



Ernie Fletcher  
Governor

Mark David Goss  
Chairman

Teresa J. Hill, Secretary  
Environmental and Public  
Protection Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
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Frankfort, Kentucky 40602-0615  
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John W. Clay  
Commissioner

Timothy J. LeDonne  
Commissioner  
Department of Public Protection

July 18, 2007

Mr. John H. Jones  
Chairman  
Allen County Water District  
330 New Gallatin Road  
P. O. Box 58  
Scottsville, KY 42164

RE: Case No. 2007-00310

(Complaints - Rates, Service)

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 16, 2007 and has been assigned Case No. 2007-00310. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact Virginia Gregg at (502) 564-3940 ext. 407.

Sincerely,

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

Beth O'Donnell  
Executive Director

BOD/tw



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Bobby H. Richardson  
Richardson, Gardner Barrickman & Alexander  
117 E. Washington Street  
Glasgow, KY 42141

July 18, 2007

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Beth O'Donnell  
Executive Director

BOD/tw

2007-310

**RICHARDSON, GARDNER, BARRICKMAN & ALEXANDER**

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WOODFORD L. GARDNER, JR.  
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(1920-2005)  
T. RICHARD ALEXANDER II  

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FAX (270) 651-3662

July 12, 2007

BETH O'DONNELL  
EXECUTIVE DIRECTOR  
PUBLIC SERVICE COMMISSION  
PO BOX 615  
FRANKFORT KY 40602-0615

RECEIVED  
JU 16, 07  
PUBLIC SERVICE  
COMMISSION

**RE: HARSTON, ET AL VS. ALLEN COUNTY WATER DISTRICT**

Ms. O'Donnell:

In order to resolve a dispute between my clients, Jimmy Harston and others, and the Allen County Water District. I am enclosing for filing with the Commission the original and nine (9) copies of a Complaint.

I would appreciate you filing the complaint and initiating the procedure to bring this dispute to a resolution.

If I have omitted compliance with any necessary requirement in order to initiate this proceeding, please advise me.

Yours truly,

RICHARDSON, GARDNER,  
BARRICKMAN & ALEXANDER

  
Bobby H. Richardson

BHR/ljv  
Enclosures

COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION

RECEIVED  
NO.

JUL 16 2007

PUBLIC SERVICE  
COMMISSION

JIMMY HARSTON AND  
RANDY HARSTON

COMPLAINANTS

VS.

COMPLAINT

ALLEN COUNTY WATER DISTRICT

DEFENDANT

The Complaint of Jimmy Harston and Randy Harston, hereinafter "Harstons", respectfully show:

A. The Complainants are:

Jimmy Harston and Randy Harston Real Estate Developers, whose office address is: 13070 Scottsville Road, Lucas, KY 42156.

B. The Defendant is the Allen County Water District, hereinafter "ACWD", which is a water district whose Post Office address for its office is 330 New Gallatin Road, Scottsville, KY 42164.

C. The Complainants state:

1. They are owners and developers of a certain parcel of real estate in Allen County, Kentucky, known as Riverbend Ridge Subdivision, which they have subdivided and platted into residential lots for sale, for which the public water services are provided by ACWD (a copy of the sales brochure delineating the subdivision is attached as EXHIBIT 1). The only road or street in the said subdivision is an extension of Erwin Road, which has been named Old River Road. Erwin Road is a public road along which ACWD has an existing distribution line.

2. As developers, the Harstons have installed within River Bend Ridge Subdivision, at their expense, a water distribution line of sufficient capacity to serve the subdivision as planned, which line is an extension of the Defendant's existing water distribution line on Erwin Road, which existing line terminated at Harston's property..

3. ACWD claims that its existing three-inch distribution line on Erwin Road is of insufficient capacity to transport the water necessary to serve the Harstons' entire subdivision and has limited the number of customers who may be served in the subdivision to those located in "Phase I" of the development.

4. ADWD, in reliance upon its tariffs and rules and regulations designated "AG", Line Enlargement Charge, which was filed with the Commission on September 12, 2001, a copy of which is attached as Exhibit 2, attempts to impose upon the Harstons the cost of enlarging its distribution line on Erwin Road so as to provide sufficient capacity to serve the potential need of Harstons' subdivision, which is "Phase II".

5. The cited tariff is inapplicable. The tariff is applicable only to a subdivision with frontage on an existing distribution line. The formula for ascertaining costs to a developer for line enlargement charges is based on the number of front footage of the residential development on the existing distribution line. The Complainant's residential development has no frontage on ACWD's existing distribution line.

6. It is the legal duty of the Defendant to render adequate, efficient, and reasonable service within its service area established under its Certificate of Convenience and Necessity, which duty extends to expansion of services to meet consumer demand at its cost, absent any provision in its file tariff or rate schedules to the contrary. There are no such provisions to the contrary applicable to this situation. See KRS 278.030(2), KRS

278.280 (3); KRS 278.015, City of Bardstown v. Louisville Gas & Electric Co. Ky. 383 SW 2 918 (1964).

**WHEREFORE**, the Complainants demand relief as follows:

- a) that the Defendant, ACWD, be ordered and required to install, at its sole expense, a distribution line of sufficient capacity to adequately serve Harstons' Riverbend Bend Ridge Subdivision, and
- b) for all other relief to which they may appear entitled.

**RICHARDSON, GARDNER,  
BARRICKMAN & ALEXANDER  
117 EAST WASHINGTON ST.  
GLASGOW, KY 42141  
(270) 651-8884; (270) 651-3662**

BY: *Bobby H. Richardson*  
**BOBBY H. RICHARDSON**

**ATTORNEYS FOR PLAINTIFF**