



Ernie Fletcher
Governor

Mark David Goss
Chairman

Teresa J. Hill, Secretary
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Commonwealth of Kentucky
Public Service Commission
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John W. Clay
Commissioner

Timothy J. LeDonne
Commissioner
Department of Public Protection

January 25, 2007

Honorable Bruce Orwin
Attorney At Law
116 North Main Street, Suite A
P. O. Box 557
Somerset, KY 42502-0557

CERTIFICATE OF SERVICE

RE: Case No. 2006-00212
South Eastern Water Association, Inc.

I, Beth O'Donnell, Executive Director of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the addressee by U.S. Mail on January 25, 2007.

A handwritten signature in black ink, appearing to read "Beth O'Donnell", written over a horizontal line.

Executive Director

BOD/jc
Enclosure



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Morris Vaughn
Manager
South Eastern Water Association, Inc.
P. O. Box 778
Somerset, KY 42502

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Robert Young Family
2325 HWY 160 S.
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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT YOUNG FAMILY)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00212
)	
SOUTHEASTERN WATER)	
ASSOCIATION, INC.)	
)	
DEFENDANT)	

O R D E R

On May 24, 2006, the Robert Young Family (“Complainants” or “Youngs”) filed a formal complaint against the Southeastern Water Association, Inc. (“Southeastern”) to dispute the amount due for a water bill. Southeastern distributes water to portions of Pulaski County. The business office is located in Somerset, Kentucky. The Youngs reside in Tateville, a city in Pulaski County, served by Southeastern.

Southeastern states that the Youngs owe \$265.¹ The bill for that amount stemmed from a meter reading on March 20, 2006, which indicated that the Youngs had used 40,900 gallons of water during the preceding month. Southeastern contends that the Youngs were billed correctly. At the request of the Complainants, Southeastern conducted tests and investigations to determine the nature of the unusually high bill, but

¹ Southeastern also charged the Youngs a late fee of \$27.

found no explanation, with the exception of a possible water leak on the Youngs' side of the meter.² Southeastern is seeking dismissal of the complaint.

In response to a data request issued on July 26, 2006, Southeastern provided copies of the Complainants' meter reading history from December 2005 through the date of the request. According to that history, the Youngs' water usage prior to March 2006 never exceeded 8,500 gallons per billing month.

The Youngs argue that the March 2006 bill is without merit. They claim that they have inspected their side of the meter, but no leak has been discovered. The Youngs have requested that Southeastern reduce the amount of the bill, but did not specify a dollar amount.

The Commission is empowered by KRS 278.260 to hear "complaints as to rates or service of any utility." The Commission has the power to dismiss any complaint without a hearing if, in the Commission's opinion, a hearing is not necessary in the public interest or for the protection of substantial rights. The Commission finds that a decision in this case can be rendered based upon a review of the existing record and that a hearing is not necessary.³

² At the request of the Youngs, Southeastern tested the meter at the home on March 22, 2006 and April 7, 2006. The March 22 test was performed for the purpose of checking for a water leak. Southeastern determined that no leak existed on its side of the meter. The April 7 test was performed for the purpose of determining if the meter was performing an accurate measurement of water usage. Southeastern determined that the meter was performing accurately. Robert Young, under whose name the Southeastern account is listed, was present for both tests.

³ See 807 KAR 5:001.

According to KRS 278.160, a utility must charge its tariffed rates to all of its customers. No person shall receive service from any utility for compensation greater or less than that prescribed within its filed schedules.⁴

The Commission finds that the Youngs, who bear the burden of proof in this case, have not provided conclusive evidence that the meter reading for the March 2006 bill was incorrect or that a leak existed on either side of the meter connection. Additionally, the Commission has not found any evidence that Southeastern billed the Youngs at an amount other than its properly filed rate. The Commission therefore finds that the complaint should be dismissed.

IT IS THEREFORE ORDERED that:

1. Complainants' request for a reduction of the March 2006 water bill is denied.
2. The complaint is dismissed with prejudice and this case is removed from the Commission's docket.
3. This is a final and appealable Order.

Done at Frankfort, Kentucky, this 25th day of January, 2007.

By the Commission

ATTEST:



Executive Director

⁴ See Boone County Sand and Gravel Company, Inc. v. Owen County Rural Electric Cooperative Corp., 779 S.W.2d 224 (Ky. App. 1989).