

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN C. LAWRENCE)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2023-00148
)	
FARMDALE WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

On April 26, 2023, John Lawrence tendered a formal complaint with the Commission against Farmdale Water District (Farmdale District) alleging that he was overbilled \$9,000 for one month's usage of water that is related to a water leak. Pursuant to Commission regulations in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2), provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

THE COMPLAINT

Mr. Lawrence alleged that he was overbilled \$9,000 for one month's usage of water that is related to a water leak. When Mr. Lawrence filed an informal complaint with the Commission, the Division of Inspections (DOI) Commission Staff arranged for Louisville Water to conduct a meter test, which reflected that the meter was within the Commission's meter accuracy regulatory standard. Mr. Lawrence alleged that between December 2021 and June 2022, there was water running and pooling on his property near the water meter. During this same time period, his water bill decreased from \$100 per month to \$30 per month, which he attributed to repairing leaking toilets. Regarding the water on his property, Mr. Lawrence stated that Farmdale District conducted a leak test and tested the standing water for chlorine in December 2021 to determine whether there was a water line leak or if this was an underground spring that had risen to the surface. Farmdale District again tested the standing water in April 2022. Both the December 2021 and April 2022 tests did not evidence chlorine, which Mr. Lawrence alleges Farmdale took to mean that there was not a leak. After a neighbor informed Mr. Lawrence in May 2022 that there is an underground spring in the area of the standing water that rises to the surface in wet weather, Mr. Lawrence decided to install a drain to mitigate the water in June 2022. Mr. Lawrence alleged that, during the excavation, water could be heard running in that area, which caused the excavator to continue hand digging until they discovered that the fitting attaching the water line to the meter was leaking. Mr. Lawrence stated that he then repaired the line going to the meter. On its face, it is unclear that the allegations contained therein entitles the Complainant to the relief sought. Moreover, other than the narrative

complaint filed in this matter, Mr. Lawrence did not present evidence supporting his allegations.

At a Farmdale District board meeting Mr. Lawrence attended in September 2022, he was presented with a bill for \$9,000, which allegedly reflected only one month's billing. Mr. Lawrence subsequently filed an informal complaint with the Commission and declined a payment plan to repay the \$9,000 bill. Mr. Lawrence also alleges that his meter was not read between December 2021 and June 2022 but did not provide support for this assertion other than a statement that he did not see footprints that would have evidenced that the meter was being read.

DISCUSSION AND FINDINGS

As noted above, based upon the allegations in the Complaint, it is unclear whether the Complainant is entitled to the relief requested and, other than the Complainant's narrative statement, no evidence of the act or omission complained of has been submitted to the record supporting the allegations, thus the Commission finds that the complaint fails to establish a prima facie case. Since Mr. Lawrence's complaint fails to establish a prima facie case, 807 KAR 5:001, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2), provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed. Mr. Lawrence shall have 20 days from the date of service of this Order to submit additional evidence in support of his complaint. Mr. Lawrence, pursuant to 807 KAR 5:001, shall file with the Commission any additional information or evidence by

either mailing the response to the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602, or by emailing the response to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. Mr. Lawrence shall have 20 days from the date of service of this Order to submit additional evidence in support of his complaint by responding to the Commission Staff's request for information set forth in the attached Appendix of this Order.
2. A copy of this Order shall be served on John Lawrence by U.S. certified mail, return receipt requested, at 376 Schofield Lane, Frankfort, Kentucky 40601.
3. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

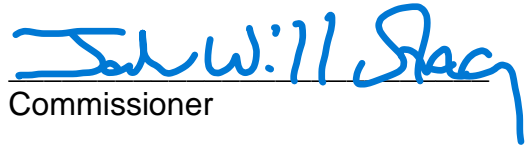
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00148 DATED NOV 12 2024

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO JOHN C. LAWRENCE

John C. Lawrence, pursuant to 807 KAR 5:001, shall file with the Commission the following information by either mailing the response to the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602, or by emailing the response to PSCED@ky.gov. The information requested is due on December 2, 2024.

Mr. Lawrence shall make timely amendment to any prior response if Mr. Lawrence obtains information that indicates the response was incorrect or incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which Mr. Lawrence fails or refuses to furnish all or part of the requested information, Mr. Lawrence shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When filing a paper containing personal information, Mr. Lawrence shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. State whether the alleged loose fitting that was subsequently repaired is on the Farmdale District's side of the meter or the customer's side of the meter.

2. State whether the December 2021 tests were conducted at Mr. Lawrence's request or whether Farmdale District commenced the December 2021 tests on its own.
3. File the corresponding bills at issue that relate to Mr. Lawrence's complaint.
4. State whether or not Farmdale District performed any other type of tests other than the chlorine tests and if so, provide the results of those tests.
5. Provide a statement detailing the specific reasons why Mr. Lawrence believes his meter was not tested by Farmdale Water District.

John C. Lawrence
376 Schofield Lane
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