

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RANDAL E. NIELSEN)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2019-00295
)	
EAST LOGAN WATER DISTRICT, INC.)	
)	
DEFENDANT)	

ORDER

East Logan Water District, Inc. (East Logan District), is hereby notified that it has been named as defendant in a formal complaint filed on August 21, 2019, a copy of which is attached to this Order.

Pursuant to 807 KAR 5:001, Section 20, East Logan District is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within ten days from the date of entry of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record. 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.

By the Commission

ENTERED
SEP 03 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00295

ATTACHMENT

ATTACHMENT TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00295 DATED **SEP 03 2019**

NINE PAGES TO FOLLOW

Formal Complaint

Randal E. Nielsen on behalf of our neighbors vs. East Logan Water District

Page 2 of 2

Wherefore, complainant asks that East Logan Water District be required to take whatever action is necessary to increase the pressure on their main line servicing this area. This action may include but not be limited to increasing the size of the related main line(s) and/ or add additional pumping capacity to these main lines and/ or booster stations to facilitate proper pressure to their customers in limited areas. We additionally ask that East Logan Water District be required to establish and maintain a proper Leak Detection and Monitoring Program to be proactive in leak detection and avoid the major outages we have seen over the last few months.

Dated at Russellville, Kentucky, this 19th day of August, 2019.
(Month)



(Your Signature*)

(Name and address of attorney, if any)

8/19/19

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.

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

<u>Randal E. Nielsen</u>)	
Complainant)	
)	No. _____
vs.)	(To be inserted by the secretary)
)	
East Logan Water District)	
Defendant)	

COMPLAINT

The complaint of Randal E. Nielsen respectfully shows:

- (a) That Randal E. Nielsen, Resident of 4756 Morgantown Rd, Russellville, KY 42276.
- (b) That East Logan Water District, Utility at 333 S. Franklin St., Russellville, KY 42276.
- (c) That East Logan Water District is unable to maintain proper, legally required 30 PSI at our and our neighbors meter service as Per 807 KAR 5:066, Section 5. The utility has been notified by us and our neighbors of the lack of acceptable water pressure based upon the time of day and the demand on their water system. The usual response is they have a leak on their system and are working to find it. This is not leak related as this happens on a day to day basis. See attached correspondence with the Public Service Commission Consumer Services Division.

WHEREFORE, complainant asks that East Logan Water District be required to take whatever action is necessary to increase the pressure on their main line servicing this area. This action may include but not be limited to increasing the size of the related main line(s) and/ or add additional pumping capacity to these main lines and/ or booster stations to facilitate proper pressure to their customers in limited areas. We additionally ask that East Logan Water District be required to establish and maintain a proper Leak Detection and Monitoring Program to be proactive in leak detection and avoid the major outages we have seen over the last few months.

Dated at Russellville, Kentucky, this 19th day of August, 2019.

Randal E. Nielsen
(Name of each complainant)

(Name and address of attorney, if any)

Original Online Complaint

Name: Randal Nielsen

Address: 4756 Morgantown Rd

City: Russellville

State: KY

Zip Code: 42276

Phone number where you can be reached: [REDACTED]

Home phone: [REDACTED]

Utility Name: East Logan Water District

State the nature of your concern: When we purchased our home two years ago we had great water pressure. Over the past 6 months or so it has steadily been decreasing. Over Memorial Weekend this year, the pressure got so low it was barely trickling out of the facet. This was happening to us and our neighbors. We all complained and were told they had a Main Line Leak they were trying to locate. After a few days the pressure returned to an acceptable flow. About a week after this we began having flow problems again, mainly in the evening when usage was up. We complained again and they sent someone out to check our pressure. They determined the regulator needed replacing, but had to adjust the set screw on the new one all of the way down to get the necessary Static 30 lbs. Under use the pressure drops to around 20 lbs and has even been as low as 16 lbs in the evening. It would appear the utility either has a massive leak or is unable to maintain a sufficient pressure on the Main Line to provide adequate pressure to their customers, at least on the Morgantown Rd Main Line. The regulator if properly set should have adjustment left to raise or lower the pressure. Adjusted all the way down to get a proper Static Pressure indicates a definite problem. Please advise as to our options to get this resolved.

Have you contacted the utility about the problem: Yes

Additional E-Mail sent to PSC

Good Morning,

I am sending this e-mail to comment on an Online Complaint filed on June 25th. This case has not been resolved. See Attached Complaint Text.

The day after the complaint was filed, the water company sent someone out to look at the problem. They, once again, replaced the yoke and regulator; adjusting the regulator to maximum to obtain the required 30lbs of pressure. This does not correct the problem. I worked for a water utility for 8 years as an Automation Engineer and am familiar with the operation and hydraulics of a water system. Beyond their customers not receiving adequate pressure, which could be a health issue, it is likely there would be insufficient pressure on the system for Fire Protection.

1. The regulator being set to maximum does not allow the regulator to perform its function of maintaining the pressure to a nominal level.
 - a. With the regulator set at maximum, when running water, the pressure drops well below the 30lbs.
 - b. The regulator should attempt to keep the pressure close to the set 30lbs.
2. The pressure varies widely depending upon the demand on the water system.
 - a. At night when there is little demand, there is approximately 40lbs.

- b. In the morning when it is assumed people are getting ready for work, the pressure drops to between 20-30lbs
- c. In the evening when it is assumed people are coming home from work and watering their lawns, gardens, etc. and taking showers the pressure drops to approximately 20lbs or less.
- d. I have observed the pressure dropping to 16lbs during peak demands.
- 3. The utility continues to treat this issue as a problem with our service.
 - a. Our neighbors are having the exact same problem with their pressure. I have simply gone to the extreme of complaining to the PSC.
 - b. The pressure changes dependent upon the demand on the water system.
- 4. It is quite apparent the utility does not have the capacity on the Main Line serving this area to maintain the required pressure at their customers metered service.
 - a. Shouldn't the utility be maintaining Trend Records for the pressure on their Main Line?
 - b. Wouldn't this show the varying pressure and the inability to maintain an adequate pressure?
 - c. Hydraulics Analysis might prove out the problem.
- 5. New homes are continuing to be built in this area which will likely make the problem worse.

Please help us get this problem corrected even if this means a requirement to increase the size or pumping pressure on the line or adding a booster station in the area of the problem.

Thank you for your assistance,

Randal Nielsen

I would like to append the complaint filed against East Logan Water District on June 25th and further expanded upon via e-mail on July 1st. This issue has not yet been resolved. I have received no status update on this from either the Commission or the Utility.

Yesterday, about mid-morning, we lost all water pressure. (NOTE: we continue, 24 hours later, to be without ANY water pressure) Upon calling East Logan Water District was advised they were receiving calls from a wide area and apparently had a leak. They were sending people out to look for water spraying out of the ground. This is a bit disconcerting as, in my experience, rarely do leaks on main lines shoot out of the ground. With Kentucky's cavernous terrain, leaks general go into the ground and might leach up to the surface. (Please recall my mention that I worked for a water utility for 8 years as an Automation Engineer and understand water system operations.) My additional concern is that had the utility taken my original complaint seriously and looked for what was obviously a minor leak on their mainline, we might not have lost all pressure yesterday. Instead, the utility discounted the fact that, not only myself, but our neighbors had complained about widely varying water pressure dependent upon the time of day and demand on the system. The utility pushed back and treated this as if it was a problem on our service; changing the regulator multiple times and then having to adjust the regulator to its maximum to get the required pressure. A regulator cannot regulate when adjusted all the way to one end or the other. Had they admitted they had a main line problem and sought to discover its origin; they likely would have avoided this outage by repairing a minor leak before it became a major break due to the torrential rains we received yesterday.

If the utility was monitoring their Trend Data, as they should be required to do, they would have noticed a change in the pressures throughout the day and realized they had a problem. If the utility had a proper "Leak Detection Program," they could have avoided a major problem like this. As a Regulating Agency there has to be some procedure in place to follow up on these complaints and determine if a utility is being efficiently managed and operated. There has to be some Consequence to this apparent mismanagement of this utility. If these issues are due to the small size of the utility and their lack of resources, then perhaps they should be absorbed by a larger utility that has the resources to competently maintain a water system given this affects the health and well-being of their customers.

I would encourage the Commission to look into the operation of this utility and determine its viability as a public water utility. Please update me on the status of the original complaint and this additional complaint appended to it.

Respectfully,

Randal Nielsen

E-Mail Response from PSC – Consumer Division

Thank you for contacting the Commission regarding East Logan Water District. Upon receipt of your inquiry, we contacted East Logan. East Logan was aware of pressure problems in the area and advised they were working to fix the issue. We asked that a pressure recorder be placed on your meter, which East Logan did at 5:12 p.m. on 6/26/19. The pressure recorder stayed on the meter until 8:12 a.m. on 7/10/19.

This morning we received the results of the pressure recording (attached S20C-419081415340.pdf). The lowest pressure was 23.1 and the highest was 60.8. When the recorder was first installed, pressure appeared to stay in the lower range, but by the time the recorder was removed, the pressure was higher. Pressure dipped to below 30 psi on:

6/27 at 5:42 a.m., 6:12 a.m., 6:27 a.m., 1:57 p.m., and 7:42 p.m.

6/28 at 3:42 p.m. to 4:12 p.m.

6/29 at 4:42 p.m. and 5:12 p.m.

7/1 at 5:42 p.m., 6:42 p.m., and 7:27 p.m. to 8:27 p.m.

7/4 at 9:27 a.m.

7/8 at 5:42 p.m. to 7:27 p.m.

Pressure was low in the morning, afternoon, and evening the first day. Then pressure was low for about 30 minutes in the late afternoon the next several days. On 7/1 pressure was low from about 5:42 p.m. until 8:27 p.m. For the next three days, pressures were above 30 then there was a brief issue on 7/4. For the next four days, there were no issues until the evening on 7/8 for about an hour and 45 minutes. There were no issues the next day (7/9), and then the recorder was removed in the morning of 7/10.

Essentially, pressure was low at first and then it appears East Logan worked to get the pressure problem repaired. On the last full day the recorder was installed, pressure ranged from 46.4 to 60.8. Per 807 KAR 5:066, Section 5, the pressure on the meter cannot fall below 30 psi and cannot exceed 150 psi. Since the pressure recorder results show that the pressure fell below the required 30 psi, we are attaching formal complaint forms. If you are still experiencing issues, you may wish to file the forms. The Commission may or may not elect to establish a case. Completed forms should be mailed to P.O. Box 615, Frankfort, KY 40602.

Randal E. Nielsen
4756 Morgantown Road
Russellville, KENTUCKY 42276

*East Logan Water District, Inc.
333 S Franklin Street
Russellville, KY 42276

*Linda Alexander
East Logan Water District, Inc.
333 S Franklin Street
Russellville, KY 42276