

**CASE**

**NUMBER:**

99-020

INDEX FOR CASE: 99-020  
KENTUCKY-AMERICAN WATER COMPANY  
Complaints - Rates  
OF NAZARETH BUILDERS, INC.

IN THE MATTER OF NAZARETH BUILDERS, INC. VS.  
KENTUCKY-AMERICAN WATER COMPANY

SEQ NBR	ENTRY DATE	REMARKS
0001	01/14/99	Application.
0002	01/22/99	Acknowledgement letter.
M0001	01/29/99	KY AMERICAN WATER LARRY BURNS-FINAL RESOLUTION
M0002	02/04/99	BLAKE SEEBERGER NAZARETH BUILDERS-LETT TO WITHDRAW COMPLAINT
0003	02/08/99	FINAL ORDER DISMISSING COMPLAINT



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-020  
KENTUCKY-AMERICAN WATER COMPANY

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on February 8, 1999.

Parties of Record:

Roy W. Mundy  
President  
Kentucky-American Water Company  
2300 Richmond Road  
Lexington, KY. 40502

Nazareth Builders, Inc.  
4837 Bud Lane  
Lexington, KY. 40514

*Stephanie D. Bell*

Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:


NAZARETH BUILDERS, INC. )  
 )  
COMPLAINANT )  
 )  
v. ) CASE NO. 99-020  
 )  
 )  
KENTUCKY-AMERICAN WATER COMPANY )  
 )  
DEFENDANT )

O R D E R

On January 21, 1999, Nazareth Builders, Inc. ("Complainant") filed a formal complaint alleging that Kentucky-American Water Company ("KAWC") improperly billed the Complainant for water service consumed at a construction site. On January 29, 1999, KAWC informed the Commission that the parties have resolved the billing dispute to the Complainant's satisfaction. The Complainant also informed the Commission of its satisfaction with the resolution and withdrew the complaint by letter dated February 3, 1999. The Commission, being sufficiently advised, HEREBY ORDERS that this complaint is dismissed.

Done at Frankfort, Kentucky, this 8th day of February, 1999.

By the Commission

ATTEST:  
  
Executive Director

**Nazareth Builders, Inc.**

4837 Bud Lane  
Lexington, KY 40514

Phone 606-223-1166  
Fax 606-223-3478

RECEIVED

FEB 05 1999

PSC Consumer Services

February 03 1999  
RECEIVED

FEB 5 1999

PUBLIC SERVICE  
COMMISSION

Jouett Kinney  
Public Service Commission  
PO Box 615  
Frankfort, KY 40602

RE: Case No. 99-020  
Nazareth Builders, Inc.

This letter is to state that Nazareth Builders, Inc. is dropping the complaint against Kentucky American Water Company. K.A.W.C. has credited the bill amount off our account.

Sincerely,



C. Blake Seeberger, VP  
Nazareth Builders, Inc.



# Kentucky-American Water Company

2300 Richmond Road • Lexington, Kentucky 40502 • (606) 269-2386 • Fax (606) 268-6327

January 26, 1999

Stephanie Bell  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

Nazareth Builders, Inc.  
4837 Bud Lane  
Lexington, KY 40514

RE: Case No. 99-020  
Nazareth Builders, Inc.

This letter is to reference the case number above with the final resolution. Lee Vescio contacted C. Kirk Seeberger on Friday, January 15, 1999, and was able to resolve the high bill issue. Mr. Seeberger informed her that he had just mailed off the formal complaint. On January 22, 1999, Emma Dailey forwarded our resolution to your office, but was unaware of the case number at that time.

The resolution form is attached to this letter so that the proper case is referenced.

Sincerely,

Larry Burns  
Director - Customer Service

cc: Roy Mundy  
Coleman Bush  
Emma Dailey

RECEIVED

JAN 29 1999

PUBLIC SERVICE  
COMMISSION

**PUBLIC SERVICE COMMISSION**

**Complaint Sheet**

Date: 1/14/99

Customer: Nazareth Builders, Inc., Clark Seeberger, President

Address: 4837 Bud Lane, Lexington, KY, 40514

Account Number: 380-96000420-016 Service Number: 84857-A

Telephone Number: \_\_\_\_\_

PSC Agent: Mike Nantz/Ginny Smith

Log Number: Not Assigned

Received By: Emma Dailey on 1/20/99

Nature of Complaint: In summer of 1996 customer had construction water meter -- received a bill for \$1400 -- During investigation w/KAWC, there were conflicting records on readings and other info. Have been trying to resolve this for 2-1/2 years. Please Help. We paid \$300 in Jan. of 1997, which should be more than what we owed for that usage. Client feels balance of bill should be credited off their account.

Required Follow Up: This account had a final bill on 10/9/96, in the amount of \$2922.49. On 10/24/96, a credit adjustment was given in the amount of \$1499.24, leaving a balance of \$1423.25. Customer made a payment on 1/27/97 in the amount of \$300.00, leaving a balance of \$1123.25. A letter was sent to PSC on 9/15/97, stating we checked meter and did not find any malfunction. PSC suggested the bill was correct and to notify customer of findings.

Check appropriate answers;

A. Contact customer? Yes \_\_\_ No \_\_\_ How? Phone \_\_\_ Letter \_\_\_ Both \_\_\_

B. Contact PSC? Yes x No \_\_\_ How? Phone \_\_\_ Letter \_\_\_ Both \_\_\_

Final Resolution: In an effort to clear this account, we made a non-precedented adjustment for the \$1123.25 on 1/15/99, leaving a zero balance. When Mr. Seeberger was notified that adjustment had been made, he mentioned he had already filed a formal complaint

Date: 1/22/99

Result in Formal Complaint? Yes \_\_\_ No \_\_\_



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

January 22, 1999

Roy W. Mundy  
President  
Kentucky-American Water Company  
2300 Richmond Road  
Lexington, KY. 40502


Nazareth Builders, Inc.  
4837 Bud Lane  
Lexington, KY. 40514

RE: Case No. 99-020  
KENTUCKY-AMERICAN WATER COMPANY  
(Complaints - Rates) OF NAZARETH BUILDERS, INC.

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received January 14, 1999 and has been assigned Case No. 99-020. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

  
Stephanie Bell  
Secretary of the Commission

SB/jc



#98-0347

11 *Boj*

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 14 1999

PUBLIC SERVICE  
COMMISSION

In the Matter of:

NAZARETH BUILDERS, INC. )  
 (Your Full Name) )  
 )  
 COMPLAINANT )  
 )  
 v. )  
 )  
KY AMERICAN WATER CO. )  
 (Name of Utility) )  
 )  
 DEFENDANT )

*Case*  
*99-020*

COMPLAINT

The complaint of NAZARETH BUILDERS, INC. respectfully shows:  
(Your Full Name)

(a) NAZARETH BUILDERS INC  
(Your Full Name)

4837 BUDLAGE, LEXINGTON, KY 40514  
(Your Address)

(b) KY AMERICAN WATER CO.  
(Name of Utility)

2300 RICHMOND RD, LEXINGTON, KY 40502-1308  
(Address of Utility)

(c) That: IN THE SUMMER OF 1996 WE HAD A  
(Describe here, using additional sheets if necessary, the

CONSTRUCTION WATER METER WE RECEIVED A  
specific act, fully and clearly, or facts that are the reason and basis

BILL FOR \$1400 - DURING AN INVESTIGATION  
for the complaint.)

w/ky Amer WATER CO. There were  
CONFLICTING RECORDS ON READINGS + OTHER  
INFORMATION - we have BEING TRYING TO RESOLVE  
THIS FOR 2 1/2 YEARS - please help -  
we paid \$300 in Jan of 1998 which should BE  
MORE than what we owed for that usage -

Formal Complaint  
Page 2

NARETH BUILDERS, INC. v. KY AMERICAN WATER CO.  
(Your Name) (Utility's Name)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, complainant asks BALANCE OF BILL SHOULD  
(Specifically state the relief desired.)

Be credited off our Account.  
\_\_\_\_\_  
\_\_\_\_\_

Dated at LEXINGTON, Kentucky, this 14 day of  
(Your City)  
JAN., 1999.  
(Month)

*L. Kirk Seeburger*  
L. KIRK Seeburger pres.  
NARETH BUILDERS INC.

## 807 KAR 5:001. Rules of procedure.

### Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

- (a) The full name and post office address of the complainant.
- (b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

#### (4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).