

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STIRMAN ADAMS, JR.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2000-109
)	
BEECH GROVE WATER SYSTEM)	
)	
DEFENDANT)	

O R D E R

On February 22, 2000, Stirman Adams, Jr. ("Complainant") filed a formal complaint with the Commission against Beech Grove Water System ("Beech Grove"). The Complainant alleges that Beech Grove has treated him unfairly because he is a chicken farmer, and that Beech Grove's new tariff provision (requiring that only four chicken houses be set on one meter and that additional meters be set for chicken houses over that number) should not apply to him. Complainant claims that in 1995 he requested two meters from Beech Grove to supply eight chicken houses, but that Beech Grove refused to supply him with additional meters. Complainant claims he installed his own water system to make up for the shortfall caused by the lack of the additional meters. The complaint is unclear how many of the chicken houses were served by Beech Grove and how many were served by Complainant's own water system. Complainant asserts that the new tariff provision requiring a meter for each group of

four chicken houses should apply to new customers of Beech Grove and a “Grandfather Law” should apply to his chicken houses.

Beech Grove filed an answer on March 21, 2000, denying that it discriminates against chicken farmers and that the tariff provision is unfair. The Commission issued data requests to both parties on August 28, 2000 and a second data request to Beech Grove on November 27, 2000. Beech Grove and Complainant duly responded to all data requests.

The Commission received a letter from Beech Grove on April 30, 2001, requesting permission to remove a page from its tariff. The page Beech Grove seeks to remove contains the provision limiting to four the number of chicken houses on one meter.

The gravamen of the complaint is that the tariff provision should not apply to Complainant. Pursuant to 807 KAR 8:001, Section 12(5), upon a defendant’s satisfaction of a complaint, no further proceedings are necessary. By removing the tariff provision at issue, Beech Grove has provided the relief Complainant requested. Accordingly, this case should be removed from the Commission’s docket without further Order.

IT IS THEREFORE ORDERED that:

1. Beech Grove may remove the page from its tariff as requested.
2. This case is closed and is removed from the Commission’s docket.

Done at Frankfort, Kentucky, this 11th day of May, 2001.

By the Commission

ATTEST:


Executive Director