

PSC CASE # 2013-00017

Robert Hawkins v Fountain run Water Sewer District

RECEIVED

APR - 4 2013

PUBLIC SERVICE
COMMISSION

Mr. Derouen.

The enclosed documents were part of the records I received from Wes Stephens attorney for FRWSD on the 30th of March 2013. Please note that this was in response to the Attorney Generals intervention. Included is a billing history for the account in question ,a very rudimentary copy of the minutes of the November and December 2012 FRWSD meetings, and a copy of the official; summons for the small claims case.

Please review these items and pay special attention to the final bill as stated by the official record of FRWSD billing.

Thank you, Robert Hawkins

AOC-S-180 Sum Code: SC
Rev. 7-99



Case Number 13-S-00018

Court DI

County MONROE

Commonwealth of Kentucky
Court of Justice
KRS 24A.280

Small Claims Summons

Plaintiff, FOUNTAIN RUN WATER DISTRICT, VS. CROSS ROADS CAFE,, Defendant

CROSS ROADS CAFE,
C.O ROBERT HAWKINS
11872 HOLLAND RD
SCOTTSVILLE KY 42164

The Commonwealth of Kentucky to the above-named defendant:

You are hereby notified a legal action has been filed against you in the MONROE District Court demanding relief as shown on the document delivered to you with this summons.

You are summoned to appear before the MONROE District Court on:

Date	Time	Location
Tuesday, April 16, 2013	10:30 AM	D - DISTRICT COURTROOM
MONROE COUNTY JUSTICE CENTER 300 NORTH MAIN STREET TOMPKINSVILLE KY 42167		

Failure to appear on the date indicated may result in a judgment by default against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding such relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this summons.

Circuit/District Clerk, JOYCE EMBERTON

By [Signature], DC

Date: 03/19/2013

Proof of Service

[] This Summons was served by delivering a true copy and the Complaint (or other initiating document)

To: ROBERT HAWKINS

[] Not Served because

Date: 4-2, 2013.

[Signature]
Signature of Arresting Officer



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WES STEPHENS

Monroe County Attorney

215 N. Main Street

Tompkinsville, KY 42167

Telephone 270/487-6303

Facsimile 270/487-1013

March 22, 2013

Michelle Harrison
Attorney General's Office
VIA Facsimile only: (502) 564-6801

In Re: Log Number 201300077

Dear Michelle Harrison:

Please accept this as the Fountain Run Water District's response in the above-captioned matter.

I am attaching the following in response to the original request:

1. A complete roster of Board Members and all employees of FRWSD:
REPLY: See Exhibit "A"
2. A complete payroll for FRWSD monthly or yearly:
REPLY: See eleven (11) page Exhibit "B"
3. A complete list of every FWRSD user who has or is being billed for sewer even though water is disconnected since 2000
REPLY: There are no customers who are being billed for sewer who have had there water disconnected since 2000.
4. A copy of the original contract signed by the original owners of 212 Main Street Fountain Run at the time the sewer was originally installed.
REPLY: See seven (7) page Exhibit "C"
5. A complete billing history of 212 Main Street from time septic/sewer was installed.
REPLY: See Twelve (12) page Exhibit "D"

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6. A copy of all correspondence on the matter of Crossroads Café' sewer billing. Please include any legal submissions to Wes Stephens and FRWSD council.

REPLY: Objection. Any response would violate the attorney-client privilege.

7. A copy of the minutes for the November 2012 and December 18, 2012 FRWSD Board meetings.

REPLY: See two (2) page Exhibit "E "

8. A written explanation and rationale for the sewer billing.

REPLY: See Sewer User Agreement attached as Exhibit "C"

9. A written explanation of any records omission that you cannot or will not provide.

REPLY: All requests have been fulfilled.

If you need any additional information, do not hesitate to contact me at the number shown above.

Thank you for your prompt attention to this matter.

Sincerely,


Wes Stephens

cc: Robert Hawkins
11872 Holland Road
Scottsville, KY 42164

Fountain Run Water District
PO Box 118
Fountain Run, KY 42133-0118

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FOUNTAIN RUN WATER DISTRICT

226 Main Street, P.O. Box 118
Fountain Run, Kentucky 42133
Phone: 270-434-4080
Fax: 270-434-4081

Board Members

1. Joe Cornwell -- Chairman
2. Ronnie Smith -- Secretary
3. Brenda Steenbergen Turner -- Treasurer
4. Raven Propes
5. John Downing

Employees

1. Richard Ross -- General Manager
2. Louise Veach -- Office Manager
3. Chris Veach -- Operator
4. Kenneth Jackson -- Operator / Sewer Superintendent
5. Lora Stinson -- Office Assistant



Fountain Run, Kentucky
'Crossroads of Three Counties'



Fountain Run Water District
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FRWD MINUTES

November 20, 2012

A regular meeting of the Fountain Run Water Commission was held November 20, 2012. Those present were: Chairman Cornwell, Brenda Turner, Raven Propes, Ronnie Smith, John Downing, Ricky Ross, Kenneth Jackson, Lora Stinson Chris and Louise Veach and Robert and Jennifer Hawkins. Meeting was conducted by Chairman Cornwell.

Visitor Robert Hawkins was seeking information concerning his delinquent sewer bill. Any action on this was tabled until the next meeting.

Motion by Smith and seconded by Turner to approve minutes as read. This unanimously passed.

Motion by Propes and seconded by Downing to resend the motion authorizing Eng Blankenship to apply for the 100 % RD money this being due to the cost. They also asked that he continue with the previous year project profile. This was unanimously approved. Motion by Smith and seconded by Downing to approve financial reports as presented. Motion carried. Motion by Propes and second by Downing to have a letter drafted concerning sewer lids and water meter boxes being torn up, also ask SCRTC if they will insert the letter with the bills. Motion carried. Motion by Downing and seconded by Turner to have a Christmas dinner December 13th at Nanny Jo's at 6:00 PM each one will order from the menu. This was unanimously approved. Motion by Propes and seconded by Turner to give each employee \$25.00 for Christmas. Motion carried. There being no further business to come before the Commission it was moved by Downing and seconded by Smith to adjourn.

Attest:

Louise Veach
Louise Veach, Clerk

Joe Cornwell
Joe Cornwell, Chairman

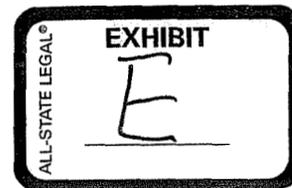
Certification

I Louise Veach, clerk for the Fountain Run Water District hereby certify this to be a true copy of the minutes taken during a regular meeting November 20, 2012 by the Fountain Run Water Commission. These minutes are in my custody and under my control.

Witness my hand this 12th day of December November 2012.

Louise Veach

Louise Veach



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FRWD MINUTES

December 18, 2012

December 18, 2012 the Fountain Run Water Commission met for a regular meeting. Those present were: Chairman Cornwell, Brenda Turner, Ronnie Smith, Raven Propes, John Downing, Kenneth Jackson, Lora Stinson, Ricky Ross and Louise Veach. Visitors were Olivia and Robert Hawkins.

Meeting was called to order by Chairman Cornwell.

Mr. Hawkins was still contesting his sewer bill, he wanted to talk with Public Service before he made any commitments. Motion by Smith and seconded by Turner to have Louise call Atty. Wes Stephens and tell him Mr. Hawkins intentions. Chairman Cornwell and each Commissioner signed a request for Attorney Stephens to proceed with the collection process. Motion unanimously carried. Motion by Smith and seconded by Propes to approve the minutes as read and financial reports as presented. Motion passed.

Lora asked if she could work on Friday afternoons rather than Saturday mornings. Smith asked that she keep a record of services she did on Saturday Mornings for one month and it would be evaluated at the next meeting. There being no further business to come before the Commission, it was moved by Smith and seconded by Propes to adjourn. Motion carried.

Attest:

Louise Veach

Louise Veach, Clerk

Joe Cornwell

Joe Cornwell, Chairman

Certification

I Louise Veach, clerk for the Fountain Run Water District hereby certify this to be a true copy of the minutes taken during a regular meeting December 18, 2012 by the Fountain Run Water Commission. These minutes are in my custody and under my control.

Witness my hand this 21 December 2012.

Louise Veach

Louise Veach

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<p>2001 January February March April May June July August September October November December</p>	<p>Regular Bill Change to 25.35(w) 19.10 33.01(w) 24.90 25.09(w) 18.90 33.27(w) 25.10</p>	<p>Previous Balance Daniel Kaufmann(renter)</p>	<p>Total Amount 02/2001 \$45.21 58.90 44.74 59.37</p>
<p>2001 January February March April May June July August September October November December</p>	<p>Regular Bill Changed to 7.50 sewer only 7.50 sewer only 7.50 sewer only</p>	<p>Previous Balance United Community (renter)</p>	<p>Total Amount 6/2001 \$7.50 \$7.50 \$7.50</p>
<p>2001 January February March April May June July August September October November December</p>	<p>Regular Bill Crossroads Café 17.36 (w) + 1.04 57.00(w)46.30+ 6.20 33.27(w)25.10+ 3.50 40.07(w)31.10+ 4.27</p>	<p>Previous Balance Start Billing 9/ 2001</p>	<p>Total Amount \$18.92 \$111.21 \$62.87 76.64+7.66=\$84.30</p>



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<u>2002</u>	<u>Regular Bill</u>	<u>Previous Balance</u>	<u>Total Amount</u>
January	\$30.90(w) \$23.30 +\$3.25		58.38 + 5.84= \$64.22
February	33.27(w) 25.10 + 3.50		\$62.87
March	29.58(w) 22.30 + 3.11		\$55.88
April	31.69(w) 23.90 + 3.34		\$59.88
May	29.58(w) 22.30 + 3.11		\$55.88
June	33.27(w) 25.10 + 3.50		\$62.87
July	27.99 (w) 21.10 +2.95		\$52.88
August	40.30(w) 31.30 +4.30	Adjusted due to leak	\$61.71
September	37.83 (w) 29.10 +4.02		\$72.08
October	21.39(w) 16.10 +2.25		40.38 + 4.04= 44.42
November	37.83(w) 18.80 +3.40	26.71(w) 17.71(s)	\$105.58
December	11.50(w) 18.80 +1.82		32.47 + 3.25=\$35.72
<u>2003</u>	<u>Regular Bill</u>	<u>Previous Balance</u>	<u>Total Amount</u>
January	11.50(w)18.80+1.82		35.72
February	41.25(w)18.80+3.60	15.04(w)20.68(s)	80.30(adjusted 4 leak)
March	35.15(w)18.80+3.24		58.24
April	11.50(w)18.80+1.82	43.38(w)20.68(s)	96.53
May	11.50(w)18.80+1.82	58.42(w)41.36(s)	132.25
June	18.63(w)18.80+2.25		40.24+4.02=44.26
July	Final bill pd 08-25-03		
August	totaling 44.26		
September			
October			
November			
December			
<u>2003</u>	<u>Regular Bill with State Tax</u>	<u>Previous Balance</u>	<u>Total Amount</u>
January			
February			
March	Change to Scotty Gass	Act#900	Start July 2003
April	(renter)		
May			
June			
July	\$26.77(w) \$18.80		51.01 (not paid)
August	\$20.50(w) \$18.80	\$30.33(w) \$20.68(s)	90.93 Final Bill
September			
October			
November	Change Back To		
December	Crossroads Cafe		



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2004	<u>Regular Bill with State Tax</u>	<u>Late Penalty</u>	<u>Balance Due</u>
January February March April May June July August September October November December	NO SEWER BILL SENT	IN THIS CALANDER	YEAR
2005	<u>Regular Bill with State Tax</u>	<u>Late Penalty</u>	<u>Balance Due</u>
January February March April May June July August September October November December	NO SEWER BILL SENT	IN THIS CALANDER	YEAR
2006	<u>Regular Bill with State Tax</u>	<u>Late Penalty</u>	<u>Balance Due</u>
January February March April May June July August September October November December	NO SEWER BILL SENT	IN THIS CALANDER	YEAR

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2007	Regular Bill with State Tax	Late Penalty	Balance Due
January February March April May June July August September October November December	\$12.26(water) \$18.80 + \$1.86	Final Bill (\$33.29 paid)	
2008	Regular Bill with State Tax	Late Penalty	Balance Due
January February March April May June July August September October November December	NO SEWER BILL SENT	IN THIS CALANDER	YEAR
2009	Regular Bill with State Tax	Late Penalty	Balance Due
January	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$38.08 Credit
February	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$18.15 Credit
March	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$3.77
April	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$23.88
May	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$45.80
June	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$67.72
July	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$89.64
August	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$111.56
September	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$133.48
October	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$155.40
November	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$177.32
December	\$19.93 (\$18.80 + \$1.13)	\$1.99 (\$21.92)	\$199.24



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2010	Regular Bill with State Tax		Late Penalty		Balance Due
January	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$221.16
February	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$243.08
March	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$265.00
April	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$286.92
May	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$308.84
June	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$330.76
July	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$352.68
August	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$374.60
September	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$396.52
October	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$418.44
November	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$440.36
December	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$462.28
2011	Regular Bill with State Tax		Late Penalty		Balance Due
January	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$484.20
February	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$506.12
March	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$528.04
April	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$549.96
May	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$571.88
June	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$593.80
July	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$615.72
August	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$637.64
September	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$659.56
October	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$681.48
November	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$703.40
December	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$725.32
2012	Regular Bill with State Tax		Late Penalty		Balance Due
January	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$747.24
February	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$769.16
March	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$791.08
April	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$813.00
May	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$834.92
June	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$856.84
July	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$878.76
August	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$900.68
September	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$922.60
October	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$944.52
November	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$966.44
December	\$19.93	(\$18.80 + \$1.13)	\$1.99	(\$21.92)	\$988.36

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<u>2013</u>	<u>Regular Bill with State Tax</u>		<u>Late Penalty</u>		<u>Balance Due</u>
January	19.93	(18.80 + 1.13)	1.99	(21.92)	1,010.28
February	19.93	(18.80 + 1.13)	1.99	(21.92)	1,032.20
March	19.93	(18.80 + 1.13)	1.99	(21.92)	1,054.12

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