COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

THE APPLICATION OF) VERNA HILLS LIMITED FOR AN) EMERGENCY AND PERMANENT) RATE INCREASE)

ORDER

IT IS ORDERED that:

 The Staff Report on Verna Hills, Ltd. ("Verna Hills") attached hereto as Appendix A shall be included as a part of the record in this proceeding.

2. Verna Hills shall have until the close of business February 21, 1986, to file written comments concerning the contents of Appendix A.

Done at Frankfort, Kentucky, this 14th day of February, 1986.

PUBLIC SERVICE COMMISSION

VICE Chairman

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ATTEST:

Secretary

APPENDIX A

STAFF REPORT

ON

VERNA HILLS, LTD.

PREFACE

On December 19, 1985, Verna Hills, Ltd. ("Verna Hills") filed its application seeking an emergency increase in its rates for sewer service. This application is in response to the Commission's Order in Case No. 9389, An Investigation of the Condition of Verna Hills, Ltd. The above proceeding is included in this report by reference. The rates proposed by Verna Hills would generate \$115,283, an increase of 1,127 percent in the residential rate currently being charged.

As part of its endeavor to simplify the regulatory process and to expedite Verna Hill's request for emergency rates, the Commission chose to perform a limited examination of Verna Hill's The Commission's objective was test period operations. to substantially reduce the need for written data requests and, therefore, the expense to the utility. On January 15, 1986, Mr. Larry Updike of the Commission's engineering staff inspected the physical plant of Verna Hills. His findings are attached as a part of this report. On January 29, 1986, an informal conference was held at the Commission's offices in Frankfort, Rentucky. Attending this conference were Mr. Don Bates, President and sole stockholder of Verna Hills, Mr. George Sallee, Mr. Kevin Mason and Mr. Dennis Jones of the Commission's Rates and Tariffs Division and Mr. Larry Updike.

SCOPE

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The scope of this examination was limited to determining the current operating condition of the physical plant, ascertaining whether the operating expenses for 1985, which Mr. Bates stated were the basis for Verna Hills pro forma operating representative of expenses, were normal annual operations and gathering supporting and clarifying information related to the rate application filed in this proceeding.

OPERATING CONDITIONS

On November 1, 1984, the Department for Environmental protection issued a letter (attached) to Mr. Bates outlining operation and maintenance deficiencies noted during an October 25, 1984, inspection. To date these deficiencies have not been corrected. At the informal conference staff requested Mr. Bates to obtain an estimate for bringing Verna Hills into compliance with the requirements of the Department of Environmental Protection. Verna Hills should complete these improvements as quickly as possible.

Verna Hills did not include an allowance for completing these repairs in its application.

RECORD KEEPING

Verna Hills financial records for 1985 consisted of a cash receipts ledger and checkbook stubs serving as a cash disbursements ledger. The check stubs listed only the expenses which were paid but did not reflect all the expenses incurred. Verna Hills should expand its bookkeeping efforts to include a general ledger and any necessary supporting ledgers required to

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properly account for all the expenses incurred by Verna Hills as a result of rendering service to its customers.

REVENUES AND EXPENSES

Verna Hills had a test period operating loss of \$28,411 which it proposed to adjust to an operating loss of \$84,188,¹ excluding the proposed revenue increase. After reviewing the filing in this proceeding, Case No. 9389, and other information obtained from Mr. Bates (attached as part of this report) the staff has recommended the following adjustments to Verna Hills proposed operations:

Operating Revenues

Verna Hills had actual test period revenues of \$10,094. The staff recommends increasing this amount by \$136 to \$10,230² to account for the revenues Verna Hills should have received at its current residential rate of \$5.50 per month and 155 customers.

Sludge Hauling

Verna Hills proposed a sludge hauling expense of \$3,380, based on hauling sludge once per week. Following the completion of the repairs and improvements required by the Department for Environmental Protection in its letter to Verna Hills dated November 1, 1984, sludge hauling should not be required more than

Actual revenues of \$10,094 less adjusted operating expenses of \$68,788, less \$25,494 in amortized accounts payable.

 $^{^{2}}$ \$5.50 per month x 12 months x 155 customers = \$10,230.

twice each month. Therefore, staff recommends reducing this expense by \$1,820.³

Mileage and Transportation

Verna Hills included a mileage allowance of \$3,096 in its proposed operating expenses. This allowance is to reimburse Mr. Bates for travel between Louisville, Kentucky, where Verna Hills maintains its office and Winchester, Kentucky, where the physical plant is located. Locating Verna Hills' office in Louisville does not provide any apparent benefit to the customers of Verna Hills, nor promote more efficient operation of the physical plant, therefore, this expense should not be supported by the ratepayers of Verna Hills and the staff recommends eliminating this expense for rate-making purposes.

Wage and Salary Expense

In its application, Verna Hills has included \$17,400 in corporate management fees and \$8.600 in maintenance and supervision expense for total compensation of \$26,000 payable to Mr. Bates as president and supervisor of Verna Hills. An additional allowance of \$600 per month for general maintenance and operation of the plant and \$2,477 for secretarial work has also been included. The staff finds the allowance for general maintenance and secretarial work to be reasonable, however as president and sole stockholder of Verna Hills Mr. Bates is entitled to any profit earned by Verna Hills. This should

^{3 \$3,380 - (\$65} per load x 2 loads per month x 12 months) =
\$1,820.

constitute his only ratepayer supported compensation for serving in this capacity. In several recent proceedings the Commission has limited compensation for supervision to \$1,800 per year,⁴ which is the staff recommended level in this proceeding.

Social Security and Unemployment Tax

Given the adjusted level of wages and salaries herein the staff has reduced Verna Hills' allowance for social security and unemployment tax from \$2,769 to \$1,521.⁵

Bad Debt Expense

Verna Hills included an allowance for bad debts of \$5,580 in its proposed operations. Mr. Bates stated this amount was approximately 5 percent of the proposed level of revenues. Verna Hills has suffered from a high percentage of uncollectible revenue due primarily to customer dissatisfaction with the operating condition of the plant. This dissatisfaction should be mitigated by the system being brought into compliance with the requirements of the Department for Environmental Protection. Sewer systems in general experience between 1 and 2 percent uncollectible revenue, therefore, the staff recommends including an allowance of 2 percent uncollectible revenue in its determination of Verna Hills' revenue requirements.

⁵ (\$1,800 + \$7,200 + \$2,477) x 13.25% overall rate = \$1,521.

⁴ Case No. 9249, Application of Pilot Oak Water Supply for an adjustment of rates Pursuant to the Alternative Procedure for Small Utilities.

Depreciation Expense

Verna Hills included in its operating expenses a \$4,661 allowance for depreciation expense. The Commission has a long standing practice of disallowing depreciation on contributed plant for rate-making purposes. Since 100 percent of Verna Hills' utility plant was recovered through the sale of lots, staff recommends this practice continue to be applied to Verna Hills for rate-making purposes.

Amortization of Past Due Accounts

In developing its residential rate Verna Hills included an allowance for the repayment over a 3 year period past due accounts totaling \$65,494 for work performed or services rendered to Verna Included in this amount is \$32,600 payable to Mr. Bates Hills. accrued from March 1984 to December 1985 for serving as president and supervisor of Verna Hills, an allowance for mileage, payment of phone bills estimated at \$100 per month, and office rent at The staff has recommended elsewhere in this \$100 per month. report that Mr. Bates receive \$1,800 per year as supervisor and to disallow any allowance for mileage. This would reduce the amount payable to Mr. Bates over the above period to \$7,350. Verna Hills has already reimbursed Mr. Bates \$10,800 for these services,6 therefore, the staff considers this debt to be repaid in full and recommends eliminating this portion of past due accounts payable to Mr. Bates for rate-making purposes.

⁶ Application Exhibit B.

The unstable financial condition of Verna Hills is due in large part to the low monthly rate being paid by the customers of Verna Hills and its failure to seek timely rate relief. If Verna Hills had sought timely rate relief, the current situation facing it may have been avoided and the customers of Verna Hills would have been required to support more reasonable rates for the services rendered by Verna Hills. Therefore, the staff recommends that both the customers and stockholders of Verna Hills be held equally responsible for the retirement of the remaining accounts payable with the exception of legal fees associated with the reorganization of Verna Hills of \$7,412. This reduces the portion to be supported by rates to \$12,741, which should be amortized over a 3-year period.

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Given the staff's recommendations, Verna Hills proposed operations would be as follows:

	Proposed	Staff Adjustments	Staff Adjusted
Operating Revenues Operating Expenses Net Operating Income	\$ 10,094 <u>68,788</u> \$<58,694>	\$ 136 <40,109> \$ 40,245	\$ 10,230 28,679 \$<18,449>
Amortization of Accounts Payable Net Income	25,595 \$<84,289>	<pre><21,348> \$ 61,593</pre>	<u>4,247</u> \$<22,696>

REVENUE REQUIREMENTS

Verna Hills' staff adjusted pro forma operations results in a negative operating ratio. This condition does not allow Verna Hills to meet its financial or operating obligations. The staff

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recommends allowing an operating ratio of .88 which should be sufficient for Verna Hills to meet its obligations and provide for reasonable financial growth. This results in a gross operating revenue requirement of \$37,589 exclusive of any additional costs to comply with the Department of Environmental Protection, calculated as follows:

Operating Expenses	\$28,679
.88 Operating Ratio	32,590
Amortization of Accounts Payable	4,247
Subtotal	\$36,837
Adjusted for Uncollectibles (+ .98)	37,589
Staff Adjusted Gross Revenues	10,230
Required Increase in Gross Revenues	\$27,359

TARIFF SECTION

In its application for a rate adjustment, Verna Hills proposed to increase its rate from \$5.50 to \$61.98, an increase of 1,127%. However, staff calculations indicate that an increase of 373% is a more appropriate adjustment. Therefore, Verna Hills' rate will increase from \$5.50 to \$20.21.

In its application Verna Hills did not request approval of any other charges nor did it request approval of any rules or regulations. Moreover, in its tariff on file with the Commission Verna Hills has no section for rules and regulations. Because of the many problems Verna Hills has had with it customers concerning

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its policies and procedures, the staff suggest that the utility file with its new tariff rules and regulations setting out both its responsibilities toward its customers and the customers responsibilities toward Verna Hills.

Respectfully submitted,

nnis Jones, Public Utilities Financial Analyst Chief

Kevin Mason, Public Utility Rate Analyst Senior

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COMMONWEALTH OF KENTUCKY **PUBLIC SERVICE COMMISSION** 730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

February 4, 1986

Mr. Donald W. Bates, President P. O. Box 16085 Louisville, Kentucky 40216-0085

Re: Inspection Report

Dear Mr. Bates:

On January 15, 1986, the sewage facilities of Verna Hills, Ltd. were inspected for compliance with KRS 278 and Commission regulations. A report on this inspection has been prepared, and a copy is enclosed for your review. The recommended improvements included in this report are necessary to bring your facilities into full compliance with KRS 278 and Commission regulations.

The failure to make all corrections necessary to bring the facility into compliance with KRS 278 and Commission regulations may be considered cause for enforcement proceedings to be initiated. If such action become necessary, penalties may be imposed against the utility pursuant to KRS 278.990.

Please respond to this Report by March 3, 1986, outlining a correction schedule and the related cost of each improvement. If you require any clarification on the recommended improvements, please contact Mr. Larry N. Updike at (502) 564-7590 on this matter.

Sincerely,

For Claude G. Rhorer, Jr. Director Division of Engineering & Services

CGR:LNU:jsb

Enclosure

UTILITY INSPECTION REPORT

- TO: Claude G. Rhorer, Jr., Director Division of Engineering and Services 265 FCGR, ^{51.}
- THRU: Eddie B. Smith, Chief Engineer Water and Sewage Section
- FROM: Larry N. Updike, Chief Utility Investigator J.A.U. Water and Sewage Section
- RE: Periodic Compliance Inspection Verna Hills, Ltd. Clark County, Kentucky
- DATE: February 4, 1986

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Utility operations, utility maintenance, utility management and their impact on utility services and operating costs are a primary concern of the Commission and this Division. Our ongoing inspection program is to determine if the utility is in compliance with Kentucky Revised Statutes (KRS 278), Public Service Commission (PSC) Regulations (807 KAR) and that adequate, efficient and reasonable service is being provided.

An emphasis on daily maintenance, daily operations and good operating records are essential in the operation of an efficient utility. Our inspections determine if the utility is in compliance with each.

On January 15, 1986, Verna Hills, Ltd. facility operations were inspected for compliance with KRS 278 and 807 KAR. The improvements and/or corrections necessary to bring this facility into compliance with KRS 278 and 807 KAR are as follows: Report - Verna Hills, Ltd. Page Two February 4, 1986

- The comminutor is not operational; repair or replacement is necessary to provide optimum preliminary treatment.
- 2. Some air diffusers are clogged and several drop units have been removed due to the deterioration of air lines and submerged piping; uniform addition of diffused air and through mixing are necessary to achieve efficient biological treatment; therefore all malfunctioning sections must be replaced.
- 3. The air lift line along with the scum return has been perforated by rust reducing its design capability, therefore they must be repaired or replaced.
- A backup blower for the lagoon is needed, or have immediate access to one in case of an emergency.
- 5. The lagoon is gray to black in color; this indicates that the lagoon is going septic with anaerobic conditions prevailing. Extensive cleaning of the lagoon is needed to remove the sludge so that the lagoon can operate efficiently
- Sludge deposits are in the receiving stream.
 This stream should be cleaned immediately.

Report - Verna Hills, Ltd. Page Three February 4, 1986

7. The walkway grate needs to be replaced.

The repairs and/or corrections listed in this report are recommended, in order to restore this facility to an acceptable operating condition. Upon receipt of this report, the utility should initiate appropriate action for the repairs and/or correction of each deficiency described in this report.

Item 1, 2, 3, 4, 5, 6 and 7 listed above are repeat violations. These violations were noted in the inspection report of October 8, 1984. The Commission is concerned about the utility's failure to make all corrections necessary to bring the facility into compliance with KRS 278 and PSC regulations (807 KAR). The failure to correct any violations may be considered cause for enforcement proceedings to be initiated. If such action becomes necessary, penalties may be imposed against the utility pursuant to KRS 278.990.

LNU:jsb

Affachment B MARTHA LAYNE COLLINS

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CHARLOTTE E BALDWIN Studie 1460



COMMONWEALTH OF KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FORT BOONE PLAZA 18 REILLY ROAD FRANKFORT, KENTUCKY 40601

Division of Water November 1, 1984

Mr. Donald Bates P.O. Box 16085 Louisville, Kentucky

Re: Verna Hills Subdivision STP; Clark County

Dear Mr. Bates:

The following operation and maintenance deficiencies were noted during my inspection of October 25, 1984:

- 1. The comminutor is not functional; repair or replacement is necessary to provide optimum preliminary treatment.
- 2. The bar screen needed cleaning.
- 3. Some air diffusers are clogged and several drop units have been removed due to the deterioration of air lines and submerged piping; uniform addition of diffused air and thorough mixing are necessary to achieve efficient biological treatment, therefore all malfunctioning sections must be replaced.
- 4. The air lift line in conjuction with the scum return has been perforated by rust reducing its design capabilities, and must be repaired or replaced.
- All walls and piping in the treatment basisn needed scraping and/or hosing to clean them of grease and activated sludge buildup; this measure is necessary to help reduce odors and limit insect breeding.

Page 2.

- 6. All basins within the package treatment plant including the chlorine contact basin need repainting to protect their structural integrity.
- 7. The clarifier walls and hoppers needed to be scraped down; septic clumps of sludge have risen to the water's surface adding further organic loading to the aerated lagoon; such clumps must be removed manually and returned to the aeration tank.
- 8. No chlorine tablets to provide disinfection were supplied on the inspection date; the effluent must be chlorinated prior to discharge.
- 9. One of two air compressors, in conjunction with the aeration basin, is out of service and requires repair/replacement. At present, failure of the functional compressor, with no back-up available, would create undesireable septic conditions throughout the plant causing violation of permit parameters and pollution of the receiving stream. Foul odors will be associated with that condition.
- 10. The aerated polishing lagoon is full of septic, ashy sludge and requires extensive cleaning. There are approximately 6 inches of clear water above the sludge blanket at this time. Evidence of sludge deposits were apparent in the receiving stream channel. Discharge of these solids to the creek is of major consequence and cannot be allowed to occur in light of the facility's permitted effluent limitations and regulations regarding stream Quality standards. As a further maintenance recommendation, I would advise the removal of all ducks and geese from the plant property to help reduce any unnecessary organic runoff to the troubled lagoon.
- 11. The storm sewer outfall in the vicinity of the sewage treatment plant discharge has been confirmed as conveying sanitary wastes (16,000 colonies fecal coliform/100 ml). Suspected breaks/cross connections must be located and corrected to eliminate the unpermitted discharge of sewage contamination.

Departmental enforcement regarding your facility's non-compliance and regulatory violations is ongoing. Routine and complaint response inspections will Page 3.

continue to be made. In the meantime, you are still required to submit quarterly analyses of the effluent in accordance with your discharge permit.

If you should have any questions pertaining to the content of this letter or should you desire further technical assistance, please do not hesitate to contact this office at (502) 564-3410-extension 501.

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Very truly yours,

Tuderick R. Claux

Susan E. Fulmer, EI Sr. Frankfort District Office Division of Water

SEF/b1p

cc: Clark County Health Center William Eddins, DOW Enforcement Branch

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF KENTUCKY LEXINGTON

IN RE

CASE NO.

DONALD WILLIAM BATES

80-936

DEBTOR

TRUSTEE'S BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that Jerry D. Truitt, as Trustee in bankruptcy for the estate of Donald William Bates, Debtor, party of the first part, for and in consideration of the sum of \$200.00 to him in hand paid by Donald William Bates, party of the second part, receipt whereof is hereby acknowledged, and pursuant to an Order dated November 4, 1985, and signed by the Honorable Joe Lee, Bankruptcy Judge of the United States Bankruptcy Court for the Eastern District of Kentucky, has bargained and sold and by these presents does hereby grant and convey to the party of the second part, his heirs and assigns, all of his right, title and interest in and to wit: office equipment of Bates and Company and 2,000 shares of stock in Verna Hills Ltd.

TO HAVE AND TO HOLD the same unto the party of the second part, his heirs and assigns forever. This sale and conveyance is made without any representations or warranties of any kind.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand this 12th day of November, 1985.

THE IN THE BANKRUPTCY ESTATE OF DONALD WILLIAM BATES AND NOT INDIVIDUALLY

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me this 12th day of November, 1985, by JERRY D. TRUITT, TRUSTEE OF THE ESTATE OF DONALD WILLIAM BATES, IN BANKRUPTCY.

My commission expires

My Commission Expires Feb. 7, 1987

ha Corman PUBLIC

KENTUCKY AT LARGE

Prepared by:

STURGILL, TURNER & TRUITT

155 Bast Math Street

Lexington, Kentucky 40507

Attorneys for Jerry D. Truitt, Trustee



























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PAY TO THE ORDER OF JAMES A. KEELEY, ATTORNEY AT LAW Call N D ٠. \$ ł

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