

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT YOUNG FAMILY)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00212
)	
SOUTHEASTERN WATER)	
ASSOCIATION, INC.)	
)	
DEFENDANT)	

O R D E R

On February 6, 2007, the Robert Young Family (“Youngs”) filed a request for rehearing of the Commission’s Order of January 25, 2007, which dismissed their complaint against Southeastern Water Association, Inc. (“Southeastern”). Because a formal hearing was not conducted in this proceeding, the Commission will treat the Youngs’ filing as a request for reconsideration rather than a request for rehearing.¹

The Youngs assert that the Commission’s Order was in error for several reasons. First, the Youngs state that they keep the water spout located on the outside of their home secured with a lock to prevent intruders from using the water. Second, the Youngs state that they have friends and neighbors who watch over their property

¹ KRS 278.400 states: “[u]pon the rehearing any party may offer additional evidence that could not with reasonable diligence have been offered on the former hearing. Upon rehearing, the commission may change, modify, vacate or affirm its former orders, and make and enter such order as it deems necessary.”

during times when the Youngs are not regularly residing in the home. And third, the Youngs argue that Southeastern failed to adhere to a Commission Order giving both the Youngs and Southeastern 10 days to file certain documents.²

The Commission has reviewed each of the Youngs' arguments, but has not found substantive evidence demonstrating that Southeastern acted in error or that the Youngs are entitled to a determination that they either can receive a reduction or do not have to pay the March 2006 bill.

The Commission has again reviewed Southeastern's meter readings for the Youngs' home. As stated in the Commission's January 25, 2007 Order, according to the meter-reading history, the Youngs' water usage prior to March 2006 never exceeded 8,500 gallons per month.³ The month in dispute is March 2006. The following are meter readings for February 2006, March 2006, and April 2006:⁴

<u>Month</u>	<u>Previous Reading</u>	<u>Present Reading</u>	<u>Usage</u>
February	247,400	247,800	400
March	247,800	288,700	40,900
April	288,700	292,100	3,400

As provided in the above chart, the final reading for February 2006 was 247,800 and the initial reading for March 2006 was also 247,800. The final reading for March 2006 was

² On page two of their request for rehearing, the Youngs stated, "As you gave us and South Eastern Water Assoc. 10 days to file the papers[.] We did as requested per you and South Eastern took 4 weeks plus to file." Upon request, the Commission allowed Southeastern to file a late answer due to a scheduling issue with counsel. However, the Commission has not discovered any other documents filed by Southeastern that fits the time frame referenced by the Youngs.

³ January 25, 2007 Order at 2.

⁴ See Southeastern's November 28, 2006 Response to Commission Staff's Second Data Request, Reading History Report.

288,700 and the initial reading for April 2006 was also 288,700. The Commission finds that the meter readings are numerically consistent and that there is no evidence that Southeastern read the meter incorrectly.

Although the March 2006 reading is unusual considering the historic monthly usage at the Youngs' home, the Commission cannot infer wrongdoing based only on one irregular month.⁵ There must be conclusive proof that Southeastern incorrectly read the meter in March 2006. Without such evidence, the Commission cannot grant the relief requested by the Youngs. The Commission does not find sufficient basis to reverse its January 25, 2007 Order.

IT IS THEREFORE ORDERED that the Youngs' request for reconsideration of the Commission's January 25, 2007 Order is denied.

Done at Frankfort, Kentucky, this 26th day of February, 2007.

By the Commission

ATTEST:


Executive Director

⁵ *Id.*