

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ERIC D. SWANSON)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 95-592
)	
HAYFIELD UTILITIES, INC.)	
)	
DEFENDANT)	

O R D E R

On December 21, 1995, the Commission received a complaint from Eric D. Swanson against Hayfield Utilities, Inc. regarding a bill he had received for sewage service. The bill, which covered a 58 day period, was for \$49.40. According to Mr. Swanson, no sewage was discharged during this period at the residence in question, as no water was used. Mr. Swanson stated that the amount charged him was "excessive and unfair" considering that Hayfield Utilities had incurred no additional expense or liability as a result of providing service to his residence during the billing period.

The Commission is empowered by KRS 278.260 to investigate a complaint against a utility that action taken by it is unreasonable or unjustly discriminatory. Pursuant to Commission regulation 807 KAR 5:001, Section 12(4)(a), upon the filing of a formal complaint, the Commission is to examine whether a prima facie case has been established. If the complaint does not establish a prima facie case, the complainant is to be notified and may be given the opportunity to amend the complaint within a specified time. A

prima facie case is one where sufficient evidence has been produced, if evidence to the contrary is disregarded, to support a favorable finding.

Based upon a review of Mr. Swanson's complaint, the Commission finds that a prima facie case has not been established. KRS 278.160(2) states that:

No utility shall charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered than 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.

According to Hayfield Utilities' filed schedule (attached), its monthly rate for sewage service to a single family residence is \$24.70. This is a flat rate which is not affected by the amount of sewage discharged. Under Hayfield Utilities' filed schedule, each of its residential customers is charged the same monthly fee regardless of usage.

Mr. Swanson has received a bill covering a period of 58 days, or roughly two months, in the amount of \$49.40. As Hayfield Utilities' monthly rate for sewage service is \$24.70, Mr. Swanson does not appear to have been charged a greater amount for service rendered than that prescribed in Hayfield Utilities' filed schedule. There is therefore no indication that Hayfield Utilities has acted in an unreasonable or unjustly discriminatory manner toward Mr. Swanson, or that the bill in question is "excessive and unfair" as Mr. Swanson suggests.

As Mr. Swanson has failed to establish a prima facie case, the Commission will hold his complaint for 20 days to give him an opportunity to file additional information to support his claim that Hayfield Utilities has acted in an unreasonable or unjustly discriminatory manner. If no amendment setting forth a prima facie case is received within 20 days, the complaint will be dismissed.


IT IS THEREFORE ORDERED that:


1. Mr. Swanson is granted 20 days from the date of this Order to file an amended complaint stating a prima facie case against Hayfield Utilities that the charge is unreasonable or unjustly discriminatory.

2. If an amended complaint is not filed within 20 days of the date of this Order, the Complaint shall be dismissed without further order of the Commission.

Done at Frankfort, Kentucky, this 18th day of January, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

Form for filing Rate Schedules

Countryside Subdivision & Adjacent Area In Oldham County Kentucky

For Community, Town or City

P.S.C. NO. 1

~~Original~~ ^{1st Revised} SHEET NO. 1

CANCELLING P.S.C. NO. 1

Orig. SHEET NO. 1

Hayfield Utilities, Inc.
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

	RATE PER UNIT
<u>RESIDENTIAL RATE:</u>	
Single Family Residential	\$24.70/Month (flat rate)

DATE OF ISSUE ~~11-9-80~~ 16th - 82

DATE EFFECTIVE 3-29-80

ISSUED BY Carroll F. Cogan
Name of Officer
Carroll F. Cogan

TITLE PUBLIC SERVICE COMMISSION
President of KENTUCKY

Issued by authority of an Order of the Public Service Commission in Case No. 7802 dated 3-29-80

EFFECTIVE
Mar 29, 1980
~~DEC 7, 1980~~

ATTACHMENT

PURSUANT TO 807 KAR 5:011,
SECTION 9(1)
RY: P. Cogan

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Case No. 95-592

RECEIVED

DEC 21 1995

Executive Director's Office

Eric D. Swanson
(Your Full Name))
COMPLAINANT)

VS.)

Hayfield Utilities
(Name of Utility))
DEFENDANT)

C O M P L A I N T

The complaint of Eric D. Swanson respectfully shows:
(Your Full Name)

(a) Eric D. Swanson
(Your Full Name)

7603 Old Orchard Court Louisville, Ky 40222
(Your Address)

(b) Hayfield Utilities
(Name of Utility)

136 St. Matthews Ave
(Address of Utility)

(c) That: An unfair sewage rate is being charged.
(Describe here, attaching additional sheets if

My bill, which covers 58 days, is \$49.40. No
necessary, the specific act, fully and clearly, or facts

sewage was discharged during this period, as no
that are the reason and basis for the complaint.)

water was used. I should not be charged

Formal Complaint

Eric Swanson vs Hayfield Utilities
(Your Name) (Utility Name)

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Such an outrageous amount. This is an excessive
and unfair rate. The Hayfield Utilities Co. incurred
no additional expense or liability, yet they charge me
as if I used the sewer every day. A small charge
(such as the \$10.00 the water dept. has) may be in order in
order, but 49.40 for 58 days is excessive.

Wherefore, complainant asks The \$49.40 charges be
(Specifically state the
reduced to \$10.00 Any such charges in the
relief desired.)
future, where no sewage is discharged, be dealt
with likewise

Dated at Louisville, Kentucky, this 19th day
(Your City)
of December, 1995.
(Month)

Eric Swanson
(Your Signature)

(Name and address of attorney, if any)