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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE NO, 2021-00307

LARRY RAYOMND BAILEY

COMPLAINANT

V.

REPLY

WEST LAUREL WATER ASSOCIATION, INC.

DEFENDANT

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Comes Larry Bailey in reply to West Laurel's answer to my complaint and request to reconsider in part.

**Note to Commission:**

As a matter of record, let it be noted that West Laurel filed its answer under the wrong case number. The correct case number is 2021-00307. West Laurel filed its reply as case number 2016-00338.

**Regarding the Complaint:**

West Laurel's answer is based solely on the premise that it gave notice of reinstatement of late fees on my water bill. West Laurel cites executive orders explaining the suspension of late fees, but those orders do not include directions on notifying customers of their reinstatement. West Laurel asserts that I should have

**presumed** late fees would be reinstated on April 15, 2021, because the bill indicates a penalty will be charged after that date.

West Laurel waived its late fees for a year while customers' bills still indicated there would be a penalty after the 15<sup>th</sup> of every month. After that amount of time West Laurel should not have expected me to presume, late fees would be assessed again on April 15, 2021. The United States Supreme Court has opined on the application of presumption saying, "*[T]he justification for a conclusive presumption disappears when application of the presumption will not reach the correct result most of the time.*" *Coleman v. Thompson*, 501 U.S. 722 (U.S. 1991). Since West Laurel did not assess late fees at any time between the suspension and reinstatement of those fees it lost the validity of presumption. In fact, the suspension was consistent long enough for me to presume the fee waiver had not changed.

I believe West Laurel knew in advance of its decision to reinstate late fees and had ample time to properly notify its customers on their previous bills. The executive orders issued by the governor was meant to protect the public during an unprecedented time. West Laurel's decision not to inform customers of its reinstatement of fees ran counter to the governor's intention.

**Regarding the Request to Reconsider in Part:**

I agree to strike my request to apply the decision on my complaint to all West Laurel customers. If I prevail in the matter West Laurel and the PSC has a legal and ethical obligation to apply the decision to all other customers anyways because it has a

duty to treat customers fairly, KRS § 278.030, KRS § 278.170, and KRS § 367.170. It would be unfair to require each and every customer to file their own complaints to achieve the same result.

However, I do not believe that my referencing all West Laurel's customers in the same circumstance as myself amounts to the practice of law. All the water district's customers' bills have the same information related to late fees. West Laurel's failure to properly notify customers is not unique to me, therefore, reference to all customers is proper for supporting my complaint.

**In Summary:**

West Laurel failed to timely notify me of its reinstatement of late fees.

Respectfully Submitted,

Larry Bailey  
181 Ben Bailey Road  
London Kentucky, 40744

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was sent on August 31, 2021, to,

The Public Service Commission  
PSCED@ky.gov

And

Larry G. Bryson  
318 West Dixie Street  
London Kentucky, 40741