

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BROCKLYN UTILITIES, LLC) CASE NO.
FOR TARIFF REVISIONS AND TO INCREASE) 2010-00063
CERTAIN NONRECURRING CHARGES)

DATA REQUEST OF COMMISSION STAFF
TO BROCKLYN UTILITIES, LLC

Brocklyn Utilities, LLC ("Brocklyn"), pursuant to 807 KAR 5:001, is to file with the Commission the original and eight copies of the following information, with a copy to all parties of record. The information requested herein is due 14 days after the date of this request. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Brocklyn shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which

Brocklyn fails or refuses to furnish all or part of the requested information, Brocklyn shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

All tax identification numbers, social security numbers, dates of birth, and e-mail addresses of individuals should be redacted from the material to be filed herein. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

As part of its application, Brocklyn proposes revised rules and regulation provisions for Brocklyn to be approved in this filing.

1. Refer to Exhibit A. On the cost justification form for the bad check fee, clerical and office labor is listed as 1/2 hour at \$10 per hour; however, the amount is listed as \$10.

a. Should the amount for labor be changed to \$5, thus changing the proposed bad check fee to \$15?

b. The bank pricing schedule provided in the application states a \$10-per-item charge for a domestic returned deposited item. However, the next page of the photocopied pricing schedule contains a line which states a charge of \$9 for a returned deposited item. Explain the difference.

2. Refer to Exhibit A. On the cost justification form for the reconnection and disconnection fees, clerical and office labor is listed at a rate of \$20 per hour. Explain

why there is a difference between the rates for clerical and office labor on the cost justification forms for the bad check fee and the reconnection and disconnection fees.

3. In Brocklyn's notice to its customers, Attachment C, Tariff (2), the service charge for disconnection is listed as "not to exceed \$670.00," yet the proposed new tariff at number 4 specifies the amount \$770.00. In Brocklyn's notice to its customers, Attachment C, Tariff (3), the service charge for reconnection is listed as "not to exceed \$670.00," yet the proposed new tariff at number 4 specifies the amount \$770.00. Which is correct?

4. Explain in detail the steps required to reconnect a customer's service connection as shown in the quote by Murphy's Excavating.

a. Has this type of reconnection been performed by the utility in the past?

(1) If yes, provide invoices for this work.

(2) If no, how has the utility handled nonpayment in the past?

b. Provide at least two more quotes from separate contractors for reconnection, preferably located in the surrounding area of the treatment facility.

c. Explain in detail the work involved for clerical and office expense to reconnect a customer.

d. Provide the name of the office person responsible for the clerical and office work.

e. Provide the hourly rate for this individual and include any benefits.

5. Explain in detail the steps required to disconnect a customer's service connection as shown in the quote by Murphy's Excavating.

a. Explain the physical elements the contractor would encounter that would justify the difference between actual cost and \$750.

b. Has this type of disconnection been performed by the utility in the past?

(1) If yes, provide invoices.

(2) If no, how has the utility handled nonpayment in the past?

c. Provide at least two more quotes from separate contractors for disconnection, preferably located in the surrounding area of the treatment facility.

d. Explain in detail the work involved for clerical and office expense to disconnect a customer.

6. The proposed charge for reconnection and disconnection of service is listed as an amount not to exceed \$770.

a. If the cost to reconnect or disconnect a customer is less than \$770, is it the intention of the utility to charge the lesser amount? If so, explain.

b. Would the utility be willing to revise the proposed policy to charge a fee for reconnection and disconnection of actual cost not to exceed \$770? If not, explain why this would not be more appropriate.

c. Explain the physical elements the contractor would encounter that would create the difference between actual cost and \$750.

7. Provide all tariff revisions proposed in the application in the proper format in accordance with 807 KAR 5:011, with the appropriate officer's signature on each sheet.

8. Refer to the section titled "Maintenance" in Exhibit B. The language in the proposed tariff places the responsibility for maintenance of the line on the party that installed the line. 807 KAR 5:071, Section 8, states, "The sewage utility shall install and maintain that portion of the service pipe from the main to the boundary line of the easement, public road, or street, under which such main may be located." Provide revised tariff sheets in accordance with 807 KAR 5:011 that comply with 807 KAR 5:071, Section 8.

9. Refer to the deposit sections in Exhibit B.

a. Provide tariff sheets in accordance with 807 KAR 5:011 with the language containing the criteria for determining whether a deposit will be required or waived.

b. What is the manner in which interest on deposits will be refunded or credited to customers' bills?

c. Does Brocklyn intend to charge a calculated deposit in accordance with 807 KAR 5:006, Section 7(1)(a), or an equal deposit in accordance with 807 KAR 5:006, Section 7(1)(b)? If Brocklyn intends to establish an equal deposit amount, provide the amount.

d. Explain why the proposed tariff contains two sections on deposits.

e. Provide tariff sheets in accordance with 807 KAR 5:011 that comply with all of the requirements of 807 KAR 5:006, Section 7(7).

10. Refer to the section on late payments in Exhibit B. The section states, "A fee of \$.75 per month shall be charged for any sewer payment that is more than 30 days old."

- a. Provide cost justification support for this fee.
- b. The section titled "Billing, Collection Penalties" states, "A 75 cent 10% late payment penalty charge will be assessed. . . ." Clarify and revise the utility's intentions regarding these sections concerning late payments.

11. Refer to the section on discontinuance of service by the utility in Exhibit B.

a. The proposed tariff indicates that a customer who provides a medical certificate to avoid discontinuance will not be disconnected "until the affected resident can make other living arrangements or until not less than ten (10) days elapse from the date of the utility's notification." 807 KAR 5:006, Section 14(2)(c), requires that service "not be terminated for thirty (30) days beyond the termination date . . ." if a medical certificate is presented. Provide revised tariff sheets in accordance with 807 KAR 5:011 that comply with 807 KAR 5:006, Section 14(2)(c).

b. Has Brocklyn requested or received any deviation from the Commission for this rule?

c. The last sentence in this section states, "When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused." 807 KAR 5:006, Section 14(1)(b), requires the utility to notify the customer immediately, in writing or orally, of the reasons for termination or refusal. Provide revised tariff sheets in accordance with 807 KAR 5:011 that comply with 807 KAR 5:006, Section 14(1)(b).

12. Refer to Brocklyn's tariff under "Collection Fee." There is a provision for a \$15 fee for "administration and transportation."

a. What is that fee for? As to the cost justification of the proposed fee as required by 807 KAR 5:011, Section 6(2)(c), answer the following:

(1) Describe all equipment that is being furnished to the customer by Brocklyn.

(2) Describe all services that are being furnished to the customer by Brocklyn.

b. Did Brocklyn or its predecessor prepare cost justification for the fee justifying the proposed charges? If so, provide a copy.

13. In Brocklyn's filing of proposed tariff numbered paragraph 4 for "Termination of service charge and reconnection of service charge" and its charge cost justification calculation, Brocklyn proposes to physically disconnect any sewer customer who has not paid his sewer bill. In Administrative Case No. 347,¹ the Commission addressed the issue of disconnection for nonpayment of the sewer bill. The Commission found that plugging a sewer line is costly and imposes a disproportionate hardship on the customer, rendering his residence uninhabitable as a result. In Case No. 2007-00436,² the Commission said the water district could apply for a deviation when there is an agreement to terminate water service for unpaid sewer bills.³

¹ Administrative Case No. 347, An Investigation Into the Collection and Billing Practices of Privately Owned Sewer Utilities (Ky. PSC Jan. 9, 1995).

² Case No. 2007-00436, Application of Farmdale Development Corporation for an Adjustment in Rates Pursuant to the Alternative Rate Filing Procedure for Small Utilities (Ky. PSC Jul. 30, 2008).

³ In Case No. 2009-00002, Filing of Peaks Mill Water District Requesting a Deviation from 807 KAR 5:006, Section 14, a deviation was granted to Peaks Mill Water District to terminate water service for nonpayment of a sewer bill per an agreement with Classic Construction, Inc., a jurisdictional sewer utility (Ky. PSC Apr. 2, 2009).

a. Which water utility serves the Brocklyn Subdivision?

b. Does any utility bill for or collect payment for Brocklyn? If so, does Brocklyn have a written agreement/contract with that utility for billing and collection services? If so, attach a copy of that agreement/contract.

c. Has Brocklyn contacted the water utility serving Brocklyn Subdivision about obtaining a deviation from 807 KAR 5:006, Section 14, to terminate water service as a method of sewer bill collection? If so, was any agreement reached?

d. Has there been any correspondence or other communication between Brocklyn and the water utility concerning obtaining a deviation to enable the water utility to terminate water service as a method of sewer bill collection? If so, attach copies of all agreements, correspondence, or notes of communications.

14. Explain how the utility bills multi-unit complexes. If the utility bills each individual unit, how will the utility disconnect service if only one tenant doesn't pay?


on behalf of _____
Jeff Derouen
Executive Director
Public Service Commission
P.O. Box 615
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DATED: MAR 29 2010

cc: Parties of Record

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