

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RONNIE FREEMAN)	
)	
COMPLAINANT)	
)	
v.)	
)	CASE NO. 97-050
REIDLAND WATER & SEWER)	
DISTRICT)	
)	
DEFENDANT)	

O R D E R

On January 29, 1997, the Commission received a complaint from Ronnie Freeman against Reidland Water & Sewer District ("Reidland") regarding a sewer extension which had been made by Reidland.

The Commission is empowered by KRS 278.260 to investigate complaints against a utility. 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. Freeman's complaint and being otherwise advised, the Commission found that a prima facie case had not been established. Mr. Freeman was given the opportunity to file additional information or to clarify that which he had already

filed in order to support his case against Reidland. Mr. Freeman's amended complaint was filed February 27, 1997. In it, Mr. Freeman succinctly stated that Reidland had violated the terms of an Agreed Order between it and the Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water ("DOW") by installing a sewer line extension. Mr. Freeman further stated that he believed there had been other violations of the Agreed Order as well, and objected to any "tap-on-ban exemption forms" which had been filed. Mr. Freeman requested a full investigation of these violations as well as a "Cease and Resist" order regarding any further extensions until the Agreed Order is lifted.

Mr. Freeman's complaint does not state a claim upon which relief can be granted by the Commission. Pursuant to KRS 278.260(1),

The commission shall have original jurisdiction over complaints as to rates or service of any utility, and upon a complaint in writing made against any utility by any person that any rate in which the complainant is directly interested is unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act affecting or relating to the service of the utility or any service in connection therewith is unreasonable, unsafe, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it deems necessary or convenient. The commission may also make such an investigation on its own motion. No order affecting the rates or service complained of shall be entered by the commission without a formal public hearing.

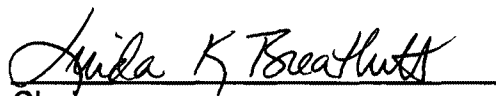
The matter that Mr. Freeman has filed a complaint upon involves an Agreed Order between Reidland and DOW and as such does not fall within the Commission's jurisdiction. Nor does the Commission have jurisdiction over tap-on-bans or exemptions thereto. From the face of Mr. Freeman's complaint, it would appear that these matters should be brought

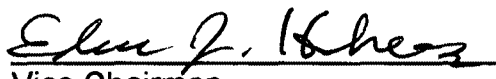
to the attention of DOW rather than the Commission. As the Commission has no jurisdiction over the subject of Mr. Freeman's complaint, it should be dismissed. By doing so, the Commission makes no decision regarding the merits of Mr. Freeman's complaint.

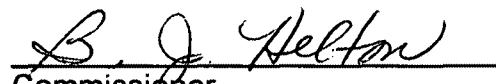
IT IS THEREFORE ORDERED that Mr. Freeman's complaint against Reidland is hereby dismissed.

Done at Frankfort, Kentucky, this 10th day of March, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director