

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EARL D. ISON, JR AND BRENDA C. ISON)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO.
)	2019-00093
)	
KENTUCKY-AMERICAN WATER COMPANY)	
)	
DEFENDANT)	

ORDER

On March 14, 2019, Earl D. Ison, Jr. and Brenda C. Ison (Complainants) tendered a formal complaint with the Commission against Kentucky-American Water Company (Kentucky-American) in which the Complainants alleged that Kentucky-American had overcharged them for water service from January 25, 2019, through February 21, 2019.¹ The Complainants stated that a defective meter had been replaced with a new meter on February 7, 2019, due to previous water bills that seemed abnormally high.² The Complainants further asserted that since the installation of the new water meter Kentucky-American had inspected it three times to determine whether there were any leaks in the

¹ Complaint at unnumbered page 1.

² Complaint at unnumbered pages 1-2.

system.³ The Complainants further allege that Kentucky-American advised that the new meter was functioning properly, and that the old meter was not reliable.⁴

The Commission issued an Order on May 2, 2019, notifying Kentucky-American that it had been named as a defendant in a formal complaint, attached a copy of said complaint, and stated that there was insufficient information to determine whether the Complainants had presented a prima facie case. The Commission indicated that a prima facie case had not been made by the Complainants because they did not state what period or amount of the water bill that was in dispute, and no testing records of the meter were provided with the complaint. Therefore, the Commission ordered Kentucky-American to respond to the Complaint and provide the disputed billing amount, copies of all bills from the Complainants' account from December 2018 to the present date, and a statement as to whether the old water meter was tested for accuracy, including the results of any testing.

Kentucky-American filed a response to the May 2, 2019 Order with the Commission on May 10, 2019, and stated that, to the best of its knowledge, the disputed billing amount is \$147.51 as shown on the bill dated February 27, 2019.⁵ Kentucky-American provided copies of all bills issued to Complainants from December 2018 to the present date.⁶ Kentucky-American also asserted that the Complainants' old meter tested accurately and provided copies of the meter test results demonstrating the same.⁷

³ Complaint at unnumbered page 2.

⁴ *Id.*

⁵ Kentucky-American's response to the May 2, 2019 Order at 1.

⁶ *Id.* at Exhibit 1.

⁷ *Id.* at Exhibit 2.

Kentucky-American confirmed that the Complainants' old meter was changed out with a new meter on February 7, 2019.⁸ Kentucky-American emphatically asserted that there were no accuracy issues with the Complainants' old meter, but instead there was a problem with the radio equipment attached to the meter responsible for transmitting usage information to Kentucky-American.⁹ Thus, Kentucky-American cancelled all bills to the Complainants based on the problematic radio equipment, and instead issued a bill based on the actual readings from the old meter.¹⁰

The Commission Staff issued three rounds of discovery to Kentucky-American to fully explore the Complainants' allegations, to which Kentucky-American filed responses in the case record to the same. No party requested to intervene in the present case.

Having reviewed the evidentiary record and being otherwise sufficiently advised, the Commission finds that because the Complainants' are requesting for the billing amounts from the old meter to be disregarded, and per the only evidence in the record the old meter has tested accurately, the Complainants have failed to establish a prima facie case. The Commission will provide the Complainants 20 days from the date of this Order to provide additional evidence in support of their complaint to establish that the old meter readings should be disregarded.

IT IS HEREBY ORDERED that within 20 days of the date of this Order, the Complainants shall file additional information into the record that would assist in establishing a prima facie case, or the complaint will be dismissed without prejudice.

⁸ *Id.* at 1–2.

⁹ *Id.* at 2.

¹⁰ *Id.*

By the Commission

ENTERED
FEB 18 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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