

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM C. HILL	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2017-00316
V.	)	
	)	
MUHLENBERG COUNTY WATER DISTRICT	)	
	)	
DEFENDANT	)	

ORDER

This matter is before the Commission on a formal complaint filed by William C. Hill (Mr. Hill) on July 20, 2017, naming Muhlenberg County Water District (Muhlenberg District) as the defendant. Mr. Hill alleges Muhlenberg District's failure to comply with terms of its tariff. A formal conference was held on July 5, 2018, where the parties discussed the anticipated issues of fact and law relevant to the dispute between the parties to be addressed at a hearing scheduled for October 16, 2018. During the formal conference, the Commission discussed with the parties and Commission Staff, issues and evidence to be provided to the Commission as part of post-conference information requests which are set forth in the Appendices to this Order. Additionally, the parties discussed and agreed upon scheduled deadlines to request information and provide briefing prior to the hearing. Mr. Hill notified the Commission of his absence and remote access to communication for the upcoming months. The Commission will accept responses signed and filed by Mr. Hill's counsel for Mr. Hill in his absence.

Based upon a review of the record, the Commission finds that it should establish a procedural schedule to ensure a complete record and an orderly review of Mr. Hill's Complaint.

IT IS THEREFORE ORDERED that:

1. Parties and subpoenaed witnesses shall appear for a hearing on October 16, 2018, at 9:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky for the purposes of presenting evidence on all issues in this matter.

2. All requests for intervention shall be filed no later than July 16, 2018.

3. Muhlenberg District shall file to join Todd County Water District (Todd District) as a party by July 16, 2018.

4. Mr. Hill shall file his Response to Staff's Post Conference Requests for Information contained in Appendix A to this Order no later than August 8, 2018.

5. Muhlenberg District shall file its Response to Staff's Post Conference Requests for Information contained in Appendix B to this Order no later than August 8, 2018.

6. All initial requests for information to Muhlenberg District or Mr. Hill or intervening parties shall be filed no later than July 16, 2018.

7. Responses to requests for information shall be filed no later than August 8, 2018.

8. All discovery depositions shall be completed by September 21, 2018, and their transcripts filed in the record by October 1, 2018.

9. All additional requests for information shall be filed no later than September 4, 2018.

10. Responses to additional requests for information no later than September 14, 2018.

11. All parties shall file pre-hearing briefs with the Commission identifying their position on the issues of fact and law to be determined by the Commission and cite their support no later than October 1, 2018.

12. Muhlenberg District shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, Muhlenberg District shall forward a duplicate of the notice and request to the Commission.

13. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript and a stenographic transcript shall be made of the formal conference and hearing.

14. Parties shall file with the Commission, no later than October 9, 2018, a list of witnesses and exhibits to be presented at the October 16, 2018 hearing. Parties shall provide six copies of any exhibit they intend to introduce into evidence at the hearing.

15. Any party filing a paper with the Commission shall follow electronic filing procedures in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

16. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable and shall be appropriately bookmarked.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party refuses to furnish all or part of the requested information that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

17. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Steve R. Penson". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2017-00316

APPENDIX A

APPENDIX A TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2017-00316 DATED **JUL 09 2018**

COMMISSION STAFF'S POST CONFERENCE REQUEST FOR INFORMATION  
TO WILLIAM C. HILL

1. Provide the recorded easements referred to in discussion at the formal conference and a copy of any deed or deeds related to the easements and the subject property.
2. Provide the legal argument and support for a water district providing water service to a subdivision when one does not exist and include factors to indicate that a subdivision is substantially underway.
3. Provide the legal argument and support for Muhlenberg District not charging you flushing costs.
4. Provide the legal argument and support or dissent for placing the meter at the "main road" or McPherson Road.
5. Provide the legal argument and support or dissent for installing a 3-inch line and a meter at McPherson Road to utilize for providing water service to Mr. Hill's existing home with the intention of moving the meter closer to the subdivision as homes are built on the lots in the subdivision.
  - a. Discuss the exact location of the meter, the cost of installing and alternatives.
  - b. Discuss what factors would be used to determine when the meter would be moved and specifically, how many homes would need to be built before moving the meter.

c. Discuss whether Muhlenberg District or Todd District would install the meter.

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## APPENDIX B

APPENDIX B TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2017-00316 DATED **JUL 09 2018**

### COMMISSION STAFF'S POST CONFERENCE REQUEST FOR INFORMATION TO MUHLENBERG COUNTY WATER DISTRICT

1. Provide the legal argument and support for a water district not providing water service to a subdivision when one does not exist and include factors to indicate that a subdivision is substantially underway.
2. Provide the legal argument and support for charging Mr. Hill flushing costs.
3. Provide its flushing records and schedules for the past two years. Indicate whether it has ever charged a customer for flushing costs in the past.
4. Provide the legal argument and support or dissent for placing the meter at the "main road" or McPherson Road.
5. Provide its records, including maps and locations of providing meters on private and county roads for its serviced territory.
6. Provide the cost estimate for the materials needed to install the water line proposed at the formal conference and indicate the difference in price between installing a 2-inch line versus a 3-inch line.
7. Provide the legal argument and support or dissent for installing a 3-inch line and a meter at McPherson Road to utilize for providing water service to Mr. Hill's existing home with the intention of moving the meter closer to the subdivision as homes are built on the lots in the subdivision.
  - a. Discuss the exact location of the meter, the cost of installing and alternatives.



b. Discuss what factors would be used to determine when the meter would be moved and specifically, how many homes would need to be built before moving the meter.

c. Discuss whether Muhlenberg District or Todd District would install the meter

8. Provide information from Todd District as to whether they can provide water service to Mr. Hill.

a. Provide the price of purchasing water from Todd District. Specifically, clarify any variance between prices quoted to Muhlenberg District in the past.

b. Provide whether Todd District has the correct water pressure to provide water to Mr. Hill and indicate if any infrastructure changes would need to be made to provide water to Mr. Hill's house versus a potential subdivision.

c. Provide whether Todd District will need to do a hydraulic analysis study to determine whether they can provide Mr. Hill's house water service and whether a study is needed to provide a potential subdivision water service. Indicate the cost involved.

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