

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JAMES L. FLOYD)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2001-070
)	
WESTERN PULASKI COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

Western Pulaski County Water District (“Western Pulaski”) is hereby notified that it has been named as Defendant in a formal complaint filed on March 24, 2001, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Western Pulaski should, therefore, satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of this Order.

On the face of the complaint, Mr. Floyd alleges unreasonable service and also claims Western Pulaski’s actions led to certain damage to his property. The Commission is, however, without jurisdiction to grant damages.

KRS Chapter 278 does not delegate to the Commission any authority to adjudicate claims arising out of a utility’s negligence. KRS 278.260 grants the Commission only “original jurisdiction over complaints as to rates or service of any utility.” See also KRS 278.420(2). No reference to tortious conduct claims is made; nor

can the authority to adjudicate such claims be reasonably inferred consistent with the Kentucky Constitution. See Kentucky Constitution § 14; Carr v. Cincinnati Bell, Inc., Ky. App., 651 S.W.2d 126 (1983). Accordingly, the Commission is without the authority to adjudicate the Complainant's claim for damages resulting from the Defendant's alleged negligence, but maintains jurisdiction over Complainant's other claims.

IT IS THEREFORE ORDERED that:

1. Within 10 days of the date of this Order, Western Pulaski shall satisfy the matters complained of or file a written answer to the complaint.
2. Any documents filed with the Commission during the course of this proceeding shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 2nd day of April.

By the Commission

ATTEST:


Executive Director

APPENDIX TO AN ORDER OF THE
KENTUCKY PUBLIC SERVICE COMMISSION

IN CASE NO. 2001-070

DATED 4/2/2001

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

James L Floyel
(Your Full Name)
COMPLAINANT

VS.

Western Pulaski Water District
(Name of Utility)
DEFENDANT

RECEIVED

MAR 24 2001

PUBLIC SERVICE
COMMISSION

2001-070

COMPLAINT

The complaint of James L Floyel
(Your Full Name) respectfully shows:

(a) James Lee Floyd
(Your Full Name)

1531 Pincy Grove Rd Nancy Ky 42844
(Your Address)

(b) Western Pulaski Water District
(Name of Utility)

1059 West Hwy 50 Somerset Ky 42501
(Address of Utility)

(c) That: In May of 2000 Western
(Describe here, attaching additional sheets if necessary,

Pulaski Water District came to
the specific act, fully and clearly, or facts that are the reason

my home and disconnected water
and basis for the complaint.)

service. The water bill and service
contract had been paid on time.

