

95

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Clark McCoy, Debbie McCoy, David Vargo, Patricia Vargo,

Mike Cochran, Irene Cochran and Darrell Owens

Petitioners

vs.

Mountain Water District,

Respondent.

RECEIVED

MAR 0 1 2013

**PUBLIC SERVICE
COMMISSION**

PETITION

The Petition of Clark McCoy, Debbie McCoy, David Vargo, Patricia Vargo, Mike Cochran, Irene Cochran and Darrell Owens, respectfully shows:

(a) Petitioners are all citizens and residents of the Belfry/Pond Creek area of Pike

County, Kentucky, their mailing addresses being (1) Clark McCoy and Debbie McCoy, 277 Hillcrest Drive, Belfry, Kentucky 41514; (2) Patricia Vargo and David Vargo, Post Office Box 220, Belfry, Kentucky 41514; (3) Mike Cochran and Irene Cochran, Post Office Box 999, Belfry, Kentucky 41514; and (4) Darren Owens, 31 Cherry Court, Huddy, Kentucky 41535.

(b) The Respondent's is public utility providing water and waste water disposal service to residents of Pike County, Kentucky, its address being Mountain Water District, 6332 Zebulon Highway, P.O. Box 3157, Pikeville, KY 41501

(c) The Petitioners are all citizens and residents of Pond Creek, Pike County, Kentucky, and are not served by, nor do they have access to, a public waste water disposal system.

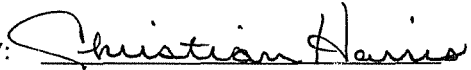
- (d) Public dollars in the form of Single County Coal Severance Funds in the amount of \$2,850,000.00 for the construction of a public waste water disposal system were awarded to the Respondent in 2008 in the Kentucky State Budget (HB 410), and additional public coal severance funds have been allocated to the Respondent in 2012 (HB 265) in the amount of \$308,846.00.
- (e) Despite numerous requests from many of the Petitioners, other residents of Pond Creek, and public officials, the Respondent has refused, or otherwise failed, to provide the Petitioners with a public waste water disposal system or make any recognizable progress toward providing the Petitioners with a public waste water disposal system since receiving the initial coal severance funds allocated in HB 410 in 2009.
- (f) The Respondent's failure to provide a public waste water disposal system is (1) exposing the residents of Pond Creek, including the Petitioners, to a serious health hazard, (2) causing the residents of Pond Creek, including the Petitioners, to unnecessarily expend their personal funds to construct, repair and maintain private waste water septic systems, (3) contaminating Pond Creek, a tributary of Tug River, which supplies drinking water to thousands of residents of the Tug Valley area, including the Petitioners, (4) amounts to an unwise and nonproductive use of public tax dollars allocated to benefit the public.
- (g) An existing waste water disposal system is located near the Belfry/Pond Creek area and could be extended to provide waste water service to the Petitioners.

(h) Respondent has the power of condemnation under Kentucky Law and could condemn real estate in the Belfry area upon which to construct a waste water treatment facility.

WHEREFORE, pursuant to KRS 278.280 (3), Complainants petition the Public Service Commission to compel Mountain Water District to either provide waste water service to the Petitioners by constructing a waste water treatment plant or make a reasonable extension of the existing waste water disposal service located near the Petitioners to the Belfry/Pond Creek area to provide the Petitioners with waste water service. Petitioners respectfully ask for an Order of the Kentucky Public Service Commission requiring the Defendant to use available funds to either construct a waste water treatment facility or extend existing waste water service to the Petitioners.

Dated at Belfry, Kentucky, on this the 26th day of February, 2013.

PETITIONERS,
CLARK MCCOY, DEBBIE MCCOY, DAVID VARGO, PATRICIA VARGO,
MIKE COCHRAN, IRENE COCHRAN AND DARRELL OWENS,

BY: 

CHRISTIAN R. HARRIS
COUNSEL FOR PETITIONERS
719 FOREST HILLS ROAD
FOREST HILLS, KENTUCKY 41527
PHONE (888) 234-2131
KY BAR ID NO. 87176