

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLIFFORD ALBERT MARQUIS)	
)	
COMPLAINANT)	CASE NO.
)	2017-00225
V.)	
)	
SOUTH HOPKINS WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

South Hopkins Water District (“South Hopkins Water”) is hereby notified that it has been named as defendant in a formal complaint (“Complaint”) filed on May 23, 2017, a copy of which is attached hereto. The Complaint, filed by Clifford Albert Marquis, alleges that in December 2016, he turned off the water, drained the water pipes, and left the water valves open to prevent the pipes from freezing at his property at 469 Lick Creek Road, Dawson Springs, Kentucky, before returning to North Carolina for the winter months. Mr. Marquis alleges that in response to his request, South Hopkins Water turned his water off, but that at some subsequent date South Hopkins turned his water back on without his permission or request. Mr. Marquis asks for relief from the \$1,354.28 bill that resulted in the water’s being turned on without his permission and requests that the Commission require South Hopkins Water to file an answer to the Complaint.

Based on a review of the Complaint and being otherwise sufficiently advised, the Commission finds that there is insufficient information to determine whether Mr. Marquis has presented a *prima facie* case. The Complaint alleges that service was requested to be turned off, but does not state the specific date of that request or the manner in which the request was provided to South Hopkins. Similarly, the Complaint alleges that after service was shut off, South Hopkins erroneously turned the service back on, but does not state the date that service was reconnected. However, due to the issues raised in the Complaint, the Commission finds that, in order to assist the Commission in determining whether the Complaint should move forward, South Hopkins Water should file a detailed response to the Complaint, including copies of bills rendered to Mr. Marquis for 2016 through 2017. Upon South Hopkins Water's filing of its response, the Commission will determine what further action to take in this matter.

Based on the foregoing, it is HEREBY ORDERED that:

1. Within ten days of the date of service of this Order, South Hopkins Water District shall file a response to the Complaint of Clifford Albert Marquis and shall include copies of bills rendered for 2016 through 2017.
2. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.
3. Documents of any kind filed with the Commission in the course of this proceeding shall also be served on all parties of record.

By the Commission

ENTERED
JUN 12 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

A handwritten signature in blue ink, appearing to be "Bud B" followed by a horizontal line and the word "for" written below it.

Executive Director

Case No. 2017-00225

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2017-00225 DATED **JUN 12 2017**

kt

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the matter of:

MAY 23 2017

Public Service
Commission

Clifford Albert Marquis
(Your Full Name)

COMPLAINANT

VS.

South Hopkins Water District
(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of Clifford Albert Marquis respectfully shows:
(Your Full Name)

(a) Clifford Albert Marquis
(Your Full Name)

469 Lick Creek Rd, Dawson Springs, KY 42408
(Your Address)

(b) South Hopkins Water District
(Name of Utility)

129 S Main St, Dawson Springs, KY 42408
(Address of Utility)

(c) That: in December 2016 Clifford Marquis, owner of
(Describe here, attaching additional sheets if necessary,
the property at 469 Lick Creek Rd, Dawson Springs,
the specific act, fully and clearly, or facts that are the reason
Kentucky, turned off the water, drained the pipes,
and basis for the complaint.)
left the valves open to prevent the pipes from

Continued on Next Page

Formal Complaint

Clifford Albert Marquis vs. South Hopkins Water District

Page 2 of 3

freezing and returned to North Carolina for the winter.
Sometime between then and the 13th of March the
water was turned on without the owner's permission
and without a request to turn it on. When Mrs. Marquis
contacted South Hopkins Water District on March 13th
she was informed that the water had been turned off

Wherefore, complainant asks relief from the \$1,354.28 because
(Specifically state the relief desired.)

Clifford did not turn the water on nor request that it be
turned on and South Hopkins Water District admitted
to turning the water off at the end of February and
it should have still been off in March.

Dated at Dawson Springs, Kentucky, this 17th day
(Your City)

of May, 20 17
(Month)

Clifford A. Marquis

(Your Signature*)

(Name and address of attorney, if any)

Date

*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

Formal Complaint

Page 3 of 3

Clifford Albert Marquis vs. South Hopkins Water District

at the end of February due to the past due bill. Clifford had not returned from North Carolina, and had neither turned the water on nor requested that it be turned on. If South Hopkins Water District turned the water off at the end of February as their office stated, it should have still been off as of March 13th as well as at the time of the re-read on March 23rd. When Mrs. Marquis spoke with the South Hopkins Water District first she was told that a worker had been at the property when the South Hopkins meter reader came to read the meter (no date given for when that occurred) and assumed that this worker had turned the water on; then she was told that Clifford, the owner, must have turned the water on; and then she was told that South Hopkins Water District had turned on the water (no date given). The first two statements are both incorrect as there have been no other workers on the property than the owner and he was in North Carolina through April 2017. Therefore, we do not believe we are liable for the \$1,354.28 since we did NOT turn the water on nor request that it be turned on and that South Hopkins Water District admits to turning the water OFF at the end of February and it should still have been off when the meter reader was there on March 13th.

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

- (1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:
 - (a) The full name and post office address of the complainant.
 - (b) The full name and post office address of the defendant.
 - (c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).
- (2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. **Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address.** No oral or unsigned complaints will be entertained or acted upon by the commission.
- (3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.
- (4) **Procedure on filing of complaint.**
 - (a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.
 - (b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.
- (5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.
- (6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the Commission, the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
 - (b) Answer.
 - (c) Application.
 - (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
 - (3) Form of answer to formal complaint.
 - (4) Form of application.
 - (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant))
Complainant)
vs.) No. _____
(To be inserted by the secretary)
(Insert name of each defendant))
Defendant)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

- (a) That (here state name, occupation and post office address of each complainant).
- (b) That (here insert full name, occupation and post office address of each defendant).
- (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day
of _____, 20 _____.

(Name of each complainant)

(Name and address of attorney, if any)

Clifford A Marquis
469 Lick Creek Road
Dawson Springs, KENTUCKY 42408

*South Hopkins Water District
129 South Main Street
P. O. Box 487
Dawson Springs, KY 42408

*South Hopkins Water District
South Hopkins Water District
129 South Main Street
P. O. Box 487
Dawson Springs, KY 42408