COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NORTH MERCER WATER DISTRICT

ALLEGED FAILURE TO COMPLY WITH COMMISSION ORDERS AND 807 KAR 5:001, SECTION 20(6) CASE NO. 2016-00310

<u>ORDER</u>

On April 21, 2016, the Commission initiated Case No. 2016-00154, Ronald D. McGinnis v. North Mercer Water District, by entering an Order to Satisfy or Answer ("Order") directing North Mercer Water District ("North Mercer") to either satisfy the matters complained of therein or file a written answer within ten days. The Order was served electronically on North Mercer on April 21, 2016, at the e-mail address <u>nmwd@burginwireless.com</u>.¹ No response was received from North Mercer by the required deadline. Commission Staff ("Staff") subsequently contacted counsel for North Mercer, Thomas M. Jones, on May 11, 2016, to inquire as to North Mercer's response, and was informed that he had no knowledge of North Mercer's receipt of the Order. A copy of the Order was faxed and mailed to Mr. Jones, as counsel for North Mercer, on May 12, 2016, with the suggestion from Staff that North Mercer file a motion for an extension of time to file an answer.² North Mercer then filed a motion for extension of

¹ E-mail from Kentucky Public Service Commission to North Mercer Water District, April 21, 2016, attached hereto as Appendix A.

² Letter from Public Service Commission to Thomas Jones, Esq., May 12, 2016, attached hereto as Appendix B.

time to answer on May 31, 2016, and was granted a ten-day extension, until June 20, 2016, by Commission Order dated June 10, 2016. No answer has been received from North Mercer to date.

Based on a review of the record in Case No. 2016-00154 and being otherwise sufficiently advised, the Commission finds that 807 KAR 5:001, Section 20(4)(b), requires that when a complaint establishes a *prima facie* case, the Commission "shall serve an order upon the person complained of . . . requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of the order" Upon the Commission's service of such an order, 807 KAR 5:001, Section 20(6), requires that "the defendant shall file an answer to the complaint within the time specified in the order or the extension as the commission, for good cause shown, shall grant."

In Case No. 2016-00154, Ronald D. McGinnis filed a formal complaint containing allegations against North Mercer challenging the adequacy and reasonableness of its water service pursuant to KRS 278.030, and the Commission entered an Order on April 21, 2016, that required North Mercer to satisfy the matters complained of or file a written answer within ten days. North Mercer failed to timely file a response to that Order. After being contacted by Commission Staff, North Mercer filed a request for an extension of time, and the Commission granted an extension until June 20, 2016, by Order entered June 10, 2016. To date, North Mercer has failed to comply with the Commission's Orders entered April 21, 2016, and June 10, 2016.

The Commission finds that North Mercer should appear at a hearing on October 13, 2016, to show cause, if any, why it should not be subject to the penalties prescribed

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in KRS 278.990 for failing to file an answer in compliance with the Commission's April 21, 2016, and June 10, 2016 Orders in Case No. 2016-00154.

IT IS THEREFORE ORDERED that:

1. North Mercer shall appear on Thursday, October 13, 2016, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, to show cause, if any, why it should not be subject to penalties pursuant to KRS 278.990 for failure to satisfy the matters complained of or file a written answer to the complaint in Case No. 2016-00154, as required by 807 KAR 5:001, Section 20(6), and the Commission's Orders entered April 21, 2016, and June 10, 2016, in that case.

2. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(a)a, the record of the formal hearing shall be recorded by videotape only.

 The record of Commission Case No. 2016-00154 is made a part of the record by reference only.

 Any request for an informal conference with Commission Staff to discuss the issues in this case shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

By the Commission



ATTEST:

Mathews

Executive Director

Case No. 2016-00310

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2016-00310 DATED SEP 0 9 2016

KY PSC Filings
nmwd@buroInwireless.com; PSC - Electronic Filings Mailbox
Item Logged For Case: 2016-00154
Thursday, April 21, 2016 11:17:42 AM

Confirmation of Posting.

This notification is sent regarding the recent filing for case# 2016-00154 on 4/21/2016 at 11:17 AM

Filed by: PSC

Date/Time Filed: 4/21/2016 11:17:41 AM

The following Document(s) have been posted to the Case File

Linked below is a document from the Kentucky Public Service Commission from case number 2016-00154. This is an official document and service is rendered based upon this email. Pursuant to KRS 278.380 amended by the Kentucky General Assembly during the 2014 General Session, the electronic delivery of all Kentucky Public Service Commission orders is now allowed. This includes data requests, as well as all other case-related documents. Electronic transmission may include either an electronic version of the order or document or a hyperlink to the order or document on the PSC website. The mailing date of the order or document will be the date of the electronic transmission. Any applicant or party desiring delivery of orders or documents by postal mail may request such delivery on a per case basis from the PSC and demonstrate good cause for the request.

PSC_ORDER File

You are receiving this message as a member of the service list or participating utility on case: 2016-00154 For more information or if you have problems opening a link received through an electronic notice from the Commission, contact the PSC Division of Filings.

Kentucky Public Service Commission Address: P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615 Phone: (502) 564-3940, Fax: (502) 564-3460 Office Hours: Monday - Friday 8am - 5pm

SERVICE LIST:

Ronald D McGinnis - - Mailed North Mercer Water District - nmwd@burginwireless.com North Mercer Water District North Mercer Water District nmwd@burginwireless.com

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2016-00310 DATED SEP 0 9 2016

Matthew G. Bevin Governor

Charles G. Snavely Secretary Energy and Environment Cabinet



Commonwealth of Kentucky Public Service Commission 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov

May 12, 2016

Sent via fax: (502) 839-6029

Hard copy to follow:

Thomas Jones, Esq. 138 S. Main St. Lawrenceburg, KY 40342

> Re: Ronald D. McGinnis v. North Mercer Water District Case No. 2016-000154

Dear Mr. Jones:

Per the telephone conversation with Commission Staff on May 11, 2016, attached please find a copy of the Order to Satisfy or Answer ("Order") and the Complaint filed in the matter referenced above. The Order entered by the Commission on April 21, 2016, requires North Mercer Water District ("North Mercer") to satisfy the matters complained of or file a written answer within ten days. The Order was served on North Mercer electronically on April 21, 2016, at the email address <u>nmwd@burginwireless.com</u>. No answer has been received to date and the time period to answer has expired. Therefore, Commission Staff would suggest that North Mercer file a motion for an extension of time to file an answer in this matter.

If you have any questions, please contact Jennifer Fell, Commission Staff attorney, at (502) 782-2585.

Sincerely,

anon D. Gumolle

Aaron D. Greenwell Acting Executive Director

JF/ph

Attachments

cc: Parties of Record

KentuckyUnbridledSpirit.com

Kentu

An Equal Opportunity Employer M/F/D

Daniel E. Logsdon Jr. Vice Chairman

> Robert Cicero Commissioner

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RONALD D. MCGINNIS	COMPLAINANT)
V.))) CASE NO. 2016-00154
NORTH MERCER WAT	ER DISTRICT)
	DEFENDANT	į

ORDER TO SATISFY OR ANSWER

North Mercer Water District ("North Mercer") is hereby notified that it has been named as defendant in a formal complaint filed on April 7, 2016, a copy of which is attached as the Appendix to this Order.

Pursuant to 807 KAR 5:001, Section 20, North Mercer is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within ten days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

By the Commission ENTERED APR 21 2016 KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Carrol. Grunale

Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2016-00154 DATED APR 2 1 2016

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Formal Complaint

Rouald D McGinnis vs. North Mercen Water District

Page 2 of 2

(Name and address of attorney, if any)

2107, 2016 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.

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1	6/14/2015 9:05 PM	WW	Contraction and a second	HARRODSBG	KY	\$0.00	6.0	min	0000	N		
-	6/15/2015 1:12 AM	WW		HARRODSBG	KY	\$0.00	47.0	min	0000	N		
	6/15/2015 2:02 AM	WW		HARRODSEG	KY	\$0.00	45.0	min	0000	N		-
-		1			1		the second s					

HARRODSEG KY

\$0.00

0000 M

1.0 min

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6/15/2015 12:05 PM MD

Page 1 of 2

Ronald D McGinnis P.O. Box 538 Harrodsburg, KENTUCKY 40330

*North Mercer Water District P. O. Box 79 Salvisa, KY 40372

*North Mercer Water District North Mercer Water District P. O. Box 79 Salvisa, KY 40372

Service List for Case 2016-00154

1.4

*North Mercer Water District P. O. Box 79 Salvisa, KY 40372

*North Mercer Water District North Mercer Water District P. O. Box 79 Salvisa, KY 40372