

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN YUEN )  
 )  
 ) COMPLAINT )  
 ) )  
 ) V. ) CASE NO. 97-019 )  
 ) )  
 ) WAVERLY SANITATION FACILITIES, INC. )  
 ) )  
 ) DEFENDANT )

O R D E R

On December 23, 1996, John Yuen filed a formal complaint against Waverly Sanitation Facilities, Inc. ("Defendant").<sup>1</sup> In his complaint, he alleges that the rate charged to his property for sanitary sewer service is excessive when compared to the charges which the Louisville Water Company assesses for water service to the same property.

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 prima facie case. A complaint establishes a prima facie 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 prima

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<sup>1</sup> In his complaint, the Complaint identifies the Defendant as "Standing Oaks Manor Sewer Service." A search of Commission records indicates that the name of the utility which provides sanitary sewer service to 8602 Standing Oak Drive, Louisville, Kentucky is Waverly Sanitation Facilities, Inc.

facie case, the Commission must notify the Complainant and provide a reasonable opportunity to amend the complaint.

Mr. Yuen fails to state a prima facie case. He does not allege that the Defendant is charging rates which are in excess of its filed rates nor does he allege that the Defendant is producing revenues in excess of those which the Commission authorized. While the rates assessed which the Complainant pays may appear excessive when compared to those which he pays for water service, neither the two services nor their respective service providers are readily comparable.

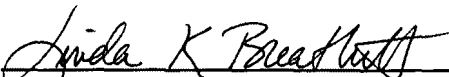
The Commission notes that it established the Defendant's rates for sanitary sewer service three years ago.<sup>2</sup> Absent specific allegations the Defendant's financial condition or customer base has significantly changed, the Commission will not initiate a new review of the Defendant's rates.

IT IS THEREFORE ORDERED that:


1. Complainant shall have 20 days from the date of this Order to file an amended complaint which sets forth a prima facie case against the Defendant.
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 23rd day of January, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

<sup>2</sup> Waverly Sanitation, Inc., Case No. 93-002 (Jul. 15, 1993), aff'd on reh'g (Dec. 1, 1993).