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JUN 25 2010

PUBLIC SERVICE  
COMMISSION

Harold M. Johns, Attorney

Mark D. Collins, Attorney

FACSIMILE TRANSMISSION

DATE: 6-25-10

TO: JEFF Derouen

RECEIVING NO: 502-504-3460

PAGES: (INCLUDING COVER PAGE) 6

SUBJECT: Response

NOTES: \_\_\_\_\_

OPERATOR: Ashley

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 25 2010

In the Matter of:

PUBLIC SERVICE  
COMMISSION

THOMAS E. GUPTON )  
 )  
COMPLAINANT )  
 )  
V. )  
 )  
TODD COUNTY WATER DISTRICT )  
 )  
DEENDANT )

CASE NO.  
2010-00045

RESPONSE TO SECOND DATA REQUEST OF COMMISSION STAFF  
TO TODD COUNTY WATER DISTRICT

Todd County Water District ("Todd Water"), pursuant to 807 KAR 5:001,  
responds to Second Data Request as follows:

1. In its first data request to Todd Water, Commission Staff's Question 6 read as follows: "Todd Water's Tariff Sheet No. 5 at #10, Billing, states, 'On a new tap-on, the billing for this new service shall begin at the time the District makes water available to the customer, regardless of whether the consumer is connected to the meter.' This provision seems to imply that a meter is set at the tap-on and, once the meter is in place, 'water is available' and the billing commences whether or not the consumer connects to the meter. " Todd Water's answer states: "From the time the meter box is installed, a minimum billing statement for the water available to the customer is made."

Commission Staff's Question's 6 (a) asked: "What is the utility's definition of when 'water is available' for billing purposes?" Todd Water responded in part by stating, "At the time the meter box is set in the ground the Water District's role in supplying the

consumer is completed.” This response implies that nothing further needs to be done other than to set a meter vault or box.

a. When Todd Water sets a meter box, is anything done other than the setting of the box or vault itself?

b. Is a tap-on to the water main at the time the meter box was set? If your answer is no, when is the tap-on made?

c. Is a water meter normally installed at the same time the meter box is installed?

d. Does Todd Water include in the term “setting meter box” the process of excavating, tapping into the water main, connecting a meter, and placing the meter box or vault around the meter?

ANSWER: When Todd County Water sets a meter box, we tap-on to the main water line along the highway and set a meter box in the ground, on the customer’s property, with valves and fixtures to control the water use. The water is available and pressurized at this time to the point before the water meter setter. If the customer has provided this office with a copy of their plumbing permit, the water meter is installed at the same time as the meter box and fixtures. If the customer has not given the plumbing permit to our office, his water meter will be installed in the meter box on the day he provides the permit to our office. Once Todd County Water has “set the meter box” (excavating, tapping into the water main connecting valves and fixtures, and placing the meter box around this equipment) we consider that the water service is available to the customer. Since Todd County Water cannot obtain the plumbing permit for the customer, we have done everything in our power to provide the request water service. You have to

remember that the customer has signed a water purchase contract with Todd County Water agreeing to purchase water from our utility. They have also agreed to be subject to all present or future Articles, By-Laws, or Rules and Regulations of the District. The customer must obtain and provide Todd county Water with a copy of the plumbing permit to receive the water meter, which completes a loop in the system, to measure the amount of water used at this residence.

2. In this case, did the failure of Mr. Gupton to obtain the proper permit result in the meter itself not being set at the time the tap-on and setting of the meter vault were made?

ANSWER: Yes, Mr. Gupton's plumber, Neal Naiper, purchased a plumbing permit for this residence on-line on August 13, 2009. The problem results from the fact that neither Mr. Gupton nor Mr. Naiper provided the plumbing permit to Todd County Water until November 5, 2009, (the permit was faxed to our office and this fax verifies these dates). The water meter was installed in Mr. Gupton's meter box on November 5, 2009, completing the loop in the system to measure the water use at this residence.

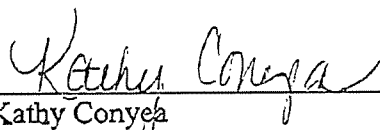
3. If your answer to Question 2 above is yes, refer to the last paragraph of Todd Water's tariff, sheet 4 at number 7, which states: "The District does require a copy of the State Plumbing inspector's Plumbing Permit on file for each service before water service begins." How did Todd Water make "water available" for billing purposes when water service could not begin until the permit was produced by Mr. Gupton?

ANSWER: The water was available inside the meter box to the point of a valve immediately preceding the water meter setter. At that point, Todd County Water had done all they could do to provide service to this customer. When Mr. Gupton (or his

plumber) provided the plumbing permit purchased from the Division of Plumbing, as they are required to do by law, to this office the water meter was installed.

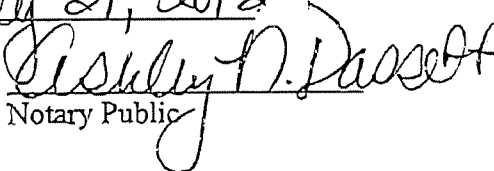
**VERIFICATION**


I, Kathy Conyea, state that the foregoing statements are true and correct to the best of my knowledge and belief this 25<sup>th</sup> day of June, 2010.

  
Kathy Conyea

STATE OF KENTUCKY    )  
  )  
COUNTY OF TODD     )

The foregoing Petition was subscribed and sworn to before me by Kathy Conyea this 25<sup>th</sup> day of June, 2010.

My commission expires: July 21<sup>st</sup>, 2012  
  
Notary Public

  
Mark D. Collins  
Law Offices of Harold M. Johns  
Post Office Box 746  
Elkton, Kentucky 42220  
270-265-2912

**CERTIFICATE OF SERVICE**

This is to certify that a copy was faxed to the Public Service Commission at 502-564-3460, and the original and three exact copies of the foregoing were placed in the U.S. Mail or sent certified mail on this 25<sup>th</sup> day of June, 2010.

Thomas Gupton  
915 Dumas Drive  
Clarksville, TN 37040

Public Service Commission  
Attn: Jeff Derouen  
Post Office Box 615  
Frankfort, Kentucky 40602

  
Mark D. Collins