

500 Calloway White Road
Winchester, KY 40391

November 20, 2010

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, Kentucky 40602-0615

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NOV 23 2010

PUBLIC SERVICE
COMMISSION

RE: Case No. **2010-00358**

Enclosed are the original and ten copies of my written response to Defendant's Motion to Dismiss the referenced case.

Thank you,



William D. Christopher

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

WILLIAM D. CHRISTOPHER)
)
COMPLAINANT)
)
vs.)
)
KENTUCKY-AMERICAN WATER COMPANY)
)
DEFENDANT)
)
)
)

CASE NO. 2010-00358

COMPLAINANT'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Complainant, in response to Defendant's Motion to Dismiss the Complaint, makes the following statements.

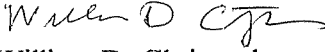
1. In response to paragraph 2 of defendant's answer to my complaint. Defendant describes my activities and observations as alleged and that KAW is without sufficient information to admit or deny these allegations. In response I specifically note that at 12:55 p.m. on March 18, 2010 KAW left a note in my mailbox stating that my meter showed water passing through it. At approximately 3:30 p.m. I arrived home, found KAW's note, checked my water meter and found that the leak detection wheel indicated a high volume of water was passing through my meter. I turned the meter off (as verified by the plumber's letter dated April 28, 2010), called the plumber, and at approximately 5:30 p.m. the plumber and I turned the water back on (as verified by the plumber's letter dated April 28, 2010). At that time, the meter showed no water passing through it (as verified by the plumber's letter dated April 28, 2010). Based on this information I submit that my actions are not alleged but verifiable.

2. In response to paragraph 3 of defendant's answer to my complaint. Defendant states their belief that 146,250 gallons of water passed through my meter between February 12, 2010 and March 18, 2010. Given my monthly water usage of 2,250 gallons for the periods preceding February 12, 2010 and the periods after March 18, 2010, and given the absent of a leak (as verified by a licensed plumber), it does not seem rational or logical that this amount of water (equal to over five years of normal water usage) could pass through my meter in a one month time frame.

3. In response to paragraph 4 of the defendant's answer to my complaint. I once again conclude that the only reasonable explanation for the 146,250 gallon water meter reading is that the meter (for reason(s) unknown) malfunctioned and my act of turning the meter off and then back on "reset" the meter and that the meter has functioned normally since that time.

THEREFORE, I respectfully request that my bill dated April 5, 2010 be adjusted to reflect a normal monthly water usage of 2,250 gallons.

Respectfully submitted,


William D. Christopher
500 Calloway White Road
Winchester, KY 40391
859-744-0169