

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the matter of:

KURT AND LAYNE NETHERTON
COMPLAINANTS

VS

KENTUCKY-AMERICAN WATER COMPANY
DEFENDANT

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CASE NO.
2014-00141

**MEMO REGARDING CASE FILE NO. 2014-00141 JULY 28, 2014 INFORMAL
CONFERENCE MEETING NOTES ADDENDUM**

Mr. and Mrs. Netherton wish to make the following adjustments to the Meeting Notes from the 7/28/14 Informal Conference:

1. While Mr. Ingram stated that the case record, in his opinion, was a full record, the Netherton's wish to make it clear that they, at no time, agreed to the same, nor do they believe that there is a full record at this time or at the date of the informal conference.
2. The Netherton's want the Meeting Notes to reflect Mr. Ingram's statement that he did not believe the water was used by the Netherton's. Upon further discussion, it was clarified that Mr. Ingram only meant that he did not believe that the Netherton's used the water in their normal routine but offered no explanation as to how the additional usage may have occurred.

3. The Netherton's would like the Meeting Minutes to clearly indicate that the offer made by KAWC was mentioned only after Mr. Netherton inquired as to the details of the initial, oral offer made by KAWC. It wasn't clear from the Conference that any offer was currently in place, only that "half" had been offered at one point in a conversation.
4. The Netherton's want the record to clearly indicate that the only reference to the Stanley Marcinek case related to a procedural request that was consistent with the Marcinek case and that said procedural request in no way indicates that the Marcinek case was similar to the Netherton case.
5. The Netherton's want the Meeting Notes to reflect that fact that Mrs. Netherton referenced Case No. 92-427 in the matter of Gifford Seymour Blyton v/s Kentucky American Water Company, in which 134,640 gallons were reported as consumed in a three-month period. While this case indicates usage far less than was reported in the Netherton case, it was the closest usage that the Netherton's could find at the time. In this case the Public Service Commission ruled that the meter in question was tested by both KAWC and the Public Service Commission and both times tested to be within the Commissions' standards of accuracy. Despite these findings, the Commission found that it would be "speculative and unreasonable for the Commission to conclude that the meter was functioning properly". The Commission found, pursuant to KRS 278.030, that "as a public utility, it is authorized to charge fair, just, and reasonable rates for its services" and

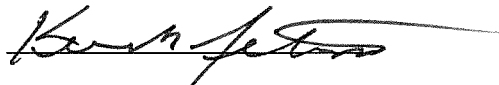
that “the water bill sent by KAWC was unreasonable in that it was not based on the amount of water consumed during the billing period”. As a result, the Commission ordered KAWC to adjust the bill to reflect the average monthly usage for the time period that the Blyton’s had occupied the residence.

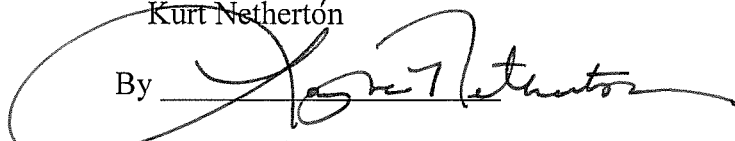
6. The Netherton’s want the Meeting Notes to reflect that fact that Mrs. Netherton clearly stated that not one of the three cases that Mr. Ingram referenced were similar to the Netherton case. One case involved a church that could have been subject to commercial usage and also that in that case, the Church did not follow up with a response to the PSC, they refused offers by the water company to test the meter, as well as other material differences. Regarding other cases, one related to a rental property where the tenant’s again refused requests by the water company to have the meter read, and the other related to a party that did not request a specific remedy. As such, the cases were irrelevant when considering the Netherton case at hand.
7. The Netherton’s would like the Meeting Minutes to note that, while Mr. Wakim provided his opinion about how a water meter typically malfunctions, the Netherton’s did not acknowledge this opinion as fact.
8. The Netherton’s would like the Meeting Minutes to reflect the fact that Mrs. Netherton stated the meter malfunctions that occurred in Atlanta were specific to the same manufacturer, and the same technology, as the meter that is currently in question in the Netherton case.

9. The Netherton's would like the Meeting Notes to reflect that Mrs. Netherton specifically stated that she and her husband first gained knowledge that there was a bill indicating high usage on 1/7/14 when she called KAWC to request a bill, since she had not received the current bill. According to Mr. Ingram and KAWC, the "problem" had been resolved by 12/27/14. As such, it is impossible for the Netherton's to meet the burden of proof to provide conclusive evidence that the meter malfunctioned.
10. The Netherton's would like the meeting notes to reflect the fact that Mr. and Mrs. Netherton were being persuaded by at least one representative of the Public Service Commission in attendance at the meeting not to request a hearing, but rather to take whatever offer the water company might be offering.
11. The Netherton's would like to the meeting notes to reflect the fact that they, **at no time, have waived their right to a hearing regarding this matter, nor did they stipulate to submitting the matter to the Commission on the written record.**

Respectfully submitted,

Kurt and Layne Netherton
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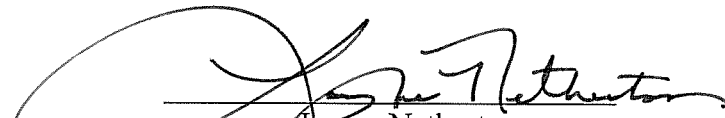
By 
Kurt Netherton

By 
Layne Netherton

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Request for Information has been served via US Mail this the 4th day of August, 2014 to Hon. Lindsey W. Ingram III, 300 West Vine Street, Suite 2100, Lexington, KY 40507 and to Cheryl D Norton, 2300 Richmond Road, Lexington, KY 40502 and the Public Service Commission, 211 Sower Blvd., Box 615, Frankfort, Kentucky 40602-0615


Kurt Netherton


Layne Netherton