

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARK C. PERKINS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 98-611
)	
NORTHERN KENTUCKY WATER)	
SERVICE DISTRICT)	
)	
DEFENDANT)	

O R D E R

On November 20, 1998, Mark C. Perkins (Complainant) filed a formal complaint against Northern Kentucky Water Service District (District). The Complainant alleged that he applied for water service with the District and requested that the meter be located next to an existing meter on his property. The Complainant claimed that the District disregarded his request with regard to the location of the meter, setting the meter approximately 4 feet from Old State Road #2 and 38 feet from the requested location. The Complainant requests that the Commission order the District to move the water meter 38 feet to within 5 to 8 feet of the existing meter and approximately 5 feet on to Mr. Perkins property.

On December 2, 1998, the Commission ordered the District to satisfy or answer the complaint. The District filed its Answer on December 11, 1998, denying the relief requested by the Complainant. The District stated that the meter, or point of service, was properly located in accordance with the District s Rates, Rules, and Regulations, Section XIII(3) and 807 KAR 5:066, Section 12(1)(b). The District also stated that it would be granting an unreasonable preference to the Complainant, in violation of KRS

278.170(1), if it located the Complainant's point of service approximately 50 feet from the nearest public right-of-way in the location requested by the Complainant. According to the District, all other customers have their meters located on or near the public right-of-way as required by Kentucky regulation and the District's Rates, Rules, and Regulations.

807 KAR 5:066, Section 12(1)(b) states that [i]n areas where the distribution system follows well-defined streets and roads, the customer's point of service shall be located at that point on or near the street right-of-way or property line most accessible to the utility from its distribution system. Thus, pursuant to the regulation, a utility has discretion to locate a meter so that it is accessible to the utility from its distribution system.

The information provided to the Commission indicates that the portion of the District's distribution system nearest the Complainant follows well-defined streets and roads. Specifically, the distribution main follows Old State Road #2. In accordance with the above-cited regulation, the district has discretion to place the meter at a location accessible to it from its distribution system. The Commission, therefore, finds that the District acted within the discretionary authority granted by the regulation when it chose to set the Complainant's meter close to Old State Road #2, the nearest public right-of-way. The District was under no obligation to set the meter at the location requested by the Complainant. Moreover, while the District admits that Mr. Perkins' existing meter is located approximately 50 feet from the closest public right-of-way, the placement of the existing meter is not at issue in this complaint.

The Commission, having considered the facts and having been being otherwise sufficiently informed, HEREBY ORDERS that the relief requested is denied and the complaint is dismissed.

Done at Frankfort, Kentucky, this 15th day of March, 1999.

By the Commission

ATTEST:

Executive Director