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March 13, 2001

Mr. Gary Eaker
Chairman
South 641 Water District
207 Main Street
P. O. Box 2
Hazel, KY 42049

RE: Termination of Water Service for Failure to Correct Sewer Problems

Dear Mr. Eaker:

Today the Commission received a letter from Velma Miller, Treasurer, requesting a formal opinion regarding South 641 Water District's authority to terminate water service to a customer who fails to correct sewer problems. Commission Staff has discussed this matter with your office. As Commission Staff understands the issue, the sewer district must comply with the terms of an agreed order with the Department of Water that requires the district to repair its system. These repairs also require some of your customers to make repairs as well. James Rice, an engineer at the Commission, spoke with Hank Stanfield, the operator of the system regarding this matter. Mr. Stanfield stated that the problem with the system is that storm water is being introduced into the sewer system. The question posed was as follows: Can the district terminate water service to a customer who fails to make these necessary repairs?

According to your tariff, South 641 can terminate water service if a customer allows storm water to be introduced into the sewer system. See Tariff, pg. 4. The tariff further states that service may be disconnected only after the district provides the customer with ten (10) days' written notice. Id. This notice provision is in accordance with 807 KAR 5:006 § 14(1)(a), which allows for termination of service for failure to comply with a utility's tariffed rules after the customer is given written notice. However, that regulation states further that termination is an option after the utility has "made a reasonable effort to obtain customer compliance."



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Based upon the foregoing, it is the opinion of Commission Staff that South 641 may terminate water service for customers who decline to make necessary repairs, but may do so only after the district attempts to obtain customer agreement and then provides written notice.

This letter represents Commission Staff's interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issues herein be formally presented for Commission resolution. Questions concerning this opinion should be directed to Doug Hendrix, Staff Attorney, at (502) 564-3940.

Sincerely,



Thomas M. Dorman
Executive Director

/SDH/rst
cc: File



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