

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

RONALD D. MCGINNIS COMPLAINANT

Vs.

NORTH MERCER WATER DISTRICT
DEFENDANT

}
}
} CASE NO. 2016-00154
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}
}

**RESPONSE TO COMMISSION STAFF'S FIRST REQUEST
FOR INFORMATION TO NORTH MERCER WATER DISTRICT**

Comes the Defendant, North Mercer Water District, hereinafter North Mercer, by counsel and makes its Response to the Commission staff's first request for information relating to the above numbered and styled action, and states that this Response is based upon the ordinary business record of North Mercer and the sworn affidavits of Mischell Lee, Manager, Tammy Holliday, Office Clerk, and Lori Hazelwood, Office Clerk.

Information Request No. 1. State whether Ronald D. McGinnis has contacted North Mercer to request service on behalf of any tenants residing at 244 Cap Bottom Lane, Harrodsburg, Kentucky, between January 1, 2014, and the current date.

Response to Information Request No. 1. Ronald McGinnis has personally contacted North Mercer, by telephone, wherein he identified himself, on three occasions, between January 1, 2014, and the date of this Response. Mr. McGinnis did not however, request service on behalf of any tenant. See Customer History Report, labeled as Exhibit 1 in the Response of North Mercer filed October 10, 2016, hereinafter "The Response."

Mr. McGinnis telephoned North Mercer on May 21, 2015, speaking with Office Clerk, Tammy Holliday, a twenty-five years' employee, and he requested that the meter serving 244 Cap Bottom Lane at Harrodsburg, Kentucky, be read and locked off the main system. Mr. McGinnis further requested that the meter remained locked off the main system, unless otherwise requested by the owner, Ronald D. McGinnis. See Work Order labeled Exhibit 2, of "The Response."

On March 10, 2016, the District staff were making a required walking visual inspection of water mains and meters, when they discovered that the meter pit servicing the residence at 244 Cap Bottom Lane, Harrodsburg, had been opened, the meter lock broken, and water being used at the residence. This unauthorized use was reported to North Mercer Office Staff. On March 10, 2016, the subject meter was pulled from the meter pit. This was the same meter which had been locked off from the system on May 21, 2015, by a North Mercer field crew, pursuant to Mr. McGinnis' request. Further

REQUEST # 1

pursuant to Mr. McGinnis' request, the meter had been read on May 21, 2015, and there had been no requests from him or others, to put the meter back in service. See Work Order labeled Exhibit 3, of "The Response."

On March 11, 2016, the day after the meter had been discovered and pulled from the meter pit, Mr. McGinnis telephoned North Mercer, again speaking with Tammy Holliday, and identifying himself. Mr. McGinnis requested that North Mercer provide water on, at the subject address. Mr. McGinnis was informed by Tammy Holliday that the meter had been removed the previous day and he was further advised as to the costs associated with replacing the meter and returning it to service. Ms. Holliday advised Mr. McGinnis that the charges for water consumed and applicable tax would be \$240.29; that the lock costs would be \$10.50; and that there was a \$30.00 service fee for a total of \$280.79. Mr. McGinnis was also told that if a new tenant wanted water, that tenant would owe a deposit of \$75.00. Mr. McGinnis did not indicate to Ms. Holliday that he was seeking service for a tenant or renter. Twenty thousand, five hundred (20,500.00) gallons of water had been used at this location. See Work Orders labeled Exhibit 3, and Exhibit 5, of "The Response." See also Data Log Report labeled Exhibit 4, of "The Response."

About one week before Thanksgiving, 2016, Mr. McGinnis telephoned North Mercer to inquire how much it would cost to turn on the water or start service, at the 244 Cap Bottom Lane address. The November, 2016 call was with Ms. Lori Hazelwood of 1376 Kirkwood Road, Salvisa, Kentucky, 40372, an office clerk with twenty years' experience with North Mercer. Mr. McGinnis further inquired as to whether a previous owner of the 244 Cap Bottom Lane property had contacted North Mercer, seeking service at the subject property. Mr. McGinnis was told that the previous owner had not contacted North Mercer. Ms. Hazelwood advised that there would be a \$30.00 service charge to put the meter back in service and a \$75.00 deposit. No request for service was made by Mr. McGinnis; no Work Order was issued; and no notes were made regarding the telephone conversation. Ms. Hazelwood reported the conversation with Tammy Holliday, to confirm that the previous property owner had not called about water at the property. Ms. Hazelwood noted to Ms. Holliday, that Mr. McGinnis did not state whether he was calling for a tenant or not.

Information Request No. 2. State whether any tenant or renter of 244 Cap Bottom Lane, Harrodsburg, Kentucky, has contacted North Mercer to request service between January 1, 2014, and the current date.

Response to Information Request No. 2. North Mercer has never been knowingly contacted by a "tenant" or "renter" for service at the 244 Cap Bottom Lane, Harrodsburg, Kentucky address, seeking or requesting service. North Mercer frequently has telephone calls asking for information about water rates, various fees and charges, but most of these inquiries are made anonymously. See also the Response to Information Request No. 3.

REQUEST #2

REQUEST #3

Information Request No. 3. Confirm whether North Mercer allows for direct billing and accounts in a tenant's or renter's name, or if it requires accounts to be in the name of the property owner.

Response to Information Request No. 3. North Mercer allows tenant or renters to have direct billing or an account in the tenant's or renter's own name. These accounts for tenants or renters do not need to be in the property owner's name. North Mercer has water users who are tenants of the property where the water is being used.

Information Request No. 4. Refer to the "Customer History Report" provided by North Mercer as Exhibit 1 to its Response. By What Method (cash, Check, etc.) were the payments reflected therein made, and by whom were they made?

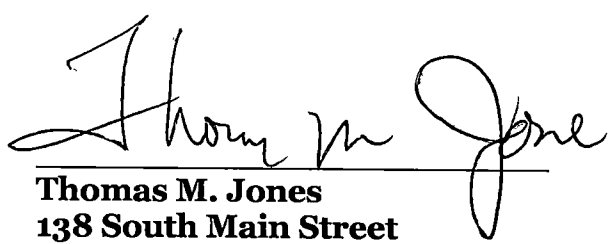
Response to Information Request No. 4. Beginning on March 14, 2014, all payments were made by check. The checks are believed to be made by Mr. McGinnis, as there are no notes indicating any other source of funds. All checks are believed to be sent by mail, as no North Mercer office staff member has any recollection of Mr. McGinnis, or anyone else, paying in cash, or personally delivering the payment. See Customer History Report, labeled as Exhibit 1 in "The Response."

REQUEST #4

ATTORNEY'S CERTIFICATION

I, Thomas M. Jones, the undersigned attorney, having prepared the Response to Commission Staff's First Request for Information to North Mercer Water District, on behalf of said District, certify that the Response is true and accurate to the best of my knowledge, information, and belief, formed after a reasonable inquiry.

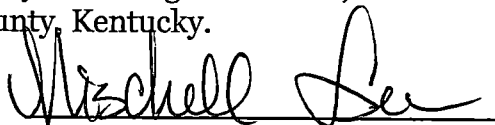
FURTHER THE DEFENDANT, North Mercer Water District Sayeth Not, on this the 6th Day of December, 2016.



Thomas M. Jones
138 South Main Street
Lawrenceburg, KY 40342
Telephone: 502-839-6020
Facsimile: 502-839-6029
Electronic Mail:
jonesthomasm@bellsouth.net
ATTORNEY FOR
North Mercer Water District,
Salvisa, Mercer County, Kentucky
ATTORNEY FOR DEFENDANT

VERIFICATION

I, Mischell Lee, having been duly sworn state that the statements made in the Response to Commission Staff's First Request for Information to North Mercer Water District, are true to the best of my knowledge and belief, all on this the 6th day of December, 2016, in Salvisa, Mercer County, Kentucky.



**Mischell Lee, Manager
North Mercer Water District**

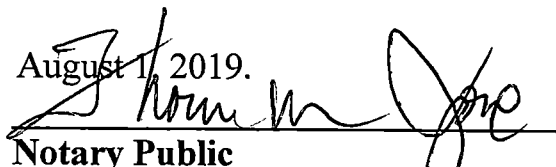
COMMONWEALTH OF KENTUCKY |

| **Sct.**

COUNTY OF MERCER |

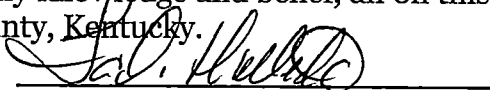
Subscribed and sworn to before me by Mischell Lee, on this the 6th day of December, 2016.

My commission expires: August 1, 2019.


**Notary Public
State of Kentucky at Large**

VERIFICATION

I, Tammy Holliday, having been duly sworn state that the statements made in the Response to Commission Staff's First Request for Information to North Mercer Water District, are true to the best of my knowledge and belief, all on this the 6th day of December, 2016, in Salvisa, Mercer County, Kentucky.



**Tammy Holliday, Office Clerk
North Mercer Water District**

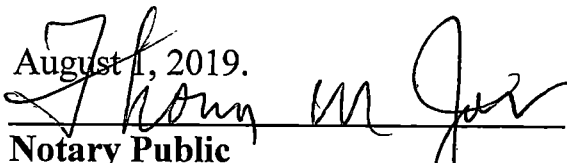
COMMONWEALTH OF KENTUCKY |

| **Sct.**

COUNTY OF MERCER |

Subscribed and sworn to before me by Mischell Lee, on this the 6th day of December, 2016.

My commission expires: August 1, 2019.


**Notary Public
State of Kentucky at Large**

VERIFICATION

I, Lori Hazelwood, having been duly sworn state that the statements made in the Response to Commission Staff's First Request for Information to North Mercer Water District, are true to the best of my knowledge and belief, all on this the 6th day of December, 2016, in Salvisa, Mercer County, Kentucky.

Lori D. Hazelwood
**Lori Hazelwood, Office Clerk
North Mercer Water District**

COMMONWEALTH OF KENTUCKY |
| **Sct.**
COUNTY OF MERCER |

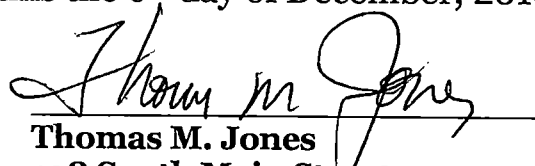
Subscribed and sworn to before me by Lori Hazelwood, on this the 6th day of December, 2016.

My commission expires: August 1, 2019.

Thomas M. Jones
**Notary Public
State of Kentucky at Large**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that the original and five copies of the Response to Commission Staff's First Request for Information to North Mercer Water District, was this day served, by personal, "In Hand" delivery to the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602, and that a true copy of the Response to Commission Staff's First Request for Information to North Mercer Water District, was served by personal, "In Hand" delivery to the North Mercer Water District, P.O. Box 79, Salvisa, Kentucky 40372, and that true copy of the Response to Commission Staff's First Request for Information to North Mercer Water District, was served by U. S. Mail, with all postage prepaid, upon Ronald D. McGinnis, P.O. Box 538 Harrodsburg, Kentucky 40330, all on this the 6th day of December, 2016.



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