

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ANTHONY NEWSOME)	
)	
COMPLAINANT)	
)	CASE NO. 92-060
VS.)	
)	
FARMDALE WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On February 14, 1992, Anthony Newsome ("Mr. Newsome") filed a formal complaint with the Public Service Commission ("Commission") against Farmdale Water District ("Farmdale"). Farmdale was notified of the complaint by Order of February 24, 1992 and filed its answer on March 4, 1992. On March 24, 1992, the Commission issued an Order setting forth the positions stated by the parties and advising the parties that the case would stand submitted unless a hearing was requested within 20 days. Subsequently, on April 13, 1992, Farmdale filed a response stating that it would not be requesting a hearing. No response was received from Mr. Newsome.

Mr. Newsome's complaint concerns a bill he received from Farmdale for costs incurred in relocating the water meter serving his property from a location on adjoining property owned by Mr. and Mrs. Norman Dickerson ("the Dickersons") to a location on his property.

The Commission, having reviewed the evidence of record and being otherwise sufficiently advised, finds that:

1. The water meter which serves Mr. Newsome's property was placed at the initial location by Farmdale prior to the time Mr. Newsome purchased his property in June 1989.

2. The Dickersons requested that the meter and water line be removed from their property.¹

3. In its answer, Farmdale stated at page 2 that had it not replaced the meter, the Dickersons were going to remove the meter at their own expense and Mr. Newsome would not have had water.

The water meter is the property of Farmdale. Item 15 of Farmdale's tariff provides: "No person shall. . . , willfully. . . uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the District's water works." Neither Mr. Newsome nor the Dickersons were authorized to uncover or move the meter.

4. Item 16 of Farmdale's tariff states: "District may, at the request of customer, relocate or change existing District-owned equipment. Customer shall reimburse District for such changes at actual cost including appropriate overhead." (Emphasis added).

Mr. Newsome did not request that the meter be relocated and, therefore, should not be held responsible for payment of any costs resulting from the relocation.

¹ Answer of Farmdale Water District, Page 1 and Letter from Roland P. Merkel, Dated September 12, 1990.


IT IS THEREFORE ORDERED that:

1. Farmdale shall withdraw the bill charged to Mr. Newsome for costs incurred as a result of relocating the water meter serving Mr. Newsome's property.

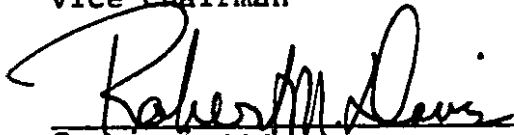
2. Farmdale shall not make any further attempts to collect said bill.

Done at Frankfort, Kentucky, this 14th day of May, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director