



prerequisite to reconnection, SWSD is requiring the Complainants to pay its tariffed \$750 tap fee.<sup>5</sup> Complainants claim they were unaware of any theft of services and do not believe they should have to pay \$750 for restoration of water services.

From September 2007 to July 2010, Complainants rented the property to Mr. Slone's niece.<sup>6</sup> According to Complainants, the only time water service at 36 Tackett Branch was in their name was briefly before the property was rented to Mr. Slone's niece and for a few months after the niece's original rental date.<sup>7</sup> SWSD provided documentation that a bill was first issued in the name of M. S. on February 25, 2008, for 36 Tackett Branch. According to Complainants, M. S. is the brother of Mr. Slone's niece. Complainants aver they had no knowledge that water service was placed in M. S.'s name.<sup>8</sup>

Complainants evicted Mr. Slone's niece in July 2010 for non-payment. Complainants aver the house was unoccupied from July 2010 to June 10, 2012.<sup>9</sup> The home was then rented to C.W. and E.M. from June 10, 2012, to August 2013 when they were evicted for non-payment. The rental agreement indicates that C. W. and E. M. were responsible for payment of all utilities.<sup>10</sup> According to SWSD's records, water service at 36 Tackett Branch was never in the name of C.W. or E. M.<sup>11</sup>

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<sup>5</sup> *Id.*, Item 11.

<sup>6</sup> Response to Staff's First Request to Slone, Items 2 and 7.

<sup>7</sup> *Id.*, Item 4.

<sup>8</sup> *Id.*, Item 7.

<sup>9</sup> *Id.*, Item 2.

<sup>10</sup> *Id.*, Items 2 and 5.

<sup>11</sup> Response to Staff's First Request to SWSD, Item 4.

Service at 36 Tackett Branch has not been active since SWSD removed the water meter during June 2010 for non-payment of services. After removal of the water meter, on multiple occasions SWSD found straight pipes at 36 Tackett Branch when customers in the area complained of low pressure or no water.<sup>12</sup> The utility indicates that straight pipes were removed from the property on numerous occasions, but the utility does not maintain records indicating when the straight pipes were removed. SWSD unsuccessfully attempted to contact occupants of 36 Tackett Branch each time a straight pipe was removed.<sup>13</sup>

SWSD acknowledges that Complainants were not notified of the removal of the meter, straight pipes, or meter setter. SWSD did not have any record regarding ownership of the property.<sup>14</sup>

After evicting C. W. and E. M., Complainants aver they surveyed the property on September 2, 2013. They noticed the water meter and electric meter box were removed. The meter setter was still present.<sup>15</sup> They checked the property on September 22, 2013, and saw that the meter setter had been removed. Complainants learned on September 26, 2013, that SWSD had removed the meter setter due to straight pipes.<sup>16</sup>

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<sup>12</sup> *Id.*, Item 5.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*, Item 6.

<sup>15</sup> Response to Staff's First Request to Slone, Item 9.

<sup>16</sup> *Id.*

SWSD avers that the meter setter was removed as a last resort, and that its reinstallation would necessitate payment of the tap-on fee.<sup>17</sup> Complainants believe SWSD should have asked neighbors in the area or contacted the Floyd County Clerk's office to identify the owners of the property at 36 Tackett Branch.

At the request of the parties, an evidentiary hearing was not held. Complainants submitted a brief. SWSD chose not to submit a brief.

Having reviewed the record and being otherwise advised, the Commission finds that:

1. The \$750 tap-on fee is a nonrecurring charge that is included in the utility's tariff. Nonrecurring charges are to be uniformly applied throughout the utility's service area.<sup>18</sup>

2. Complainants have not provided any legal basis for waiving the tariff fee to install the meter setter, meter, and assorted appurtenances.

3. Complainants failed to carry their burden in demonstrating that SWSD had any duty or obligation to conduct an intensive search into the ownership of the property prior to cutting off service to halt the continuing theft of services.

IT IS THEREFORE ORDERED that the Complaint is dismissed and this case is closed.

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<sup>17</sup> The tap-on fee includes installation of the meter setter, meter, and assorted appurtenances.

<sup>18</sup> 807 KAR 5:006, Section 9(2).

By the Commission

ENTERED  
OCT 16 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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