

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JANICE G. DAVIS)
)
) COMPLAINT)
)
) v.) CASE NO. 94-334
)
) KENTUCKY WEST VIRGINIA GAS COMPANY)
) and)
) EQUITABLE GAS COMPANY)
)
) DEFENDANTS)

O R D E R

On September 6, 1994, Janice G. Davis filed a formal complaint with the Commission naming Equitable Gas Company ("Equitable Gas") and Kentucky West Virginia Gas Company as Defendants. Ms. Davis requests that the Defendant, Equitable Gas, reinstitute service to her residence as soon as possible. Ms. Davis has represented to the Commission that she has had gas service at her residence since 1967 and until recently, had only negligible problems with that service. Approximately three years ago Ms. Davis began experiencing problems related to excessive moisture in her gas. Ms. Davis's service line is the closest to the well from which she receives gas and she has tried to insulate it and release moisture from the line more frequently in an attempt to keep gas in the line

from freezing. Despite her efforts, Ms. Davis has been unsuccessful in keeping the gas flowing during extreme temperatures.

Ms. Davis testified that she had new regulators installed, had leaks repaired, and had the meter moved 500 to 700 feet closer to her home. She stated the move was necessary to allow her access to electricity to put a heat tape on the lines to keep them from freezing. Ms. Davis apparently called Ralph Slone, a meter reader for Equitable Gas, to come to her home and inspect the hook-up. Although it is unclear from the record who precisely discovered that a regulator was installed backward, Mr. Slone directed that certain modifications be made. Sometime in mid to late August 1994 Equitable Gas "discovered" that Ms. Davis had physically removed and relocated its meter. Shortly thereafter, Equitable Gas terminated Ms. Davis's service.

After consideration of the record and being otherwise sufficiently advised, the Commission finds that:

1. Ms. Davis receives service from Equitable Gas pursuant to KRS 278.485.

2. The statute specifies that the customer shall construct and maintain the necessary automatic gas regulators and the service lines and keep them in good repair.

3. The pipeline company is responsible for installing and maintaining the gas meters.

4. Ms. Davis removed property belonging to Equitable Gas without permission and such self-help cannot be condoned.

5. Ms. Davis should immediately allow access to her premises to employees of Equitable Gas and Kentucky West Virginia Gas for the sole purpose of removing and relocating the meter.

6. Equitable Gas should immediately reinstitute service to Ms. Davis pursuant to its tariff regarding KRS 278.485 service. Mr. Ralph Slone was not at all times acting within the scope of his employment with Equitable Gas. As this course of conduct continued over a period of several years, Equitable Gas should have been aware of Mr. Slone's activities. Therefore, any charges related to relocation of the meter should be borne by Equitable Gas.

7. Ms. Davis should only be responsible for paying a reconnect or turn-on charge provided in Equitable Gas's tariff.

IT IS THEREFORE ORDERED that:

1. Janice Davis shall immediately allow access to her premises to Equitable Gas and Kentucky West Virginia Gas for the purpose of relocating Equitable Gas's meter.

2. Equitable Gas shall immediately remove and relocate the meter to its former location and shall immediately reinstitute service to Ms. Davis.

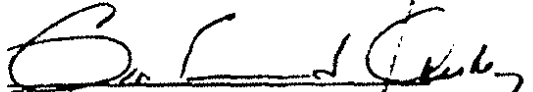
3. Ms. Davis shall be responsible for paying Equitable Gas's tariffed turn-on charge.

4. All other expenses related to the relocation of this meter shall be borne by Equitable Gas.


5. This complaint be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 22nd day of November, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director