

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OZARK SLONE AND KIM SLONE)	
)	
COMPLAINANTS)	
V.)	CASE NO.
)	2013-00383
SOUTHERN WATER & SEWER DISTRICT)	
)	
DEFENDANT)	

ORDER

On October 21, 2013, Ozark Slone and Kim Slone filed a formal complaint against Southern Water & Sewer District ("Southern District"). On January 24, 2014, Southern District filed a response to the complaint. Discovery has been conducted. In the course of a May 6, 2014 informal conference, the parties were directed to advise the Commission, no later than May 19, 2014, in writing, whether a hearing was desired or whether the matter should be briefed and submitted on the record.¹ On May 19, 2014, the Complainants tendered a request that a hearing not be held and a schedule be issued for submission of briefs. Southern District has not submitted a response.

The Complainants own rental property at 36 Tackett Branch, Bevinsville, Kentucky. Southern District removed the water meter and setter from the rental property. The water meter was removed during June 2010 for non-payment of services. Southern District removed the setter after numerous occurrences of theft of water at 36 Tackett Branch. The Complainants assert they were not aware of any theft of water.

¹ Letter from Jeff Derouen, Executive Director, Kentucky Public Service Commission to Parties of Record (May 8, 2014).

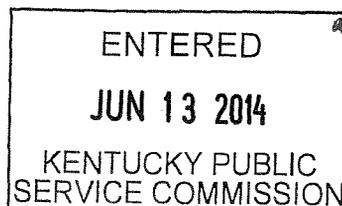
Southern District did not notify the Complainants regarding the theft of water because the Complainants did not have service in their name at 36 Tackett Branch. Southern District unsuccessfully attempted to notify the residents at 36 Tackett Branch prior to removing the water meter and setter. The Complainants object to paying the \$750 tap fee to have the water meter and setter reinstalled.

807 KAR 5:001, Section 9(1) provides that the Commission may waive a hearing that is not required by law if a hearing is found unnecessary for the protection of substantial rights or is not in the public interest. A hearing is not statutorily required when a complaint is filed. The Commission finds that a hearing is not necessary in this case to protect substantial rights and further finds that a hearing is not in the public interest. Accordingly, in the absence of a contrary request by Southern District, the Commission finds that Complainants' request to submit briefs and waive a formal hearing should be granted.

IT IS THEREFORE ORDERED that:

1. Complainants' request to submit this matter on briefs is granted.
2. Each party shall file a brief no later than August 4, 2014.
3. This case shall stand submitted on August 4, 2014.

By the Commission



ATTEST:


Executive Director

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Southern Water & Sewer District
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