

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF THE RATES,)
CHARGES, BILLING PRACTICES AND)
PROVISION OF UTILITY SERVICE BY) CASE NO. 96-448
ENVIROTECH)

O R D E R


The Attorney General of the Commonwealth of Kentucky ("AG"), by and through his Office of Rate Intervention, has requested that the Commission investigate the rates, charges, billing practices and services of Envirotech, a Florida corporation. Having considered the request and being otherwise sufficiently advised, the Commission finds that the request should be granted.


IT IS THEREFORE ORDERED that:

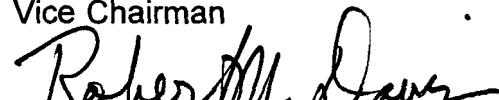
1. The AG's request for an investigation is granted.
2. This case is commenced to consider the jurisdictional status of the services which Envirotech provides.
3. Envirotech shall within 20 days of the date of this Order file with the Commission a written response to the AG's complaint, a copy of which is appended hereto. Envirotech shall also serve a copy of this response upon the AG.

Done at Frankfort, Kentucky, this 27th day of September, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 96-448 DATED SEPTEMBER 27, 1996

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:
RATES, CHARGES, BILLING PRACTICES AND)
PROVISION OF UTILITY SERVICE BY ENVIROTECH)

96-448

COMPLAINT

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and on behalf of Gary Fellows files this Complaint regarding the rates, charges, billing practices and provision of utility service by Envirotech. In support of said Complaint, the Attorney General states the following:

1. The Lakepointe Apartment complex in Lexington, Kentucky is managed by Mid-America Apartment Communities, a business entity based in Memphis, Tennessee.
2. Mid-America Communities has entered into an agreement concerning the distribution of water to individual apartments within the Lakepointe complex with Envirotech, a Florida corporation. Envirotech has been permitted to submeter individual apartments and separately bill each resident for water usage.
3. Envirotech is now doing business in the Commonwealth of Kentucky.
4. Gary Fellows is a resident of the Lakepointe Apartments in Lexington, Kentucky.
Mr. Fellows is directly interested in the rates and services of Envirotech.
5. Mr. Fellows has requested a schedule of rates for service from Envirotech. To date, Envirotech has not provided the information requested.
6. Envirotech is also billing for sewer services.

7. Envirotech's actions of distributing and furnishing water to or for the public for compensation place it within the definition of a "utility" subject to regulation, via Kentucky Revised Statute Chapter 278, by the Public Service Commission.
8. Envirotech's rates and conditions for service on not currently on file with the Public Service Commission.

WHEREFORE, the Attorney General respectfully requests this Commission open an investigation concerning the rates, charges, billing practices and provision of service by Envirotech and thereafter grant all relief appropriate.

Respectfully submitted

A.B. CHANDLER III
ATTORNEY GENERAL

David Edward Spenard

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that the foregoing Complaint and ten photocopies were served and filed by hand delivery to the Hon. Don R. Mills, Executive Director, Public Service Commission of Kentucky, 730 Schenkel Lane, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy, certified mail, return receipt requested, to David Garwood, General Manager, Envirotech, 1502 Roberts Drive, Jacksonville Beach, Florida, 32250 and Mid-America Apartment Communities through C. T. Corporation Systems, Kentucky Home Life Building, Room 1511, Louisville, Kentucky 40202. Copies were also sent to the Kentucky-American Water Company via Lindsey W. Ingram, Jr., Esq. Stoll, Keenon & Park, LLP, 201 East Main Street, Suite 1000, Lexington, Kentucky 40507-1380 and Michael Keith Horn, Esq., Lexington-Fayette Urban County Government, Department of Law, 200 East Main Street, Lexington, Kentucky 40507, all on this 12th day of September, 1996.

David Edward Spaul
Assistant Attorney General