

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NORTH MERCER WATER DISTRICT)	
_____)	CASE NO.
)	2016-00310
ALLEGED FAILURE TO COMPLY)	
WITH COMMISSION ORDERS AND)	
807 KAR 5:001, SECTION 20(6))	

ORDER

On April 21, 2016, the Commission initiated Case No. 2016-00154, Ronald D. McGinnis v. North Mercer Water District, by entering an Order to Satisfy or Answer (“Order”) directing North Mercer Water District (“North Mercer”) to either satisfy the matters complained of therein or file a written answer within ten days. The Order was served electronically on North Mercer on April 21, 2016, at the e-mail address nmwd@burginwireless.com.¹ No response was received from North Mercer by the required deadline. Commission Staff (“Staff”) subsequently contacted counsel for North Mercer, Thomas M. Jones, on May 11, 2016, to inquire as to North Mercer’s response, and was informed that he had no knowledge of North Mercer’s receipt of the Order. A copy of the Order was faxed and mailed to Mr. Jones, as counsel for North Mercer, on May 12, 2016, with the suggestion from Staff that North Mercer file a motion for an extension of time to file an answer.² North Mercer then filed a motion for extension of

¹ E-mail from Kentucky Public Service Commission to North Mercer Water District, April 21, 2016, attached hereto as Appendix A.

² Letter from Public Service Commission to Thomas Jones, Esq., May 12, 2016, attached hereto as Appendix B.

time to answer on May 31, 2016, and was granted a ten-day extension, until June 20, 2016, by Commission Order dated June 10, 2016. No answer has been received from North Mercer to date.

Based on a review of the record in Case No. 2016-00154 and being otherwise sufficiently advised, the Commission finds that 807 KAR 5:001, Section 20(4)(b), requires that when a complaint establishes a *prima facie* case, the Commission “shall serve an order upon the person complained of . . . requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of the order” Upon the Commission’s service of such an order, 807 KAR 5:001, Section 20(6), requires that “the defendant shall file an answer to the complaint within the time specified in the order or the extension as the commission, for good cause shown, shall grant.”

In Case No. 2016-00154, Ronald D. McGinnis filed a formal complaint containing allegations against North Mercer challenging the adequacy and reasonableness of its water service pursuant to KRS 278.030, and the Commission entered an Order on April 21, 2016, that required North Mercer to satisfy the matters complained of or file a written answer within ten days. North Mercer failed to timely file a response to that Order. After being contacted by Commission Staff, North Mercer filed a request for an extension of time, and the Commission granted an extension until June 20, 2016, by Order entered June 10, 2016. To date, North Mercer has failed to comply with the Commission’s Orders entered April 21, 2016, and June 10, 2016.

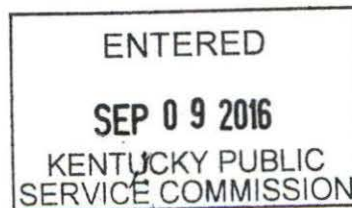
The Commission finds that North Mercer should appear at a hearing on October 13, 2016, to show cause, if any, why it should not be subject to the penalties prescribed

in KRS 278.990 for failing to file an answer in compliance with the Commission's April 21, 2016, and June 10, 2016 Orders in Case No. 2016-00154.

IT IS THEREFORE ORDERED that:

1. North Mercer shall appear on Thursday, October 13, 2016, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, to show cause, if any, why it should not be subject to penalties pursuant to KRS 278.990 for failure to satisfy the matters complained of or file a written answer to the complaint in Case No. 2016-00154, as required by 807 KAR 5:001, Section 20(6), and the Commission's Orders entered April 21, 2016, and June 10, 2016, in that case.
2. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(a)a, the record of the formal hearing shall be recorded by videotape only.
3. The record of Commission Case No. 2016-00154 is made a part of the record by reference only.
4. Any request for an informal conference with Commission Staff to discuss the issues in this case shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

By the Commission



ATTEST:


Executive Director

Case No. 2016-00310

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2016-00310 DATED **SEP 09 2016**

From: KY_PSC_Filings
To: nmwd@burginwireless.com; PSC - Electronic Filings Mailbox
Subject: Item Logged For Case: 2016-00154
Date: Thursday, April 21, 2016 11:17:42 AM

Confirmation of Posting.

This notification is sent regarding the recent filing for case# 2016-00154 on 4/21/2016 at 11:17 AM

Filed by: PSC

Date/Time Filed: 4/21/2016 11:17:41 AM

The following Document(s) have been posted to the Case File

Linked below is a document from the Kentucky Public Service Commission from case number 2016-00154. This is an official document and service is rendered based upon this email. Pursuant to KRS 278.380 amended by the Kentucky General Assembly during the 2014 General Session, the electronic delivery of all Kentucky Public Service Commission orders is now allowed. This includes data requests, as well as all other case-related documents. Electronic transmission may include either an electronic version of the order or document or a hyperlink to the order or document on the PSC website. The mailing date of the order or document will be the date of the electronic transmission. Any applicant or party desiring delivery of orders or documents by postal mail may request such delivery on a per case basis from the PSC and demonstrate good cause for the request.

PSC_ORDER File

You are receiving this message as a member of the service list or participating utility on case: 2016-00154 For more information or if you have problems opening a link received through an electronic notice from the Commission, contact the PSC Division of Filings.

Kentucky Public Service Commission
Address: P.O. Box 615 , 211 Sower Boulevard, Frankfort, Kentucky 40602-0615
Phone: (502) 564-3940, Fax: (502) 564-3460
Office Hours: Monday - Friday 8am - 5pm

SERVICE LIST:

Ronald D McGinnis - - Mailed
North Mercer Water District - nmwd@burginwireless.com
North Mercer Water District North Mercer Water District -
nmwd@burginwireless.com

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2016-00310 DATED **SEP 09 2016**



Matthew G. Bevin
Governor

Charles G. Snavely
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Daniel E. Logsdon Jr.
Vice Chairman

Robert Cicero
Commissioner

May 12, 2016

Sent via fax: (502) 839-6029

Hard copy to follow:

Thomas Jones, Esq.
138 S. Main St.
Lawrenceburg, KY 40342

Re: Ronald D. McGinnis v. North Mercer Water District
Case No. 2016-000154

Dear Mr. Jones:

Per the telephone conversation with Commission Staff on May 11, 2016, attached please find a copy of the Order to Satisfy or Answer ("Order") and the Complaint filed in the matter referenced above. The Order entered by the Commission on April 21, 2016, requires North Mercer Water District ("North Mercer") to satisfy the matters complained of or file a written answer within ten days. The Order was served on North Mercer electronically on April 21, 2016, at the email address nmwd@burginwireless.com. No answer has been received to date and the time period to answer has expired. Therefore, Commission Staff would suggest that North Mercer file a motion for an extension of time to file an answer in this matter.

If you have any questions, please contact Jennifer Fell, Commission Staff attorney, at (502) 782-2585.

Sincerely,

Aaron D. Greenwell
Acting Executive Director

JF/ph

Attachments

cc: Parties of Record

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2016-00154 DATED **APR 21 2016**

COMMONWEALTH OF KENTUCKY

Case No. 2016-00154

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

RONALD D. MCGINNIS)
 (Your Full Name))
 COMPLAINANT)

VS.)

NORTH MERCER Water District)
 (Name of Utility))
 DEFENDANT)

RECEIVED
 APR 07 2016
 PUBLIC SERVICE
 COMMISSION

COMPLAINT

The complaint of RONALD D. MCGINNIS respectfully shows:
(Your Full Name)

(a) RONALD D. MCGINNIS
 (Your Full Name)
P.O. Box 538 - Harrodsburg Ky. 40330
 (Your Address)
None
 (Your Email Address)

(b) NORTH MERCER Water Dist. P.O. Box 179
 (Name of Utility)
108 Main St Salvise, Ky. 40372
 (Address of Utility)

(c) That: Farm house on 244 Cay Bottom Lane Harrodsburg, Ky. 40330
 (Describe here, attaching additional sheets if necessary,
 on May 21, 2015 I requested service be shut off (in my name)
 the specific act, fully and clearly, or facts that are the reason
 on June 03, 2015 I again called them because service (water)
 and basis for the complaint.)
was visibly on (out faucet); was told by Tommy⁺ or Bobbi⁺

Continued on Next Page

Formal Complaint

Ronald D McGinnis vs. North Mercon Water District

Page 2 of 2

Meter was off + locked, but renters (Kristian Young) + (David Jones) may have broken lock + were using service. No further communication until early March 2016 when the next renter requested service + is being denied until \$250.17 + \$702.00 new deposit + re-connect fee is paid. (See enclosed phone call list)

Wherefore, complainant asks I was disabled, live alone + (Specifically state the relief desired.)

was unable to visibly see or check in a 3 foot hole the meter status (Nov. 20²⁰¹⁵ had hip replacement + am 90% healed) I was told field personnel physically checked all meters every 6 mos. (would've been late Nov. or Dec. 2015, not March 2016. I pd final bill (15 days) ^{as shown} 5/13 then 5/27 2015 paid on July 07 2015 = 17.09

Dated at Harricksburg, Kentucky, this 17th day of April, 2016

(Your City)

Ronald D McGinnis
(Your Signature*)

N/A
(Name and address of attorney, if any)

April 07, 2016
Date

*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

off 244 Cap Bottom Lane

2 water bills
closed on Monday
Lakes called
for shut off

5/15/2015 2:49 PM	WD		HARRODSBG KY	\$0.00	16.0 min	0000 P
5/16/2015 2:27 AM	MW		HARRODSBG KY	\$0.00	1.0 min	0000 M
5/16/2015 3:42 PM	WW		HARRODSBG KY	\$0.00	30.0 min	0000 N
5/16/2015 4:13 PM	WW		HARRODSBG KY	\$0.00	17.0 min	0000 N
5/18/2015 1:20 PM	WD		TOLL FREE	\$0.00	5.0 min	0000 P
5/18/2015 1:27 PM	WD		SALVISA KY	\$0.00	1.0 min	0000 P
5/18/2015 4:01 PM	WD		HARRODSBG KY	\$0.00	6.0 min	0000 P
5/19/2015 12:18 PM	WD		HARRODSBG KY	\$0.00	1.0 min	0000 P
5/19/2015 4:35 PM	WD		HARRODSBG KY	\$0.00	3.0 min	0000 P
5/21/2015 12:56 PM	WD		HARRODSBG KY	\$0.00	1.0 min	0000 P
5/21/2015 3:27 PM	WD		TOLL FREE	\$0.00	4.0 min	0000 P
5/21/2015 4:02 PM	WD		SALVISA KY	\$0.00	2.0 min	0000 P
5/23/2015 4:46 AM	MW		HARRODSBG KY	\$0.00	2.0 min	0000 M
5/23/2015 3:39 PM	WW		HARRODSBG KY	\$0.00	35.0 min	0000 N
5/24/2015 3:44 PM	WW		HARRODSBG KY	\$0.00	2.0 min	0000 N
5/24/2015 4:19 PM	WW		HARRODSBG KY	\$0.00	25.0 min	0000 N
5/24/2015 7:27 PM	WW		HARRODSBG KY	\$0.00	2.0 min	0000 N
5/25/2015 5:16 PM	WD		HARRODSBG KY	\$0.00	1.0 min	0000 P

Plungers Electric

NO. Merc Water

5/26/2015 NORTH MERCER WATER DISTRICT MERCER CO. PH: 859-955-2297
 106 MAIN ST. ANDERSON, BOYLE & WASHINGTON COUNTIES
 P. O. BOX 79 CALL COLLECT 859-955-2108
 SALVISA, KY 40372 RATES AVAILABLE UPON REQUEST

MO NORTH MERCER WATER DISTRICT MERCER CO. PH: 859-955-2297
 106 MAIN ST. ANDERSON, BOYLE & WASHINGTON COUNTIES
 P. O. BOX 79 CALL COLLECT 859-955-2108
 SALVISA, KY 4 RATES AVAILABLE UPON REQUEST

ACCOUNT SERVICE A244 Cap Bottom Lane 05/13/15 TO 05/27/15

TYPE	PRESENT	PREVIOUS	USAGE	CHARGES
WAF	41790	40920	870	16.59
LT	Mercer School Tax			0.50

Final Bill
 Paid 7/7/15
 Mailed
 www.northmercerwater.org

CLASS	AMOUNT DUE ON CHRG DATE	DUE DATE	AMOUNT DUE ON CHRG DATE
R01	18.75	07/10/15	17.09

ACCOUNT SERVICE A244 Cap Bottom Lane #4764 05/27/15 TO 03/11/16

TYPE	PRESENT	PREVIOUS	USAGE	CHARGES
BF	Balance Forward			111.74
WAF	62290	41790	20500	134.40
LT	Mercer School Tax			4.03

NON-PAYMENT CUT OFF 4/27/2016

CLASS	AMOUNT DUE ON CHRG DATE	DUE DATE	AMOUNT DUE ON CHRG DATE
R01	283.61	04/10/16	250.17

FORWARDING & ADDRESS CORRECTION REQUESTED

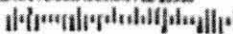
ACCOUNT DUE DATE 04/10/16

AMOUNT DUE ON CHRG DATE	SAVE TH S	AMOUNT DUE ON CHRG DATE
250.17	13.44	263.6

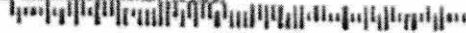
PLEASE RETURN THIS BILL WITH PAYMENT

****AUTO 5-D****
 RON MCGINNIS
 PO BOX 538
 HARRODSBURG KY 40330-0538

Printed By:



A 1% PENALTY APPLIES AFTER THE 15th OF MONTH ALL DELINQUENT ACCOUNTS ARE SUBJECT TO DISCONNECTION ANYTIME AFTER THE 25th OF EACH MONTH RECONNECTION FEE \$20.00



PAGE 05/05

MAIN SOURCE BANK

8597347671

04/07/2016 16:45

Returned calls to both utilities - why was water & Electric not off →

→ wrap from 75 Training of Bobbi

→ Krista Young had pd. Electric Deposit

Usage Viewer Listing

Billing Period: July 2015 Cycle 1

Report Created On: 3/31/2016 3:08:38 PM

Time	Day	Area	Service	Rate	Duration	Cost	Unit	Category	Other
6/2/2015 10:22 PM	WN	[REDACTED]	NO SUMTER SC	\$0.00	1.0 min	0000	N		
6/3/2015 3:53 PM	WD	[REDACTED]	TOLL FREE	\$0.00	6.0 min	0000	P		
6/3/2015 4:06 PM	WD	[REDACTED]	SALVISA KY	\$0.00	4.0 min	0000	P		
6/4/2015 4:58 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	1.0 min	0000	P		
6/4/2015 4:59 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	1.0 min	0000	P		
6/4/2015 5:00 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	2.0 min	0000	P		
6/4/2015 6:42 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	6.0 min	0000	P		
6/4/2015 10:02 PM	WN	[REDACTED]	CHATTNOOG TN	\$0.00	1.0 min	0000	N		
6/4/2015 10:03 PM	WN	[REDACTED]	CHATTNOOG TN	\$0.00	2.0 min	0000	N		
6/6/2015 2:09 PM	WW	[REDACTED]	HARRODSBG KY	\$0.00	1.0 min	0000	N		
6/9/2015 2:22 PM	WD	[REDACTED]	DANVILLE KY	\$0.00	3.0 min	0000	P		
6/9/2015 3:06 PM	MD	[REDACTED]	HARRODSBG KY	\$0.00	2.0 min	0000	M		
6/9/2015 3:07 PM	WD	[REDACTED]	DANVILLE KY	\$0.00	7.0 min	0000	P		
6/9/2015 3:27 PM	WD	[REDACTED]	FRANKFORT KY	\$0.00	4.0 min	0000	P		
6/9/2015 3:31 PM	WD	[REDACTED]	FRANKFORT KY	\$0.00	5.0 min	0000	P		
6/10/2015 1:32 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	18.0 min	0000	P		
6/10/2015 3:35 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	19.0 min	0000	P		
6/10/2015 7:29 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	40.0 min	0000	NP		
6/11/2015 12:48 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	4.0 min	0000	P		
6/12/2015 5:19 PM	WD	[REDACTED]	HARRODSBG KY	\$0.00	2.0 min	0000	P		
6/12/2015 9:26 PM	WW	[REDACTED]	HARRODSBG KY	\$0.00	10.0 min	0000	N		
6/13/2015 12:35 PM	MW	[REDACTED]	HARRODSBG KY	\$0.00	2.0 min	0000	M		
6/13/2015 2:26 PM	WW	[REDACTED]	HARRODSBG KY	\$0.00	8.0 min	0000	N		
6/13/2015 10:44 PM	WW	[REDACTED]	HARRODSBG KY	\$0.00	3.0 min	0000	N		
6/14/2015 9:05 PM	WW	[REDACTED]	HARRODSBG KY	\$0.00	6.0 min	0000	N		
6/15/2015 1:12 AM	WW	[REDACTED]	HARRODSBG KY	\$0.00	47.0 min	0000	N		
6/15/2015 2:02 AM	WW	[REDACTED]	HARRODSBG KY	\$0.00	45.0 min	0000	N		
6/15/2015 12:05 PM	MD	[REDACTED]	HARRODSBG KY	\$0.00	1.0 min	0000	M		

Printed By:

Ronald D McGinnis
P.O. Box 538
Harrodsburg, KENTUCKY 40330

*North Mercer Water District
P. O. Box 79
Salvisa, KY 40372

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