



Ernie Fletcher  
Governor

LaJuana S. Wilcher, Secretary  
Environmental and Public  
Protection Cabinet

Christopher L. Lilly  
Commissioner  
Department of Public Protection

Lowell Clark  
Peaks Mill Water District  
310 Perkins Road  
Frankfort, KY 40601

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
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Mark David Goss  
Chairman

Teresa J. Hill  
Vice Chairman

Gregory Coker  
Commissioner

November 3, 2005

RE: Case No. 2005-00437

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell  
Executive Director

BOD/jc  
Enclosure

Lowell Clark  
Peaks Mill Water District  
310 Perkins Road  
Frankfort, KY 40601

Jeffrey Charles Quarles  
15480 Owenton Road  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JEFFREY CHARLES QUARLES	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00437
	)	
PEAKS MILL WATER DISTRICT	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Peaks Mill Water District ("Peaks Mill") is hereby notified that it has been named as defendant in a formal complaint filed on October 25, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Peaks Mill is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 3rd day of November, 2005.

ATTEST:

By the Commission



Executive Director

310  
95

2005-437

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

JEFFREY Charles Quarles )

(Your Full Name)

COMPLAINANT

OCT 15 2005

VS.

Peaks Mill Water District )

(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of Jeffrey Charles Quarles respectfully shows:  
(Your Full Name)

(a) Jeffrey Charles Quarles  
(Your Full Name)

15480 Owenston Rd. Frankfort, Ky. 40601  
(Your Address)

(b) Peaks Mill Water District  
(Name of Utility)

310 Perkins Lane Frankfort, Ky. 40601  
(Address of Utility)

(c) That: Peaks Mill Water District has denied  
(Describe here, attaching additional sheets if necessary,

me access to their water line that crosses  
the specific act, fully and clearly, or facts that are the reason

my driveway. I need access to this line  
and basis for the complaint.)

so I can advance water onto my farm  
in preparation of building a new home for myself

See Attached Letter from Lowell W. Clark

Formal Complaint

\_\_\_\_\_ vs. \_\_\_\_\_

Page 2 of 2

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

Wherefore, complainant asks that Peaks Mill Water District  
(Specifically state the relief desired.)

gives me access to this line, or gives up their line  
to Ky-American so as they will give me  
access.

Dated at Frankfort, Kentucky, this 29<sup>th</sup> day  
(Your City)

of Sept., 2005  
(Month) ~~19~~

Jeffrey C. Quarles  
(Your Signature)

\_\_\_\_\_  
(Name and address of attorney, if any)

## 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).

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

### Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates



Before the Public Service Commission

(Insert name of complainant) )  
Complainant )  
vs. ) No. \_\_\_\_\_  
(To be inserted by  
the secretary)  
(Insert name of each defendant) )  
Defendant )

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at \_\_\_\_\_, Kentucky, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Name of each complainant)

\_\_\_\_\_  
(Name and address of attorney,  
if any)

PEAKS MILL WATER DISTRICT  
310 PERKINS LANE  
FRANKFORT, KY 40601  
502-227-5740

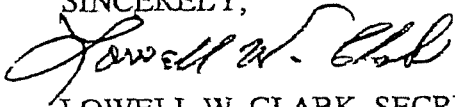
MR. JEFF QUARLES  
15480 OWENTON ROAD  
FRANKFORT, KY 40601

DEAR MR. QUARLES,

THE PEAKS MILL WATER DISTRICT HAS REVIEWED YOUR REQUEST TO HOOK INTO OUR WATER LINE THAT IS AT THE FRANKLIN-OWEN COUNTY LINE.

WE ARE SORRY TO INFORM YOU THAT YOUR REQUEST IS HEREBY DENIED. THE TWO BASIC REASONS FOR THIS DENIAL IS THAT YOUR PROPERTY IS OUTSIDE OF OUR DISTRICT BOUNDARY, ALSO KY-AMERICAN HAS IT'S WATER LINE IN FRONT OF YOUR PROPERTY AND CAN SERVE YOU AT THIS TIME. WE ARE SORRY THAT WE CANNOT APPROVE YOUR REQUEST AND WISH YOU WELL IN GETTING WATER TO YOUR PROPERTY.

SINCERELY,



\_\_\_\_\_  
LOWELL W. CLARK, SECRETARY

CC: W. PERKINS  
C. QUARLES  
L. PERKINS