

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LONZY ROE LEMONS AND GLORIA)	
LEMONS)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 97-172
)	
GREEN-TAYLOR WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

Lonzy Roe Lemons and Gloria Lemons ("the Lemons") have brought a formal complaint against Green-Taylor Water District ("Green-Taylor") seeking the relocation of their water meter and Green-Taylor's assumption of ownership of their water service line. At issue is whether the current location of the Complainants' water line poses an unreasonable utility practice. Finding that it does not, we deny the complaint.

STATEMENT OF THE CASE¹

In 1988 the Lemons constructed their current home along the Hayes Cemetery Road in Green County, Kentucky.² At the time of construction, they applied for water service from Green-Taylor and requested that the meter for such service be placed upon their property. Having no water main which ran along the Hayes Cemetery Road and unwilling

¹ Complainants filed their complaint with the Commission on April 9, 1997. Green-Taylor answered the complaint on April 29, 1997. An evidentiary hearing was held on June 25, 1997 at which Gloria Lemons and James Southern, Green-Taylor's Superintendent, testified.

² Transcript at 23.

to incur the cost of extending a water main, Green-Taylor refused to locate the water meter at the requested location. After unsuccessful attempts to convince other residents along the Hayes Cemetery Road to apply for water service and share the cost of a water main extension, the Lemons retained a licensed plumber to construct a private service line.³

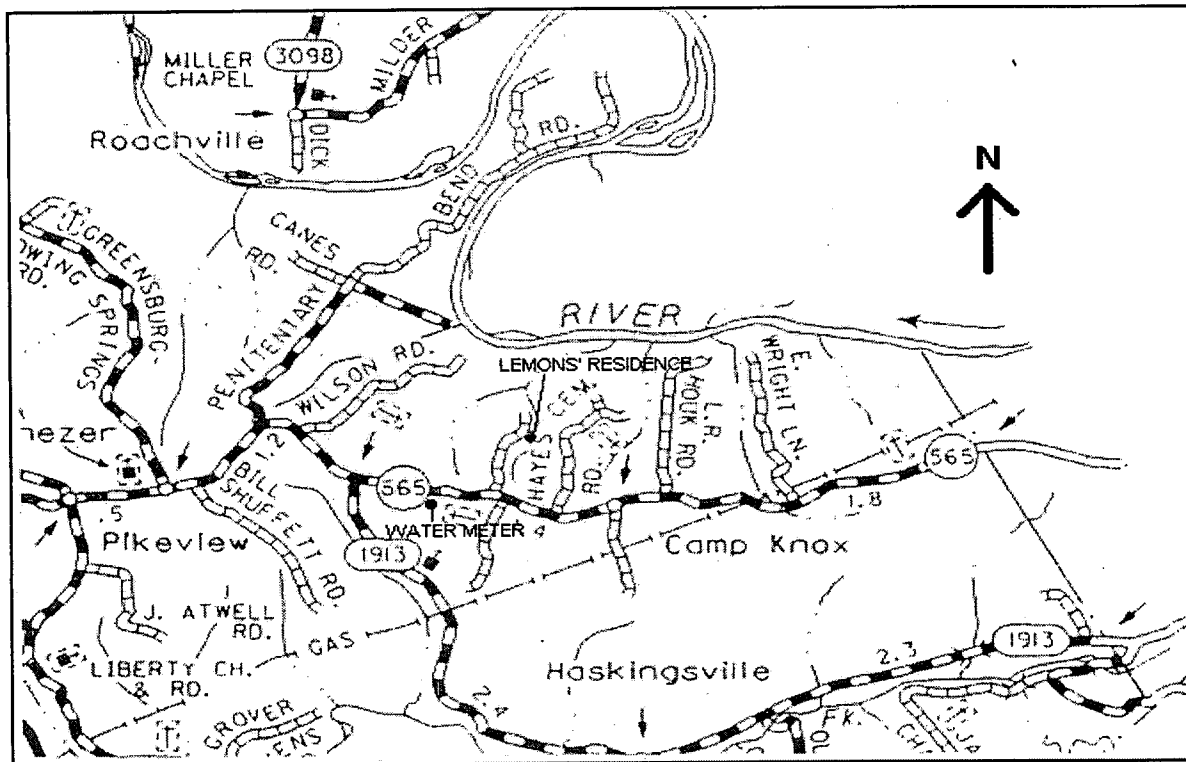
The Lemons' private service line is a 1-inch in width and runs approximately 1 mile from the Lemons' home to Green-Taylor's water main on Kentucky Highway 565. The line runs under the Hayes Cemetery Road and across three separate tracts of land before reaching Kentucky Highway 565. The owners of these tracts have not granted easements to the Lemons for the private service line.⁴ Before reaching the water meter, the Lemons' private service line also runs under Kentucky Highway 565. The water meter that serves the Lemons sits atop Green-Taylor's existing water main and is located on Green-Taylor's highway right-of-way.

Green-Taylor and the Lemons played major roles in the location of the water meter. Green-Taylor required that the meter be located upon property which either the Lemons or the water district owned or possessed a recordable easement. The Lemons, while

³ Id. at 19 - 22. Under Administrative Regulation 807 KAR 5;066, Section 11, Green-Taylor is not obligated to assume the cost of a water main extension to serve the Lemons. It must make water main extensions of 50 feet or less at no cost. For extensions in excess of 50 feet, the applicant must pay the cost of the excessive footage. See 807 KAR 5;066, Section 11(1).

⁴ Mrs. Lemons testified that these property owners had given their permission for the private service to run across their property. Transcript at 21. She presented at hearing written statements from these property owners which purportedly grant such permission. See Commission Staff Exhibits 2, 3, and 4. She conceded that recordable easements for the private line had never been obtained from the property owners. Transcript at 25.

never securing an easement for the meter, marked the general location for the meter on the north side of Kentucky Highway 565. The water district then installed the water meter



Area within the immediate vicinity of the Lemons' Residence
Source: Commission Staff Exhibit 9 (Not drawn to scale)

directly across from that location, bored underneath Kentucky Highway 565, and ran a line to connect the water meter to the Lemons' private service line. The Lemons subsequently connected their line to the open line.⁵

In 1996 the Lemons began complaining about the location of the meter and requested its relocation. In support of their request, they contended that, as a result of its location, the meter was difficult to read. Green-Taylor, they asserted, had failed to maintain

⁵ Id. at 65 - 66.

the area surrounding the water meter. High grass hid the meter and provided cover for snakes who might attack anyone trying to read the meter. Moreover, the meter was difficult to reach in inclement weather. Finally, because of the meter's location on a state highway right-of-way, the meter was prone to damage from state highway crews.⁶

In response to the Lemons' complaints, Green-Taylor offered to dispense with the requirement that the Lemons read their meter and report their usage.⁷ A water district employee would instead read the meter. Green-Taylor offered to provide this service at no charge. While Mrs. Lemons testified that this arrangement was acceptable to her, it was for unexplained reasons not acceptable to her husband.⁸ Unable to resolve their dispute with the water district, the Lemons then filed their formal complaint with the Commission.

DISCUSSION

The current location of the Lemons' meter does not violate Commission regulations.

The regulations provide:

In areas where the distribution system follows well-defined streets and roads, the customer's point of service shall be located at that point on or near the street right-of-way or property line most accessible to the utility from its distribution system. In areas where the distribution system does not follow streets and roads, the point of service shall be located as near the customer's property line as practicable. Prior to installation

⁶ Id. at 17 - 18.

⁷ In accordance with Administrative Regulation 807 KAR 5:006, Section 6(5), Green-Taylor reads its customers' water meters annually. Its customers must read and report their water meter readings monthly. For customers who are elderly or disabled, Green-Taylor provides monthly meter reading service at no charge. Id. at 80 - 81.

⁸ Id. at 11, 19.

of the meter the utility shall consult with the customer as to the most practical location.

807 KAR 5:066, Section 12(1)(b). Green-Taylor located the Lemons' meter at the point closest to its right-of-way and at a location which the Lemons or their agent selected. The Commission finds that, given the absence of any location closer to the Lemons' residence, Green-Taylor has complied with Administrative Regulation 807 KAR 5:066, Section 12(1)(b). The Lemons have not presented any evidence to suggest otherwise.

The Commission further finds no evidence to support the contention that Green-Taylor's location of the meter and refusal to assume ownership of the Lemons' private service line constitutes an unreasonable utility practice. Green-Taylor has a reasonable basis for refusing to accept ownership of the Lemons' private service line. There are no recordable easements from the property owners on whose tracts the service line crosses. There are no plans or as-built drawings for the service line. The exact course of the service line is unknown. No independent evidence has been presented to show that the service line was installed in accordance with plumbing codes. The service line fails to comply with

minimum pipe sizes set forth in Administrative Regulation 807 KAR 5:066, Section 10.⁹ Moreover, it would be inadequate to support additional customers who might connect.¹⁰

The Commission further finds no evidence to suggest that Green-Taylor's actions have harmed or inconvenienced the Lemons. To the extent that the location of the meter poses an inconvenience for the Lemons, the water district's willingness to read their meter remedies this problem. As to the Lemons' claim that their meter's current location makes it more prone to damage from state highway crews, the Commission notes that the meter has been damaged from highway crews only once in the last 8 years and that Green-Taylor bore all costs associated with the damaged meter.

SUMMARY

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that the Lemons have failed to demonstrate that Green-Taylor's location

⁹ Minimum pipe sizes. The distribution system shall be of adequate size and so designed in conjunction with related facilities to maintain the minimum pressures required by Sections 5(1) and 7 of this administrative regulation. The maximum length of any individual small pipe line shall be as follows:

	Circulating	Noncirculating
1 inch nominal size	150 feet	100 feet
1 ½ inch nominal size	300 feet	200 feet
2 inch nominal size	500 feet	250 feet

807 KAR 5:066, Section 10(2)(a).

¹⁰ Green-Taylor's Superintendent estimated that the cost of constructing a water main extension to serve the Hayes Cemetery Road would cost approximately \$10,000. Transcript at 80.

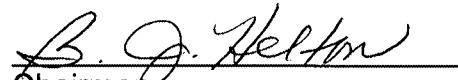
of their meter violates any Commission regulation or constitutes an unlawful or unreasonable practice. Their Complaint should be denied.

IT IS THEREFORE ORDERED that:


1. The Lemons' Complaint is denied.
2. Effective with its next billing cycle, Green-Taylor shall assume full responsibility for reading the Complainants' meter for billing purposes.
3. This case is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 14th day of April, 1998.

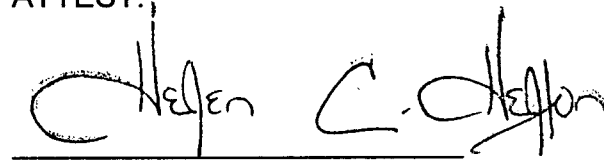
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director