

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENRY J. LEWIS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2005-00035
)	
SOUTHEASTERN WATER ASSOCIATION)	
)	
DEFENDANT)	

O R D E R

This case is before the Commission on the complaint of Henry J. Lewis against Southeastern Water Association ("Southeastern"). Mr. Lewis disputes the accuracy of a November 2004 water bill for \$273.29, approximately \$250 more than his average water bill. Mr. Lewis claims that he had no leak on his side of the meter, he did not use that much water, and, therefore, Southeastern made a mistake in its billing. Mr. Lewis has requested that Southeastern reduce the amount of the bill and charge him for the average of his monthly bills.

Southeastern states that Mr. Lewis owes the amount of the bill as the meter was functioning accurately and there was no mistake in the meter reading. The bill for \$273.29 stemmed from a meter reading on November 11, 2004 that indicated usage of 42,100 gallons of water during the preceding month. Southeastern contends that Mr. Lewis was billed correctly and that the spike in usage probably resulted from a leak on

Mr. Lewis's service line leading from the meter to his house. Southeastern has offered to waive any penalties and late charges and to apply a leak adjustment upon proper request. Southeastern is seeking dismissal of the complaint.

In response to data requests, Southeastern provided copies of the Complainant's meter-reading history from November 2003 through April 2006. According to that history, Mr. Lewis's water usage, except for the November 2004 bill, never exceeded 4,300 gallons. Three separate tests of Mr. Lewis's water meter indicate that the meter was accurately recording consumption.

The Commission is empowered by KRS 278.260 to hear "complaints as to rates or service of any utility." The Commission has the power to dismiss any complaint without a hearing if, in the Commission's opinion, a hearing is not necessary in the public interest or for the protection of substantial rights. The Commission finds that a decision in this case can be based upon a review of the existing record and that a hearing is not necessary.¹

According to KRS 278.160, a utility must charge its tariffed rates to all of its customers. No person shall receive service from any utility for compensation greater or less than that prescribed within its filed schedules.²

The Commission finds that Mr. Lewis, who bears the burden of proof in this case, has not provided conclusive evidence that the meter reading for the November 2004 bill was inaccurate or incorrect. Additionally, the Commission has not found evidence that

¹ See 807 KAR 5:001.

² See Boone County Sand and Gravel Company, Inc. v. Owen County Rural Electric Cooperative Corp., 779 S.W.2d 224 (Ky. App. 1989).

Southeastern billed Mr. Lewis at an amount other than its properly filed rate. The Commission therefore finds that the complaint should be dismissed. The Commission also finds that Southeastern should waive all late fees and penalties and should provide a leak adjustment if Mr. Lewis requests one.

IT IS THEREFORE ORDERED that:

1. Complainant's request for a reduction of the November 2004 water bill is denied.
2. Southeastern shall remove all late charges and other penalties from Complainant's bill.
3. Southeastern shall, in accordance with the procedures outlined in its filed tariff, offer a leak adjustment to the amount of the November 2004 bill, if Complainant properly requests it.
4. This complaint is dismissed with prejudice, and this case is removed from the Commission's docket.
5. This is a final and appealable Order.

Done at Frankfort, Kentucky, this 13th day of March, 2007.

By the Commission

ATTEST:



Executive Director