

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------|---|---------------------|
| THOMAS E. GUPTON |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| v. |) | CASE NO. 2010-00045 |
| |) | |
| TODD COUNTY WATER DISTRICT |) | |
| |) | |
| DEFENDANT |) | |

ORDER

Based upon our review of the documents that both parties have filed in this matter, and seeking to prevent the parties from incurring unnecessary expense and delay that an evidentiary hearing would require while ensuring the parties' right to due process of law, the Commission finds that preliminary findings of fact should be issued for the parties' review and comment.

The parties should carefully review the findings that are appended to this Order and file any written objections to them. If no party files written objections to these findings or if the parties do not submit a stipulation of facts to supersede these findings, these findings will become the Commission's final findings of fact and will form the factual basis of the Commission's decision on the Complaint. In the event of an objection to the Preliminary Findings of Fact or a request for hearing in this matter, the Commission will schedule an evidentiary hearing in this matter.

IT IS HEREBY ORDERED that:

1. Each party shall have 15 days from the date of this Order to file with the Commission its written objection(s) to the Preliminary Findings of Fact. Any party filing a written objection shall state in its objection the basis for the objection.

2. Should either party file with the Commission a written objection to the Preliminary Findings of Fact, this matter shall be scheduled for a hearing.

3. Within 15 days of the date of this Order, the parties may file with the Commission a written stipulation of facts to supplement or supersede the Preliminary Findings of Fact. Any stipulation submitted for the purpose of superseding the Preliminary Findings of Fact is subject to Commission review.

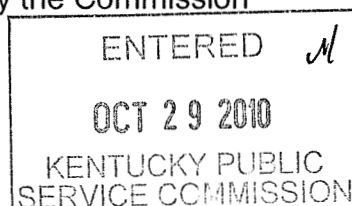
4. Within 15 days of the date of this Order, each party may file with the Commission a written request for an evidentiary hearing in this matter. This request shall identify the persons who will testify on the requesting party's behalf, contain a brief description of each person's expected testimony, and state why a hearing in this matter is necessary.

5. If, within 15 days of the date of this Order, no party to this matter files an objection to the Preliminary Findings of Fact, submits a stipulation of facts to supersede the Preliminary Findings of Fact, or requests a hearing, the Preliminary Findings of Fact shall be adopted as the Commission's Findings of Fact and this matter shall stand submitted for decision based upon these factual findings.

ATTEST:


Executive Director

By the Commission



Case No. 2010-00045

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2010-00045 DATED OCT 29 2010

PRELIMINARY FINDINGS OF FACT

1. On July 17, 2009, Thomas E. Gupton and Todd County Water District ("Todd District") executed a contract for water service to 1060 Scott Road, Sharon Grove, Kentucky. A copy of this contract is attached to these findings as Exhibit 1.
2. At the time of executing the contract for water service to 1060 Scott Road, Sharon Grove, Kentucky, Mr. Gupton paid a tap fee of \$550.00 to Todd District.
3. Todd District installed a meter box and vault at 1060 Scott Road, Sharon Grove, Kentucky on August 14, 2009.
4. Todd District installed a meter at 1060 Scott Road, Sharon Grove, Kentucky on November 5, 2009.
5. With the exception of First Revised Sheet No. 1, Exhibit 2 to these findings accurately reflects Todd District's tariff as it existed on July 17, 2009. Except for revisions in Todd District's general service rates, which are found at First Revised Sheet No. 1 and became effective on March 1, 2010, no amendments or revisions to this tariff have occurred since July 17, 2009.
6. On or about September 22, 2009, Todd District issued a bill to Mr. Gupton for \$20.22 for water service to 1060 Scott Road, Sharon Grove, Kentucky, for the period from August 8, 2009 to September 3, 2009. The total amount represented Todd District's minimum monthly bill for water service received through a 5/8-inch meter plus utility tax of \$0.63. Due date for payment of this bill was October 10, 2009. Todd District mailed this bill through the U.S. Postal Service to 1060 Scott Road, Sharon Grove, Kentucky.

7. The bill that Todd District issued on or about September 22, 2009 was returned to Todd District undelivered.

8. As of October 13, 2009, Todd District had not received any payment on the bill issued on September 22, 2009 to Mr. Gupton for water service to 1060 Scott Road, Sharon Grove, Kentucky.

9. On or about October 13, 2009, Todd District issued a bill to Mr. Gupton for \$22.18 for water service to 1060 Scott Road, Sharon Grove, Kentucky, for the period from August 8, 2009 to September 3, 2009. The total amount represented the previous balance and a late fee of \$1.96. Due date for payment of this bill was October 26, 2009. Todd District mailed this bill through the U.S. Postal Service to 1060 Scott Road, Sharon Grove, Kentucky.

10. The bill that Todd District issued on or about October 13, 2009 was returned to Todd District undelivered.

11. On or about October 21, 2009, Todd District issued a bill to Mr. Gupton for \$42.40 for water service to 1060 Scott Road, Sharon Grove, Kentucky. This amount represented a charge of \$19.63 for service provided for the period from September 3, 2009 to October 2, 2009, utility tax of \$0.59, and the previous balance of \$22.18. Due date for payment of this bill was November 10, 2009. Todd District mailed this bill through the U.S. Postal Service to 1060 Scott Road, Sharon Grove, Kentucky.

12. The bill that Todd District issued on or about October 21, 2009 was returned to Todd District undelivered.

13. On or about November 5, 2009, representatives from Todd District spoke by telephone to Mr. Gupton regarding the unpaid bill for service. Mr. Gupton advised

these representatives that the bill should be mailed to a different address and further advised that only a meter box was currently located at the property.

14. On or about November 13, 2009, Todd District issued a bill to Mr. Gupton for \$44.36 for water service to 1060 Scott Road, Sharon Grove, Kentucky, for the period from September 3, 2009 to October 2, 2009. The total amount represented the previous balance of \$42.40 and a late fee of \$1.96. Payment of this bill was due upon receipt.

15. On or about November 20, 2009, Mr. Gupton paid \$20.00 to Todd District for water service.

16. Todd District's billing records reflect that on or about November 20, 2009, Todd District issued a bill to Mr. Gupton for \$44.58 for water service to 1060 Scott Road, Sharon Grove, Kentucky, for the period from October 2, 2009 to November 3, 2009. The total amount represented a prior balance of \$24.36, a charge of \$19.63 for service provided for the period from October 2, 2009 to November 3, 2009, and utility tax of \$0.59.

17. Todd District's billing records indicated that on or about December 15, 2009, Todd District adjusted Mr. Gupton's account for water service to 1060 Scott Road, Sharon Grove, Kentucky to reflect the addition of a late fee of \$1.96.

18. On or about December 21, 2009, Todd District issued a bill to Mr. Gupton for \$66.76 for water service to 1060 Scott Road, Sharon Grove, Kentucky. This amount represented a prior balance of \$44.58, a late fee of \$1.96, a charge of \$19.63 for service provided for the period from November 3, 2009 to December 2, 2009, and utility tax of \$0.59. Due date for payment of this bill was January 11, 2010. Todd District

mailed this bill through the U.S. Postal Service to 915 Dumas Drive, Clarksville, Tennessee.

19. On December 29, 2009, Todd District disconnected water service to 1060 Scott Road, Sharon Grove, Kentucky for non-payment.

20. Todd District's records do not indicate any payment received on the account for 1060 Scott Road, Sharon Grove, Kentucky after the payment of \$20 on or about November 20, 2009 until January 29, 2010.

21. On or about January 29, 2010, Mr. Gupton paid \$71.54 to Todd District. This payment included payment for a \$25.00 disconnection fee.

22. On January 29, 2010, Todd District restored water service to 1060 Scott Road, Sharon Grove, Kentucky.

Dr. George Brown
Chairman
Todd County Water District
P. O. Box 520
617 West Main Street
Elkton, KY 42220

Thomas Gupton
915 Dumas Dr.
Clarksville, TN 37040