## COMMONWEALTH OF KENTUCKY

## BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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CARL STINSON

COMPLAINANT

vs.

CASE NO. 94-010

HARDIN COUNTY WATER DISTRICT NO. 2 DEFENDANT

#### ORDER

On January 4, 1994, Carl Stinson filed a formal complaint against Hardin County Water District No. 2 ("Hardin District No. 2"). Stinson contends that a water bill is "to [sic] high" and requests relief from any obligation to pay such bill.

Commission Regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a <u>prima facie</u> case. A complaint establishes a <u>prima facie</u> case when, on its face, it sets forth sufficient allegations that if uncontradicted by other evidence would entitle the complainant to the requested relief. If a complaint fails to establish a <u>prima facie</u> case, the Commission must notify the complainant and provide a reasonable opportunity to amend the complaint.

Stinson's complaint fails to state a <u>prima</u> <u>facie</u> case. In its present form, the complaint is so vague that Defendant cannot reasonably be required to frame a responsive pleading. It does not state whose water bill is the subject of the complaint or sufficient facts to ascertain why the water bill in question is too high.

Stinson's complaint also fails to comply with Commission Regulation 807 KAR 5:001, Section 12(2), insofar as it is not signed by the complainant or his attorney.

IT IS THEREFORE ORDERED that:

1. Stinson shall have 20 days from the date of this Order to file an amended complaint which sets forth a <u>prime facie</u> case against Hardin District No. 2 and which complies with Commission Regulation 807 KAR 5:001, Section 12(2).

2. In the event that an amended complaint is not filed within 20 days of the date of this Order, this case shall be dismissed without further order.

Done at Frankfort, Kentucky, this ist day of Vebruary, 1994,

# PUBLIC SERVICE COMMISSION

VICE Chairman

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ATTEST:

Executive Director

COMMONWEALTE	OF	KENTUCKY
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COMPLAINANT

BEFORE THE PUBLIC SERVICE COMMISSION ME

RECEIVED

JAN 04 1994

PUBLIC SERVICE COMMISSION

VS.

In the Matter of:

Hardin Co. Water # 2 (Name of Utility) DEFENDANT

Carl Stinson

94-010

730 80801

COMPLAINT

The complaint of \_\_\_\_\_\_ respectfully shows (a) Carl Stimmer 606 Transforming Ftour, KY (b) Ifandin Go. Water # 2 P.O. Bot 66 Etm Ky That: Water Bill to High (C) necessary, the specific act, fully and clearly, or facts that are the reason and basis for the complaint.)

Continued on Next Page

Formal Complaint

Carl Stinson VS Hardin Co Water # 2 (Utility Name)

Page 2

Water Bill Dated at from KY, Kentucky, this 22 day of <u>Peremter</u>, 19<u>93</u>. (Your Signature)

Section 12. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty; the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 15(1))

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie

does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect. and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facte case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a snorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 15(2))

Section 15. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable: (a) Formal complaint. (b) Answer. (c) Application. (d) Notice of adjustment of rates. (2) Forms of formal complaint. Before the Public Service Commission (Insert name of 1 complainant) ) COMPLAINANT ) ) No. (To be inserted V5. ) } by the secretary) ) (Insert name of each ١ defendant) >

## COMPLAINT

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DEFENDANT

The complaint of (here insert full name of each complainant) respectfully shows: (a) That (here state name, occupation and post office address of each complainant). (b) That (here insert full name, occupation and post office address of each defendant). (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

(Name	eacn		

(Name and address of attorney, if any)

(3) Form of answer to formal complaint.

Before the Public S	ervice Commission
(Insert name of	)
complainant)	>
COMPLAINANT	)
	) No.
¥\$.	) (To be inserted
,	by the secretary)
	<b>)</b>
(Insert name of each	>
defendant)	)
DEFENDANT	>

ANSHER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

That (here follow specific denials of such material, allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

CCS100R	KY. PUBLIC SERV CONSUMER INQU	ice connission Iry system	1-DEC-1993
CCS-NBR:930180801 NAME:STINSON, CARL AND EL ADR1:606 TRANSYLVANIA ADR2: CITY:ELIZABETHTOWN STAT CNTY:HARDIN	SIE E:KY ZIP: <b>42701</b>	HARDIN COUNTY WAT UTIL-NUNBER:00022 SERV:WA COMP:B2 C CONTACTED UTIL?Y	ER DISTRICT #2 600 ONFIDENTIAL:N DISC.INITIAL CALL?N
CNTY:HARDIN HOME PHONE:	WORK:() ~	ACCT-NUMBER 1 DATA ENTRY OPERAT	OR 2 GS
PRELIMINARY DESCRIPTION: ACCORDING TO THE CUSTOMER ARE VERY CONSCIENTIOUS AB PROCESSOR NAME:SMITH	, THEY ARE SENIO OUT PAYING THEIR	R CITIZENS, ON A LIN BILLS. RECEIVED A	ITED INCOME AND BILL 11-1-93 FOR
***********	*****	******	*****
PROCESSOR NAME: SMITH	CALL BACK	DATE: 1-DEC-1993 11	133108.00
CALL BACK INFORMATION: \$36.35 WHICH IS APPROX. \$ THE BILL, MS. STINSON HAD VERY FAST. THE CUSTOMERS THE STINSON'S AND FOUND T EXPLAINED TO THE STINSON' METER WHICH IS THE CUSTOM UTILITY REPRESENTATIVE CR SURFACE WATER UNDER THE H THE UTILITY REPRESENTATIV	MR. STINSON CHE CALLED THE UTIL HE METER RUNNING S EVIDENTLY THER ER'S RESPONSIBIL AWLED UNDER MR. OUSE. THERE APP E, USING A PROBE	CK THE WATER METER A ITY, UTILITY REPRESE EXTREMELY FAST. TH E WAS A LEAK BETWEEN ITY. AT THE CUSTOME STINON'S HOUSE TO SE EARED TO BE NO WATER LOCATED THE PROBABL	ND FOUND IT RUNNING NTATIVE WENT TO E UTILITY REPRES. THE HOUSE AND THE R'S REQUEST, THE E IF THERE WAS ANY UNDER THE HOUSE SO E LEAK APPROX. 2-3-
PROCESSOR NAME: SMITH	CALL BACK	DATE: 1-DEC-1993 11	135102.00
CALL BACK INFORMATION: FROM THE HOUSE. UTILITY NEIGHBOR DUG UP THE WATER YESTERDAY, MR. & MRS. STI ARRANGEMENTS ON THE \$36.2 AT THAT TIME, THE CUSTOME MS. STINSON IS VERY UPSET OF THIS MAGNITUDE. EXPLA PAYMENT HISTORY AND METER UNDERSTAND.	LINE, REPLACED NSON WENT TO THE 5 BILL, PAID \$22 RS WERE ADVISED AND CRYING, STA INED TO THE CUST HISTORY. CUSTO	THE PIPE AND TURNED UTILITY'S OFFICE TO .00 LEAVING A BALANO THAT THE NEXT BILL & TED THERE IS NO WAY OMER THAT I WOULD GE MER STILL VERY EMOTI	THE WATER ON. MAKE PAYMENT E OF \$14.25. NILL BE FOR \$759.00 THEY CAN PAY A BILL T A BILLING HISTORY CONAL, HARD TO
UTIL. REPRESENTATIVE: CAS	SE, O.W. CONT	ACT DATE: 1-DEC-199	3
UTILITY RESPONSE: SPOKE WITH THE MANAGER, M MR. CASE EXPRESSED CONCEP CUSTOMER'S HOUSE. MR. CA CUSTOMER REFUSED DUE TO T READING CHECKED ON 11-30- GALLONS FOR THE PERIOD OF HAS BEEN REPAIRED. UTILI WILLING TO WORK ON A PAYM RUDE TO THE UTILITY'S OFF	IN ABOUT THE UTIL SE DID STATED HE 93 AND IT APPEAR 93 IL-15-93 THROUG TTY DOES NOT HAVE NENT AGREEMENT. 11CE PERSONNEL ON	ITY REPRESENTATIVE O HAD OFFERED TO TEST ALSO, MR. CASE HA S CUSTOMER WILL HAVE H 11-30-93, WHICH IN A LEAK ADJUSTMENT H MR. CASE STATED MS. 11-30-93.	COING UNDER A THE METER BUT THE AD THE METER E A USAGE OF 1600 NDICATES THE LEAK POLICY, BUT IS STINSON WAS VERY

NO STAFF REFERRAL RECORD ON FILE

INAL NAME: SMITH

FINAL DATE: 20-DEC-1993 23:00:00.00

INAL DISPOSITION:

poke with Ms. Stinson. Explained that since the water actually went through the meter this was a valid bill. Explained that Hardin County Water District and agreed to payment arrangements on this account if Ms. Stinson would contact the utility. Ms. Stinson is very upset and very verbal about having this bill ijusted except for the normal usage. Customer agrees there was a leak on their ide of the meter, however until the utility explains where this water went the istomer is very adamant about not paying this bill. Explained the formal complaint process - customer requested the formal complaint forms. Mailed the ormal complaint forms to Mr. 4 Mrs. Stinson.