

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MR. AND MRS. JAMES HOWARD MIZE, JR.	)	
	)	
COMPLAINANTS	)	
	)	
v.	)	CASE NO. 95-468
	)	
BARNESBURG WATER ASSOCIATION, INC.	)	
	)	
DEFENDANT	)	

O R D E R

Barnesburg Water Association, Inc. ("Barnesburg") is hereby notified that it has been named as defendant in a formal complaint filed on September 26, 1995, pursuant to 807 KAR 5:001, Section 12, a copy of which is attached hereto.

While Barnesburg is not recognized as a utility entitled to file applications with the Commission, and can no longer validly construct, borrow money, or raise rates,<sup>1</sup> until such time as it has completed its merger with South Eastern Water Association, Inc. ("South Eastern") as ordered, it has a duty to provide continuous and adequate service to its customers.<sup>2</sup>

<sup>1</sup> Case No. 94-495, The Application of Barnesburg Water Association, Inc., of Pulaski County, Kentucky, For Order Approving Construction Financing, Certificate of Public Convenience and Necessity, and Increased Rates. Final Order dated March 24, 1995.


<sup>2</sup> By order of the Franklin Circuit Court issued July 31, 1995, in Civil Action No. 92-CI-01151, Public Service Commission of Kentucky v. Barnesburg Water Association, Inc., et al., which compels compliance with the Commission's Order of February 22, 1988, in Case No. 9967, The Proposed Merger of Barnesburg Water Association, Bronston Water Association, Elihu-Rush Branch Water Association, Nelson Valley Water Association, Oak Hill Water Association, Pleasant Hill Water District, Pulaski County Water District No. 1, Pulaski County Water District No. 2, and Tateville Water Association, Barnesburg must complete all legal requirements necessary to effect a merger with South Eastern by November 28, 1995.

Pursuant to 807 KAR 5:001, Section 12, Barnesburg is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order. If this matter is not satisfied at the time of completion of the merger of Barnesburg with South Eastern, South Eastern, as Barnesburg's successor, will be named the defendant in this formal complaint.

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.

Done at Frankfort, Kentucky, this 27th day of October, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

BJ

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

SEP 26 1995  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

MR. James Howard Miller, Jr.  
(Your Full Name) )  
COMPLAINANT )

vs.

Barkwelder Water Assn.  
(Name of Utility) )  
DEPENDANT )

COMPLAINT

The complaint of James Howard Miller, Jr. respectfully shows:  
(Your Full Name)

- (a) James Howard Miller, Jr.  
(Your Full Name)  
128 Miller Ave. Louisville, KY 40250  
(Your Address)
- (b) Barkwelder Water Assn.  
(Name of Utility)  
W. Main St. Louisville, KY 40201  
(Address of Utility)
- (c) That: NO WATER PRESSURE (LESS THAN 20 PSI)  
(Describe here, attaching additional sheets if  
daily water outages HAVE CALLED  
necessary, the specific act, fully and clearly, or facts  
EACH TIME OF OUTAGES WITH NO HELP  
that are the reason and basis for the complaint.)  
FROM WATER ASSN. PERSON!

Formal Complaint

James Howard Miller Jr  
(Your Name)

vs Sanitization Center MSIC  
(Utility Name)

Page 2

Having at times been told that leaks  
being added w/ water / low pressure less than  
24-28 PSI) are serious. Also filling  
other community water tanks however over  
pressure or caused outages! Pumping Tank  
away from yesterday night to night!

Wherefore, complainant asks For better water  
(Specifically state the

services to be supplied. (If known, state  
relief desired.)

LARGER WATER LINES AND/OR PUMPS, TANKS etc

Dated at SCHMIDT, Ky, Kentucky, this 17 day  
(Your City)

of Sept, 1995  
(Month)

James Howard Miller Jr  
(Your Signature)

(Name and address of attorney, if any)

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))

(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 regulation. If the commission is of the opinion that the complaint

does not establish a prima facie case or does not conform to this 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 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))

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.

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 \_\_\_\_\_  
ay of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Name of each complainant)

\_\_\_\_\_  
(Name and address of attorney, if any)

(J) Form of answer to formal complaint.

Before the Public Service Commission  
(Insert name of complainant) )  
COMPLAINANT )  
vs. ) No. \_\_\_\_\_  
) (To be inserted  
) by the secretary)  
)  
(Insert name of each defendant) )  
DEFENDANT )

**ANSWER**

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

\_\_\_\_\_  
(Name of defendant)

\_\_\_\_\_  
(Name and address of attorney, if any)