

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HANS W. KALLENBERGER)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 96-479
)	
HENRY COUNTY WATER DISTRICT #2)	
)	
DEFENDANT)	

O R D E R

On October 8, 1996, Hans W. Kallenberger filed a complaint against Henry County Water District #2 ("Henry Water") regarding a sub-meter which had been installed on his water line. On October 15, 1996, the Commission directed Henry Water to satisfy or answer the complaint. Henry Water filed its answer on October 25, 1996, asking that the complaint be dismissed. The Commission finds that further proceedings are necessary.

IT IS THEREFORE ORDERED that the parties shall file the original and 12 copies of the following information with the Commission with a copy to the other party of record no later than 15 days from the date of this Order. The parties shall furnish with each response the name of the witness who will be available to respond to questions concerning each item of information requested should a public hearing be scheduled. While each party is requested to answer the questions directed specifically towards it, each may also reply appropriately to the questions directed towards the other party.

Questions for Mr. Kallenberger

1. Is Chevalier, Inc. still the owner of record of the property where the master meter is situated? If not, who is?
2. If Mr. Kallenberger is not the owner of record of the property in question, what is his standing?
3. What relation is the Black Forest Riding Academy to Chevalier, Inc. and Mr. Kallenberger?
4. Has the Henry Circuit Court reached a final decision in Case No. 95-CI-00109, or does it remain on the Court's active docket? If a final decision has been reached in that proceeding, provide a copy of that decision.

Questions for Henry Water

1. Who does Henry Water bill for service rendered through the master meter?
2. Who does Henry Water bill for service rendered through the sub-meter?
3. Provide the meter readings and the billing records for both the master meter and the sub-meter from the date the sub-meter was installed in 1991 to the present.
4. Describe the arrangement between Henry Water, the customer presently served through the master meter, and the customer presently served through the sub-meter, including:
 - a. Who takes the monthly reading for the sub-meter?
 - b. How are the respective parties billed for service rendered?
 - c. Does Henry Water charge the customer served through the sub-meter a minimum bill as well as the customer served through the master meter?

5. The letter attached to Henry Water's response and labeled as "Defendant's Exhibit A" refers to an agreement between Henry Water, Susan Martin, and Bittersweet Arabians, Inc.

a. Provide an executed copy of this agreement.

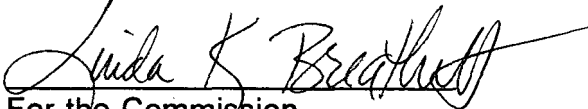
b. Provide documentation supporting Henry Water's position that the agreement burdened the land rather than just being a personal contract among the parties, such as recorded deed restrictions or other official records.

6. Provide a map of the area involved in this complaint, including the meters in question and all relevant lines.

7. Could the property now served through the sub-meter be served in any other feasible way?

Done at Frankfort, Kentucky, this 12th day of March, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director