

93

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Robert Hawkins)
(Your Full Name))
COMPLAINANT)

VS.)

Fountain Run Water District)
(Name of Utility))
DEFENDANT)

RECEIVED

JAN 11 2013

PUBLIC SERVICE
COMMISSION

CASE NO. 2013-00017

COMPLAINT

The complaint of Robert Hawkins respectfully shows:
(Your Full Name)

(a) Robert Hawkins
(Your Full Name)

11872 Holland Rd. Scottsville, KY 42164
(Your Address)

(b) Fountain Run Water District
(Name of Utility)

226 Main Street, PO BOX 118 Fountain Run KY 42133
(Address of Utility)

(c) That: see formal complaint attachment
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

Formal Complaint

Robert Hawkins vs. Fountain Run Water District

Page 2 of 2

Wherefore, complainant asks see Relief attachment
(Specifically state the relief desired.)

Dated at Fountain Run, Kentucky, this 8th day
(Your City)

of JANUARY, 2013.
(Month)

Robert Hawkins
(Your Signature*)

(Name and address of attorney, if any)

Date

*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.

Relief desired.

I am asking that the Public Service Commission review this matter of fraudulent and erroneous billing by Fountain Run Water District and FRWD be made to comply with Kentucky State Law and PSC regulations.

I also ask that FRWD be made to cease billing to the former Crossroads Café account at 212 Main St. Fountain Run, Kentucky and that they also be required to refund any payments made with interest.

As part of that I would also ask that any other user of FRWD both past and present who was billed in error under this practice be contacted and given the opportunity receive a refund with interest.

Finally I ask that PSC investigate seating practice for board members of the Fountain Run water district. It has come to my attention during the course of my investigation that 3 of the board members including Mrs. Veach were not properly appointed and that all of the Board members have not completed the State required training in compliance with PSC regulations.

The board members at both meetings I attended admitted that they did not know whether this billing practice was legal and the failure of the board to provide any legal documentation I requested would in my opinion be negligence and leave them subject to resignation or removal from the board if in fact they are legally seated.

Again I would provide more specific information but my requests were denied by Mrs. Veach.

Formal Complaint attachment for Robert Hawkins against Fountain Run Water department here forward referred to as FRWD.

I own a building at 212 Main St. Fountain Run, Kentucky. In November 2007 I requested that all water and sewer service be disconnected at that time the water meter was removed and billing ceased. About a year later sometime in fall 2008 I discovered that a meter had been reinstalled at my location. Shortly after that I began receiving a base rate sewer bill of \$18.80 a month. I was told that because I signed the user agreement in 2001 that I obligated to pay the base rate sewer bill in perpetuity. I paid 2 or 3 bills and on the advice of a knowledgeable friend I decided that I was not liable for service I had terminated and that FRWD had terminated upon the terms of the user agreement but FRWD continued to bill me.

In November of 2012 I received a letter from the Monroe County Attorney Wes Stephens stating that I was going to be sued by the FRWD for the amount of \$942.50 past due sewer bills. I went to

the November water board meeting to speak to the board about this matter. I raised several questions at this meeting including.

1st. How can FRWD bill me for service I requested disconnected and am not receiving?

2nd. Is this a legal billing practice and would they provide me a legal opinion from PSC and their attorney stating that this was in fact a legal practice.

The board members agreed and asked Mrs. Louise Veach to contact PSC and the FRWD attorney for an opinion on this matter. They stated that they would have this information available at the December meeting.

At the December meeting when I requested the status of the opinions the board members deferred to Mrs. Veach who in a very combative tone stated this is all we have for you a produced a second copy of the original user agreement. I pressed for an explanation as to why she had not obtained a legal opinion and she quoted a conversation she had with the Rural Development agent in Columbia Kentucky part of USDA. When I contacted this agent

he stated that he had no legal authority over the matter and that Mrs. Veach had taken him out of context. Further I would add that the Rural Development agent stated that in order to receive recent grant funding that FRWD had to meet certain subscriber numbers or users and I question the legality of that as it relates to the billing issue.

I am unable to provide more specific information due to the fact that my official records request that I both faxed and hand delivered to Mrs. Veach and water board chairman Joe Cornwell on December 19 2012 was denied.

I was told by Mrs. Veach that I would need a lawyer and a court order to obtain any records in the FRWD office. This exchange was witnessed by the office assistant at my request.

I do not believe that the FRWD can bill me for service I had disconnected and do not receive.