, unauthorized three-household hookup on a single master water meter, in direct violation of **807 KAR 5:066** and KAW's own filed tariffs. The correspondence further detailed that this non-easemented infrastructure physically blocks the Complainants' state-permitted property entrance, causing severe, continuous material and financial harm to an active farm development.
3. **Willful Silence and Non-Remediation:** As of Monday, August 10, 2026, a full calendar week has elapsed since executive leadership received and read this notice. KAW has chosen total administrative silence. They have failed to respond,

failed to mitigate the infraction, and failed to coordinate the removal of the obstruction from the Complainants' state-permitted driveway corridor.

4. **Statutory Penalty Multiplier:** Pursuant to **KRS 278.990(1)**, each day a violation continues constitutes a separate and distinct offense. By demonstrating that KAW's highest executive office has formal notice of this multi-dwelling infrastructure violation yet refuses to act, Complainants preserve the record that this is a willful, continuing violation subject to maximum statutory daily civil penalties.

CONCLUSION

Complainants respectfully request that the Commission review this notice of executive awareness alongside the pending July 8 *Motion for Immediate Prima Facie Determination*, bypass further utility procedural delays, and issue an immediate order mandating field remediation.

Dated: August 10, 2026

Respectfully submitted,

Teresa Biagix

and

Raphe Ellisx

1585 Butler Inn road, Worthville KY, 41098

[REDACTED]

[REDACTED]

URGENT CORRESPONDENCE: NOTICE OF EXECUTIVE CORPORATE LIABILITY & SAFETY HAZARD

DATE: July 27, 2026

FROM: Teresa Biagi & Raphe Ellis, Landowners

TO:

Office of the President

Director of Corporate Risk Management

Kentucky-American Water Company HQ

2300 Richmond Road, Lexington, KY 40502

RE: Operational Encroachment, Life-Safety Access Obstruction, and Un-Policed Utility Theft (Active Case No. 2026-00152)

Dear Office of the President and Risk Management Division,

This correspondence serves as a formal Executive Demand Notice regarding an active, severe physical liability and ongoing tariff violation currently maintained by your regional team on our private agricultural property. This matter is currently pending initial administrative processing before the Kentucky PSC under Case No. 2026-00152. However, due to the acute life-safety risk involved, this notice is being escalated directly to corporate leadership to allow for immediate physical remediation before formal state sanctions are triggered.

The Material Corporate Risks are Enacted as Follows:

1. **Active Life-Safety Hazard:** KAW maintains a detached, un-easemented distribution meter pit layout that physically obstructs our state-permitted highway driveway (Kentucky Transportation Cabinet Permit issued March 25, 2026). This physical obstruction actively blocks access for emergency vehicles and large farm equipment, creating an immediate, non-insurable corporate liability for KAW should an emergency event occur.
2. **Admission of Un-permitted Multi-Household Tapping:** On May 6, 2026, KAW Representative John Magner formally admitted via email that this single meter infrastructure setup is illegally routing water to multiple independent, off-site households. Furthermore, KAW was formally notified on March 3, 2026, that a

third household was illegally tied into this shared service line within the past 24 months without landowner or utility permission. KAW has willfully failed to police this infrastructure or cut off this unauthorized service diversion.

3. **Attempted Coercion and Avoidance of Remedy:** KAW possesses an immediate, unhindered engineering solution via the public water main running directly parallel to the property within the highway right-of-way. Rather than executing its clear duty to run lawful, individual lines to the three off-site customers, regional personnel (Anne Trout) attempted on May 14, 2026, to pressure us into a "Temporary Right of Entry" agreement designed to bury the illegal infrastructure layout deeper into our private farm fields to avoid capital remediation costs.

Demand for Immediate Action:

We have steadfastly refused to sign away our private property rights to shield KAW from its regulatory obligations. Be advised that we have already drafted and finalized a formal **Request for Assessed Penalties Pursuant to KRS 278.990**, which outlines ongoing, willful violations exposing Kentucky-American Water to maximum daily compounding civil state penalties.

We prefer a swift, common-sense engineering resolution to a prolonged, public regulatory battle that risks your public corporate ledger. We demand that KAW corporate leadership immediately bypass local administrative delays, dispatch an engineering team to utilize the public highway right-of-way, and commit in writing to a swift timeline to evict this non-serving, hazardous encroachment from our land.

If a corporate officer does not contact us within seven (7) business days of signing for this notice to coordinate a field-remediation schedule, we will upload this executive notice directly to the PSC public docket and aggressively pursue formal default determinations and statutory fines.

Sincerely,

Teresa Biagi & Raphe Ellis

1585 Butler Inn Road, Worthville KY. 41098


