

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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AUG 28 2013

PUBLIC SERVICE
COMMISSION

In the Matter of:

Donald B. and Kimberly A. Niergarth)

v.) Case No. 2013-00309

Northern Kentucky Water District)

ANSWER OF NORTHERN KENTUCKY WATER DISTRICT

AND MOTION TO DISMISS

Northern Kentucky Water District (Northern), by counsel, for its answer to the Complaint states:

1. Northern denies the allegation that water service was denied.
2. Northern denies that its tariffs are unreasonable or that a review is needed.
3. Any allegation not specifically admitted is denied.

DEFENSES

1. The Complaint fails to state a claim for which relief can be granted.
2. The service which Complainants sought has been provided.

Motion

On July 31, 2013, Northern received a telephone inquiry from Kimberly Niergarth regarding transfer of water service. She and her husband own a rental unit and wanted the service transferred from the former tenant to their names. She was told that she could access an application form on line, complete it and scan, fax or mail it to

Northern's office. She could also apply in person at the office. She refused to do so – objecting to having to complete the application for service.

After several efforts to resolve the issue, the Customer Service Representative for Northern obtained the necessary information to change the service billing. This was done by telephone. The Customer Service Representative confirmed the name, ownership of the property, the service address, the responsible party for payment and the desired service turn on date.

The necessary internal process for changing the billing information and establishing the account in the Niergarth's names was followed by the Customer Service Representative after the information had been obtained. Service to the property was transferred and water service initiated on August 2, 2013.

The District's tariff, consistent with tariffs of other water utilities, provides that all customers must complete an application for service:

Section IA (7) "Customer" shall mean any owner, legal occupant or lessee who is to be the occupant or party responsible for payment for the water service of existing premises who shall **file application** for water service to such premises.

This tariff was submitted for approval in Case No. 2010-00094. Approval of the tariff was included in the final order in that case dated January 7, 2011, page 27:

In its application, NKWD proposed several minor revisions to its existing rules and regulations. We find these revisions are reasonable and grant our approval.

A filed copy of the tariff sheet is attached.

In a situation where a customer refused to complete an application, the Commission ruled that service had not been denied, because no application had been completed:

The record does not reflect that Mrs. Callihan has complied with Grayson RECC's procedure regarding application of service. Her complaint to the Commission is premature. In order for Mrs. Callihan to be considered to have been refused service, she must first have complied with all of Grayson RECC's requirements regarding application for service. Mrs. Callihan has not been denied service and, therefore, there is no legal basis for her complaint. GOLDIE CALLIHAN v. GRAYSON RURAL ELECTRIC COOPERATIVE CORPORATION, Case No. 2003-00485, March 18, 2004.

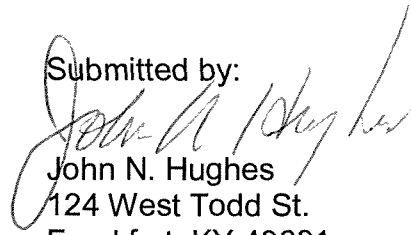
The Niergarth's were requested to provide the same information that all customers must provide. The information is necessary for Northern to have accurate, verifiable information about the customer, service location and billing history. Although she refused to comply with the application process, service was nonetheless initiated.

Northern believes this is the first time anyone has refused to complete an application for service. However, to accommodate the customer, after obtaining the necessary information, Northern turned on the water service in the Niergarth's names.

The relief requested by the Niergarth's is unnecessary because the service has been provided and the tariff applicable to this situation has been in effect and approved by the Commission without any prior objections or complaints.

For these reasons, Northern requests that the complaint be dismissed as satisfied.

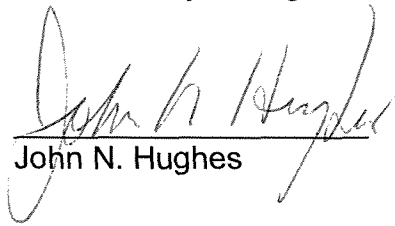
Submitted by:



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Water District

Certification:

I certify that a copy of this answer was mailed first class to Donald B. and Kimberly A. Niergarth, 10706 Kimberly Dr., Union, KY 41091 the 23rd day of August, 2013.



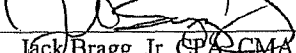
John N. Hughes

SECTION IA – DEFINITIONS

1. "Distribution main" means a line from which service connections with customers are taken at frequent intervals.
2. "Meter" means any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.
3. "Point of service" means the outlet of a customer's water meter, or valve if no meter is placed, unless the meter is located inside a building and that meter was installed by the District prior to July 18, 2008 or was installed by a municipal utility and acquired by the District. In those situations, the point of service is the curb stop or the delineation of the utility easement/right-of-way if the curb stop cannot be located.
4. "Service connection" means the line from the main to the customer's point of service and shall include the pipe fittings and valves necessary to make the connection.
5. "Service line" means the water line from the point of service to the place of consumption.
6. "Service Charge" is applied to help recover the operation and maintenance costs incurred when creating and carrying out a work-order resulting from the following circumstance: a disconnect work-order for a non-payment of bill; a disconnect work-order for a returned (bad) check; a disconnect work-order due to a theft of service; or for failure to comply with the District's Rates, Rules and Regulations.
7. "Customer" shall mean any owner, legal occupant or lessee who is to be the occupant or party responsible for payment for the water service of existing premises who shall file application for water service to such premises.

KENTUCKY PUBLIC SERVICE COMMISSION
JEFF R. DEROUEN EXECUTIVE DIRECTOR
TARIFF BRANCH
Date Effective: January <i>Brent Kirtley</i>
EFFECTIVE 2835 Crescent Springs Road, Erlanger, KY 41018 <i>1/7/2011</i>
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

Date of Issue: June 4, 2010

Issued by: 
Officer & Title Jack Bragg, Jr. CPA, CMA
Vice President - Finance

Date Effective: January *Brent Kirtley*
2835 Crescent Springs Road, Erlanger, KY 41018

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)