

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SARAH HELTON AND JEFFREY COLLINS)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO.
)	2018-00138
)	
SHARPSBURG WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

On April 16, 2018, Ms. Sarah Helton and Mr. Jeffrey Collins filed with the Commission a Complaint against Sharpsburg Water District (Sharpsburg District). The Complaint was not clearly pleaded but appeared to contain allegations of possible overbilling on the account located at 28 East Church Street as well as refusal to fix a leak at that address on the part of Sharpsburg District. Sharpsburg District filed a response in the form of a letter dated September 17, 2018, stating that it had replaced the meter in an attempt to resolve the situation. The response further stated that as the replacement of the meter did not cause the usage to decrease, the leak appeared to be on the customer's side of the water line and, therefore, not the responsibility of the water district.

According to both the Complaint and the response, the problem was further complicated by the fact that one water line was serving three separate properties and fixing the line would involve digging not just on the property located at 28 Church Street, but two other properties as well. Sharpsburg District's response indicated it would be

willing to install a new line and meter exclusive to the residence at 28 Church Street and that the cost would be \$850, as indicated in its tariff. Sharpsburg District stated it would be responsible for obtaining the necessary right-of-ways.

Commission Staff held an Informal Conference on October 18, 2018. At the Informal Conference Ms. Helton clarified that she was not the property owner nor was she the resident. Mr. Collins was the owner of the property and Ms. Helton managed the property for him. The property was currently being rented, and the actual account with Sharpsburg District for 28 East Church Street was not in the name of either Ms. Helton or Mr. Collins, but instead was in the name of the tenant.

After some discussion, the parties agreed that the leak in the line appeared to be on the customer's side of the meter and therefore was not the responsibility of Sharpsburg District. The parties also agreed that a water line that does not cross another property would be the best long-term solution, and Ms. Helton stated that Mr. Collins would be willing to pay the \$850 meter connection charge to facilitate this. Sharpsburg District was agreeable to laying the new water line upon payment of the \$850 meter connection charge.¹

On August 8, 2019, Commission Staff issued requests for information to both Sharpsburg District and Ms. Helton and Mr. Collins to confirm information that Commission Staff had received from Sharpsburg District that Ms. Helton and Mr. Collins no longer sought for a meter to be placed on the property. Commission Staff requested that Sharpsburg District confirm that account for 28 East Church Street was paid in full and not in arrears and requested that Ms. Helton and Mr. Collins confirm that the leak in

¹ Informal Conference Memorandum, Oct. 18, 2018, pages 1–2.

the service line had been repaired and that they no longer were requesting that a meter be set on the property. Sharpsburg District responded that the account was still in arrears. Neither Ms. Helton nor Mr. Collins filed a response to the request for information.

On October 9, 2019, the Commission issued an Order directing Ms. Helton and Mr. Collins to file a response to the August 9, 2019 request for information, or that the Commission would consider the record closed and the Commission would make a decision on the existing record.

DISCUSSION

Although the Complaint does not explicitly state the relief requested, Mr. Collins and Ms. Helton also appear to be asking for forgiveness of a portion of the elevated bills reflecting the leak, and for Sharpsburg District to install a designated service line that does not cross any other private property. Sharpsburg District appeared willing to install such a water line once the appropriate fees were paid.² Assuming that Mr. Collins and Ms. Helton still wish that a meter be placed on the property, and that they comply with all applicable regulations and tariff provisions, the Commission believes this to be the best long-term solution to the problem of the shared service line and its leak and fully expects Sharpsburg District to follow through with its expressed intention of installing a designated water line for the residence located at 28 Church Street upon payment of the appropriate fees located in its tariff.

The Commission finds, however, that there is no relief available to Mr. Collins and Ms. Helton on the matter of the elevated water bill. Sharpsburg District replaced the meter and the water usage did not go down, indicating that the leak is in the residence or in the

² Letter from Sharpsburg District, Oct. 29, 2018.

service line, and therefore not the responsibility of Sharpsburg District.³ Sharpsburg District has no leak adjustment clause in its tariff and is therefore prevented from forgiving any part of the bill.

KRS 278.160(2) states that “[n]o utility shall charge, demand, collect, receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules” Without a leak adjustment clause present in the tariff, Sharpsburg District is prevented from charging a reduced rate for the water lost in the leak or giving any other relief.

Based on a review of the Complaint and being otherwise sufficiently advised, the Commission finds that there is no evidence that Sharpsburg District has violated any statute, regulation, or provision of its tariff and that this Complaint should be dismissed.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Complaint of Sarah Helton and Jeffrey Collins against Sharpsburg District is dismissed with prejudice.
2. This case is closed and removed from the Commission’s docket.

³ *Letter from Sharpsburg District, Sep. 14, 2018.*

By the Commission

ENTERED
MAR 03 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

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