

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ABNER M. BRADLEY AND WAYNE V. THOMPSON)	
)	
COMPLAINANTS)	
v.)	CASE NO. 99-141
)	
GREEN RIVER VALLEY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On April 9, 1999, Abner M. Bradley and Wayne V. Thompson (Complainants) filed a formal complaint against Green River Valley Water District (District). The Complainants allege that they paid the District \$3,000 for the extension of water service to their homes in the early 1980 s [sic]. They further claim that in 1998 the District extended the line to others in the community without consulting them. The Complainants request that the Commission order the District to pay them a refund of their proportional share of \$3,000.

On April 19, 1999, the Commission ordered the District to satisfy or answer the complaint. The District answered by letter dated April 23, 1999, and signed by the District s General Manager, David Paige. In his response, Mr. Paige opined that the Complainants were not entitled to a refund. He stated that the project for which the Complainants seek reimbursement was completed in 1998 while the applicable refund period of ten (10) years expired in 1992. Included in the response was a copy of the Commission s regulation pertaining to extensions of water service, 807 KAR 5:066E, Section 12, in effect at the time of the original extension to the Complainants. 807 KAR 5:066E, Section 12(2), effective

March 4, 1981, states the following:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

In a supplemental response filed by the District on May 14, 1999, the District included a copy of the water service contract entered into by Abner M. Bradley. The contract for service is dated July 7, 1982. The District also submitted a copy of the work order related to the extension to serve Mr. Bradley. The work order indicates that the extension was constructed July 27 through July 29, 1982.

Based on the information contained in the complaint and the District's responses, the Commission finds that the requested relief should be denied for two reasons. First, the work order submitted by the District indicates that extension to the Complainants was completed in 1982. The complaint also states that the Complainants paid for an extension of service in the early 1980s [sic]. According to the above-cited regulation, in effect in 1982, the refund period is ten (10) years. As the project for which the Complainants seek reimbursement was constructed in 1998 and the original extension for which they paid was constructed in 1982, the Commission finds that the refund period has expired.

Second, even had the refund period had not expired, the Commission finds that the Complainants would not be entitled to a refund. The District's 1998 project was an extension of the line originally installed in 1982. In accordance with the above-cited regulation, the Complainants are not entitled to a refund for extensions or laterals that are constructed from the water line for which they paid. For each of these reasons, the Complainants are not entitled to the refund they have requested.

Based on the evidence of record and being otherwise sufficiently advised, the Commission HEREBY ORDERS that the requested relief is denied and the complaint is dismissed.

Done at Frankfort, Kentucky, this 3rd day of June, 1999.

By the Commission

ATTEST:

Executive Director