

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARILYN L. CHASE)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2003-00031
)	
HENRY COUNTY WATER DISTRICT NO. 2)	
)	
DEFENDANT)	

O R D E R

On January 24, 2003, Marilyn L. Chase (Complainant) filed a formal complaint against Henry County Water District #2 (Henry District) alleging that inaccurate meters led Henry District to bill her incorrectly for water consumption. Complainant alleges she contacted Henry District several times regarding her abnormally high bills and Henry District did nothing to address the problem. Complainant requests that her account be credited \$163.31. Complainant also inquires why low usage accounts cannot be read on a bi-annual basis.

Henry District answers that it did respond to Complainant s repeated protestations regarding her water bills and that it tested her meters. Henry District claims that the meters were functioning properly. Henry District, accordingly, prays that the complaint be dismissed.

BACKGROUND

The complaint centers on Complainant's alleged water consumption from May 2002 until November 2002. During this time, Complainant's consumption increased from 340 gallons in May 2002 to 9,580 gallons in July 2002 and to 11,870 gallons in August 2002.¹

Complainant first complained to Henry District regarding her July 2002 water bill of 9,580 gallons. Complainant alleges employees of Henry District told her they would send someone out to assess the situation. Upon receiving her August 2002 bill of 11,870 gallons, Complainant again complained to Henry District. Henry District provided Complainant with a dye test kit for her toilets to determine if the toilets were running, causing her high bill. Henry District also dispatched a serviceman to Complainant's residence on August 14, 2002. The serviceman checked the meter, found nothing wrong, and left another dye test for Complainant to use.

Complainant contacted Henry District on September 5, 2002, complaining about her September bill. Henry District dispatched a serviceman to Complainant's residence; he checked Complainant's meter and installed a new meter.

Complainant contacted Commission Staff on October 7, 2002. Commission Staff requested that Henry District dispatch an employee to Complainant's residence. James Henry, Henry District's Superintendent, went to Complainant's residence on October 8, 2002. Mr. Henry, not finding Complainant at home, observed the meter was not moving,

¹ Complainant's consumption was as follows:

May 2002:	340 gallons
June 2002:	690 gallons
July 2002:	9,580 gallons
August 2002:	11,870 gallons
September 2002:	7,710 gallons
October 2002:	2,250 gallons
November 2002:	650 gallons

and left a dye test packet. Mr. Henry returned to Complainant's residence on October 22, 2002 and attempted to show Complainant that the meter was recording properly by pouring a gallon container of water through the meter with the meter registering one gallon.

Following Mr. Henry's visit, a serviceman read Complainant's meter daily for 2 weeks. The serviceman allegedly saw the meter turn slowly and then stop several times, indicating a leak or running toilet.

Henry District mailed a delinquent notice to Complainant on November 15, 2002 and disconnected her service on November 25, 2002 for nonpayment. On November 26, 2002, Complainant visited Henry District's office and allegedly accused someone in the office of messing with her bill.² Henry District reconnected Complainant's service and installed a new meter. Complainant's service was disconnected again on January 21, 2003. Complainant told Henry District she would file a formal complaint and Henry District reconnected her service. This complaint followed.

DISCUSSION

Complainant's consumption increased substantially during the summer and early fall months of 2002. The cause of this rapid rise is not clear although Henry District correctly points out that Complainant's increase in consumption occurred during the hottest and driest months of 2002. Billing records of neighboring customers are inconclusive, with some of the accounts showing increased consumption during the disputed time, while others' consumption remained the same or decreased.

Complainant's primary allegation is that the meters in use at her residence until November 2002 malfunctioned. Henry District's subsequent tests of the meters used at

² Henry District's answer at 2.

Complainant's residence³ revealed the meters functioned properly within the Commission's dictated tolerances. Subsequently, on July 11, 2003, tests by the Commission Staff revealed that the meters were recording correctly and not malfunctioning. Copies of the test results are attached hereto as Appendix A. There is no evidence that the two meters are, or ever were, malfunctioning; and no evidence supports Complainant's allegation that she did not consume the water.

807 KAR 5:006, Section 6(5), requires that all meters be read at least quarterly, thus prohibiting compliance with Complainant's request that her meter be read bi-annually.⁴ Even if Commission regulations allowed bi-annual meter readings, the costs for which Complainant would be responsible would not be reduced; she would still be responsible for the monthly minimum assessment and for her consumption.

CONCLUSION

The evidence is insufficient to deduce the specific cause for Complainant's sudden and uncharacteristic increase in water consumption. Henry District and Commission Staff tested the meters in use at Complainant's residence during the period over which Complainant's consumption increased. The tests revealed that the meters accurately recorded Complainant's consumption and that, pursuant to KRS 278.160, she is responsible for the amounts billed for that consumption.

IT IS THEREFORE ORDERED that this complaint is dismissed with prejudice and the case is removed from the Commission's docket. This is a final and appealable Order.

³ Meters #17926843 and #47359824.

⁴ Water utilities may require that meters be read more frequently, like Henry District's monthly meter readings.

Done at Frankfort, Kentucky, this 3rd day of September, 2003.

By the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00031 DATED September 3, 2003

See document named 200300031_09032003apx.pdf for Appendix A