

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRISTOPHER SCOTT BURRELL)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2022-00324
)	
FARMDALE WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

On September 19, 2022, Christopher Scott Burrell filed a complaint against Farmdale Water District (Farmdale District), alleging that Farmdale District caused a water leak on his side of the meter, resulting in excessive water charges. Mr. Burrell sought a leak adjustment pursuant to tariff,¹ which was granted in the form of a \$968.29 adjustment to Mr. Burrell's account.² Mr. Burrell filed the complaint seeking a billing adjustment of the remaining \$1,626.21 balance of his account.³ Mr. Burrell did not challenge the amount or calculation of the leak adjustment.

LEGAL STANDARD

Under KRS 278.160, "[n]o utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than

¹ P.S.C. KY. No. 2, Sheet No. 37.1 (filed Feb. 5, 2021), effective Mar. 26, 2021.

² Farmdale District's Response to Complaint (filed Dec. 14, 2022).

³ Complaint at 2.

that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.” Therefore, Farmdale District may not charge Mr. Burrell less than what is permitted by tariff or law.

807 KAR 5:066, Section 12(2) states

The customer shall furnish and lay the necessary pipe to make the connection from the point of service to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and administrative regulations.

Point of service is defined in 807 KAR 5:066, Section 1(5) as meaning “the outlet of a customer's water meter, or valve if no meter is placed.” Farmdale District’s tariff reflects this regulation, stating

The applicant/customer must furnish and lay the necessary pipe to make the connection from the point of service to the point of usage and be financially responsible for all costs associated with the installation and maintenance of his/her service line plumbing, including a shut-off valve and one-way check valve, installed on his/her property beginning at the outlet side of the water meter. The service line must be kept in good repair and in accordance with utility and Public Service Commission rules and regulations.⁴

Additionally, under 807 KAR 5:066, Section 12(1):

The utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service connection from its main to and including the meter and meter box. The utility may recoup this expense from the customer in accordance with KRS 278.0152.

⁴ P.S.C. KY. No. 2, Sheet No. 34 (filed Feb. 14, 2020), effective Mar. 16, 2020.

Mr. Burrell, as Complainant, bears the burden of proof⁵ that Farmdale District failed to properly furnish and install its distribution system to the customer's premises from the main to the meter point of service.

BACKGROUND

Mr. Burrell commenced service for the account at issue for his barn on November 4, 2020, when Farmdale District installed a meter on Mr. Burrell's property.⁶ At the outlet of the meter on the customer side of the meter, Farmdale District personnel installed a short segment of flexible tubing commonly known as a pigtail.⁷ Mr. Burrell stated that he hired Yount Utilities to install the service line from the barn to the meter on October 27, 2020.⁸

According to Farmdale District:

On or about June 4, 2021, Jamie Roberts, Water Manager for Farmdale District, and another Farmdale District employee observed water running down Ninevah Road. They stopped to investigate and determined that the water was coming from Mr. Burrell's meter or from his waterline next to the meter. Mr. Roberts turned the water off at the meter and notified Mr. Burrell. Within a few days, Mr. Roberts pumped the water out of the meter box and discovered that the pigtail had been "yanked out" from the meter setter.

Upon closer examination, the compression coupling that connected the pigtail to the meter setter was nowhere to be found. Based upon Mr. Roberts' experience, he realized that it was not a situation where high pressure on the District's side

⁵ Case No. 2109-00259, *Shepherd v. Kentucky-American Water Co.* (Ky. PSC Apr. 13, 2021), Order at 3, citing *Energy Regulatory Comm'n v. Kentucky Power Co.*, 605 S.W.2d 46, 50 (Ky. App. 1980).

⁶ Farmdale District's Answer to Complaint (Answer) (filed Jan. 20, 2022) at 1.

⁷ Answer at 2.

⁸ Burrell's Response to Commission Staff's Second Request for Information (filed June 23, 2023), Items 2, 3. The Commission notes that this date is prior to the date Farmdale District indicates the meter was installed.

of the meter had caused the pigtail to be “blown out.” Instead, the pigtail had been “yanked out” from the meter setter.⁹

According to Mr. Burrell, Farmdale District reconnected the service line to the pigtail.¹⁰

DISCUSSION AND FINDINGS

The interpretation of 807 KAR 5:066, Section 1(5) most favorable to Mr. Burrell would be that the end of the pigtail was the point of service and that he had a duty to make the connection between his service line and the end of the pigtail. Mr. Burrell has the burden to establish that Farmdale District caused the leak due to improper installation on the utility side of the service connection—that the connection failed because the pigtail ruptured or came loose from the meter. He has not filed any evidence into the record indicating failure of the connection on the utility side of the point of service after responding to Commission Staff’s data requests. Mr. Burrell was responsible for connecting the service line to the pigtail. The only evidence as to location of the leak was that Farmdale District’s employee inspected the connection and found that it occurred between the end of the pigtail and the service line. Absent evidence of a leak in the actual pigtail or where the pigtail connected to the meter, Mr. Burrell cannot prevail.

Having reviewed the complaint and being advised, the Commission finds that Mr. Burrell’s complaint should be denied. He has not met his burden to establish that Farmdale District caused the leak due to improper installation on the utility side of the service connection. Mr. Burrell was responsible for connecting the service line to the pigtail.

⁹ Farmdale District’s Response to Commission Staff’s First Request for Information (filed June 23, 2023), Item 1(b).


¹⁰ Complaint at 2.

IT IS THEREFORE ORDERED that:

1. Mr. Burrell's complaint against Farmdale District is denied.
2. This case is closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION



Chairman


Vice Chairman


Commissioner

ENTERED
AUG 22 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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