## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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BELDEN CRAIG GAINES	)
COMPLAINANT	) ) ) CASE NO.
V.	) 2024-00262
BULLOCK PEN WATER DISTRICT	)
DEFENDANT	)

## ORDER

On August 12, 2024, Belden Craig Gaines filed a formal complaint against the Bullock Pen Water District (Bullock Pen District) alleging that Bullock Pen District failed to address his concern regarding the low pressure he was experiencing by not performing the required test and not contacting him with the findings.

## LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 20, governs the filing of a formal complaint. In accordance with 807 KAR 5:001, Section 20 (1)(c), a complaint must state "[f]ully, clearly, and with reasonable certainty, the act or omission" that the complaint alleges the utility failed to comply with and facts, with details, of the alleged failure. In addition, the complaint must provide the specific relief sought. In accordance with 807 KAR 5:001, Section 20(4)(a), the Commission examines a complaint to determine whether the complaint establishes a prima facie case and conforms to the administrative

<sup>&</sup>lt;sup>1</sup> 807 KAR 5:001 Section 20(1)(d).

regulation. A complaint establishes a prima facie case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief.

If a complaint fails to establish a prima facie case or conform to the administrative regulation, 807 KAR 5:001, Section 20 (4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20 (4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

## **DISCUSSION AND FINDINGS**

In his complaint, Mr. Gaines alleged that, because of Bullock Pen District's failure to test his meter as requested, and failing to allow him to be present during the service call, there was a delay in detecting a leak.<sup>2</sup> He had requested the test due to a problem with service pressure.<sup>3</sup> Mr. Gaines alleged that his Customer Rights were violated by not allowing him to be present during the service call.<sup>4</sup> Mr. Gaines made a number of other allegations, including one of the bills received was approximated to be \$3,000 but ended up being \$3,700.<sup>5</sup>

Mr. Gaines stated that concerns were originally raised after a drop in water pressure, which resulted in Bullock Pen District personnel testing water pressure between the dates of May 20-23, 2024.<sup>6</sup> On April 26, 2024, he was notified that he and his wife

<sup>&</sup>lt;sup>2</sup> Belden Craig Gaines Complaint (Gaines' Complaint) (filed Aug. 12, 2024).

<sup>&</sup>lt;sup>3</sup> Gaines' Complaint at 1.

<sup>&</sup>lt;sup>4</sup> Gaines' Complaint at 1.

<sup>&</sup>lt;sup>5</sup> Gaines' Complaint at 2.

<sup>&</sup>lt;sup>6</sup> Gaines' Complaint at 3.

had used 478,000 gallons of water since the last reading and, in a ten-day period between June 17, 2024, and June 26, 2024, they had used 109,720 gallons of water.<sup>7</sup> On June 26, 2024, a tech was sent out to verify the abnormal reading.<sup>8</sup> On June 26, 2024, a hidden leak was located and pressure returned to normal.<sup>9</sup>

Mr. Gaines is seeking a billing adjustment.<sup>10</sup> Mr. Gaines stated that he feels they should owe in the range of \$500 after an estimated adjustment for Bullock Pen District not catching the meter spinning during its inspection either May 20, 2024, or May 23, 2024.<sup>11</sup> Mr. Gaines also alleged that Bullock Pen District never filled their request for a water main pressure test and did not call for a follow-up regarding the results of the test.<sup>12</sup>

Having reviewed the complaint and being otherwise sufficiently advised, the Commission finds that it is unable to determine, at this time, whether the complaint establishes a prima facie case because there are allegations but no documents regarding the basis for the bills or the relief sought.

Mr. Gaines should file, within 20 days of service of this Order, certain information and documentation to support his claim, including copies of his bills from Bullock Pen District between May 2024 and July 2024 or a statement why said information and documentation cannot be produced.

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<sup>&</sup>lt;sup>7</sup> Gaines' Complaint at 4.

<sup>&</sup>lt;sup>8</sup> Gaines' Complaint at 4.

<sup>&</sup>lt;sup>9</sup> Gaines' Complaint at 5.

<sup>&</sup>lt;sup>10</sup> Gaines' Complaint at 3.

<sup>&</sup>lt;sup>11</sup> Gaines' Complaint at 3.

<sup>&</sup>lt;sup>12</sup> Gaines' Complaint at 3.

IT IS THEREFORE ORDERED that Mr. Gaines should file, within 20 days of service of this Order, documentation to support his claim and relief sought, including copies of his bills from Bullock Pen District between May 2024 and July 2024 or a statement why said information and documentation cannot be produced.

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PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

**ENTERED** 

SEP 05 2024

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KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director

Belden Gaines 5005 Warsaw Road Dry Ridge, KENTUCKY 41035

\*Bullock Pen Water District One Farrell Drive P. O. Box 188 Crittenden, KY 41030

\*Charles Givin Bullock Pen Water District One Farrell Drive P. O. Box 188 Crittenden, KY 41030