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Department of Public Protection

Tim Bowman
6855 N. US Hwy. 119
Putney, KY 40865

November 29, 2006

CERTIFICATE OF SERVICE

RE: Case No. 2006-00389
Black Mountain Utility District

I, Beth O'Donnell, Executive Director of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the addressee by U.S. Mail on November 29, 2006.

A handwritten signature in black ink, appearing to read "Beth O'Donnell", written over a horizontal line.

Executive Director

BOD/jc
Enclosure



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Earl Hall
Manager
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TIMOTHY JOE AND SHEILA BOWMAN)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO. 2006-00389
)	
BLACK MOUNTAIN WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On August 17, 2006, Timothy Joe and Sheila Bowman (“Complainants”) filed with the Commission a formal complaint against Black Mountain Water District (“Black Mountain”). Complainants allege that Black Mountain “deliberately delayed the hook up availability of water to our residence.”¹ Complainants request that water service be immediately established to their residence and further request compensation for the delay in providing water service, which they feel has exposed them to unsafe drinking water which could have harmful health effects.²

By Order dated August 29, 2006, the Commission directed Black Mountain to satisfy or answer the complaint. Black Mountain responded by letter received by the Commission on September 7, 2006. In its response, Black Mountain indicated that it was in the process of installing a service line to the Complainants’ property. On

¹ Complaint at 1.

² Id. at 2.

October 26, 2006, the Complainants informed the Commission that they were, in fact, now receiving water service from Black Mountain.

The Complainants' request for compensation for the delay in providing water service is tantamount to a request for damages. It is well established that the Commission is not authorized to award damages.³ Therefore, Complainants' request for compensation is beyond the scope of the Commission's authority.

The Commission has authority over only the portion of the complaint relating to the Complainants' request that water service be provided to their residence. By providing water service to the Complainants' residence, Black Mountain has satisfied the complaint. The complaint, therefore, should be dismissed as satisfied.

IT IS THEREFORE ORDERED that this case is dismissed with prejudice as satisfied and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 29th day of November, 2006.

By the Commission

ATTEST:



Executive Director

³ See Carr v. Cincinnati Bell, inc., 651 S.W.2d 126 (Ky.App. 1983).