

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

JAMES RALPH & DARLA KAY SANDLIN)
(Your Full Name))
COMPLAINANT)
VS.)
PEAKS MILL WATER DISTRICT)
(Name of Utility))
DEFENDANT)

RECEIVED

MAR 31 2003

PUBLIC SERVICE
COMMISSION

2003-00127

COMPLAINT

The complaint of JAMES RALPH & DARLA KAY SANDLIN respectfully shows:
(Your Full Name)

(a) JAMES RALPH & DARLA KAY SANDLIN
(Your Full Name)

301 SCANTLAND LANE, FRANKFORT, KENTUCKY
(Your Address)

(b) PEAKS MILL WATER DISTRICT
(Name of Utility)

256 PERKINS ROAD, FRANKFORT, KENTUCKY
(Address of Utility)

(c) That: POOR OR LACK OF WATER PRESSURE
PLEASE SEE ATTACHMENT 1 (dated Sept. 26, 2001)
(Describe here, attaching additional sheets if necessary,

AND ATTACHMENT 2 WHICH IS A SUMMARIZATION OF ACTIVITY SINCE
the specific act, fully and clearly, or facts that are the reason
AUGUST 2, 2002

and basis for the complaint.)

Continued on Next Page

Formal Complaint

JAMES RALPH & DARLA KAY SANDLIN vs. PEAKS MILL WATER DISTRICT

Page 2 of 2

Wherefore, complainant asks Construction of a constant pressure pumping
(Specifically state the relief desired.)
station for the entire line of customers along US 127 North of Swallow-
field, Kentucky.

Dated at FRANKFORT, Kentucky, this 26th day
(Your City)

of MARCH, ~~19~~ 2003.
(Month)

Ralph & Darla Sandlin
(Your Signature)

(Name and address of attorney, if any)



Owen County Fiscal Court

100 N. Thomas St.
Owenton, KY 40359
502-484-3405
e-mail: judgeexec@dcr.net

MAGISTRATES

DISTRICT 1
Gary Much DVM

DISTRICT 2
Bobby Gaines

DISTRICT 3
Eugene "Bugs" Vannarsdal

DISTRICT 4
Noe True

OWEN CO. JUDGE EXECUTIVE
"Billy" P. O'Banion

March 6, 2001

Mr. Wilbert Perkins, Chairman
Peaks Mill Water District
256 Perkins Rd.
Frankfort, KY 40601

Dear Mr. Perkins:

Please be advised that the Peaks Mill Water District has permission to enter into Owen County for the purposes of running a waterline to the residence of Ralph and Darlene Sandlin on Scantland Lane. Please note that the Sandlin residence does reside in Franklin County.

Please contact me with any questions regarding this matter.

Sincerely,

William P. O'Banion
Owen County Judge/Executive



ATTACHMENT 1

September 26, 2001

Peaks Mill Water District
256 Perkins Road
Frankfort, Kentucky 40601

To whom it may concern:

The purpose of this letter is to serve as an official complaint concerning our water pressure or lack thereof. We have been in our new house and connected to city water, provided by your district for four months. The pressure we have is practically non-existent. On an average, seven out of ten times when we turn on the faucet we have nothing. 2 out of ten times we have a stream smaller than a regular sized pencil and the other time we may have a stream the size of a first graders large pencil (and this is at full faucet strength). Never do we have enough pressure that we have to turn the faucet down to keep water from splashing.

We installed three inch pipe to run from the meter to our house to insure that we would have adequate pressure. We can not take showers and it takes forever to fill the tub. In order to use the dishwasher, in hopes that the motor won't burn up, you must get up in the night to start it. The washing machine has to fill forever, not to mention what it could be doing to our water heater and out of curiosity what purpose does a fire hydrant at the end of the road serve if there is not enough pressure to use it. We have talked with several neighbors who also have poor pressure. Every day when I get home from work there is always air in the lines, which tells me that although I am not there to turn on the faucet that sometime during the day there was no water. You can count on not having water in the morning, at supper time and at bed time, all which are crucial times when water is needed. This is very aggravating, when we pay our bill and pay taxes and receive such poor service.

According to 807 KAR 5:066

Section 5. Pressures. (1) Standard pressure. Each utility shall, subject to the approval of the commission, adopt and maintain a standard pressure in its distribution system at locations to be designated as the point or points of "standard pressure." The selection of such points shall be confined to locations fairly representative of average conditions. In selecting points for fixed standard pressure, a utility may divide its distribution system into districts if division is necessary due to differences of elevation or loss of pressure because of friction, or both, and may either adopt a standard pressure for each division or establish a single standard pressure for its distribution system as a whole. In no case shall the constant difference between the highest and lowest pressures in a district for which a standard has been adopted exceed fifty (50) percent of such standard. In the interpretation of this rule it shall be understood that in districts of widely varying elevations or low customer density a utility may undertake to furnish a service which does not comply with the foregoing specifications if the customer is fully advised of the conditions under which average service may be expected. It shall be understood that nothing shall prevent the commission from requiring improvements when, upon investigation, it appears right and proper that such betterments should be made. In no event, however, shall the pressure at the customer's service pipe under normal conditions fall below thirty (30) psig nor shall the static pressure exceed 150 psig.

(2) Pressure gauges. Each utility shall provide itself with one (1) or more recording pressure gauges to make pressure surveys as required by these rules. These gauges shall be suitable to record the pressure

experienced on the utility's system and shall be able to record a continuous twenty-four (24) hour test. One (1) of these recording pressure gauges shall be maintained for a minimum of one (1) week per month in continuous service at some representative point on the utility's mains.

(3) Pressure surveys. At least once annually, each utility shall make a survey of pressures in its distribution system of sufficient magnitude to indicate the quality of service being rendered at representative points in its system. Pressure charts for these surveys shall show the date and time of beginning and end of the test and the location at which the test was made. Records of these pressure surveys shall be maintained at the utility's principal office in Kentucky and shall be made available to the commission upon request.

We are not provided adequate pressure, nor were we advised that we would have little or no pressure. As was stated earlier, we did install three inch pipe as we anticipated that there may be surges of good pressure and moderate pressure since we are the end of the line. Under no circumstances did we anticipate no pressure.

We will be awaiting an answer/solution to this problem within the next couple of weeks. Thanks for your time and attention to this matter.

Sincerely,

Ralph & Darla Sandlin
307 Scantland Lane
Frankfort, Kentucky
Phone [REDACTED]

pc: Public Service Commission
Teresa Barton, County Judge Executive

ATTACHMENT 2

On August 2, 2002 I made a visit to the PSC in person, to do a follow up compliant, since our (and others on the line north of Swallowfield) problems had not been resolved.

The PSC immediately launched an investigation and found that there were problems with the service provided by Peaks Mill Water District. Mr. Jimmy Adcock, investigator for the PSC, conducted the investigation and found Peaks Mill in violation of 807 KAR 5:066, Section 5 which requires a minimum of 30 PSIG at each customer meter at all times. Copy of investigation report attached. The report mentions the fact that Peaks Mill did post water advisories due to drought conditions; these drought conditions had nothing to do with our problems as we have had problems since 2001.

On November 6, 2002 there was an informal hearing at the PSC. At that time several options were discussed and only one was acceptable. Upon adjournment of that informal hearing we, as well as neighbors that were present, understood the direction from the Commission was for Peaks Mill to research the cost and time frame for installing a constant pressure pumping station and to get back with the Commission in two weeks with that information.

In correspondence from the Mr. Warner Broughman, III, on behalf of the Peaks Mill Water District, dated December 9, 2002 the district again outlined the same options that were discussed at the informal hearing. Of which only one is acceptable, the constant pumping station. (Copy attached)

We responded to the proposals of the district in writing on December 18, 2002 explaining why four of the five options were not feasible. The third option (the pumping station) being the only suitable option. (Copy attached)

The Commission then responded to Mr. Broughman on February 3, 2003 with their recommendation of the constant pumping station directing Peaks Mill to respond to them with a schedule by March 3, 2003.

Mr. Broughman then responded again on March 18, 2003 with more than inaccurate information. Mr. Broughman should have more reliable sources before he informs the Public Service Commission or anyone else for that matter on our business dealings. We have not nor do we intend to hook up to Kentucky American Water Company. We have no intentions of hooking our rental property to KAWC, so therefore Peaks Mill Water District is not relieved of their obligation.

Please note that we were not copied on this particular piece of correspondence.

The meter box that was set by KAWC was set at the direction of the County Judge of Owen County. Someone saw KAWC working at our property and came

to the house and told Mr. Sandlin. Mr. Sandlin went to the worksite and the workers told him that they had been directed to place a meter box there and was it okay. He told them they could put the box there but we had no intentions of ever hooking on to that water system, since our water supply came from Peaks Mill. KAWC also installed a box on the opposite side of the road on our property. Our situation is somewhat unique due to the fact that our farm lies both in Owen and Franklin Counties. The property where the meter boxes were set is in Owen County; however, our residence is in Franklin County. Permission was granted by the Owen County Judge Executive to allow Peaks Mill to cross the county line since we do live in Franklin County. A copy of this letter is attached.



Paul E. Patton, Governor

Janie A. Miller, Secretary
Public Protection and
Regulation Cabinet

Thomas M. Dorman
Executive Director
Public Service Commission

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602-0615
www.psc.state.ky.us
(502) 564-3940
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Martin J. Huelsmann
Chairman

Gary W. Gillis
Vice Chairman

Robert E. Spurlin
Commissioner

September 9, 2002

Mr. Dale Gatewood
Peaks Mill Water District
256 Perkins Road
Frankfort, Kentucky 40601

Re: Sandlin Complaint, 301 Scantland Lane
PSC Complaint # 20013851

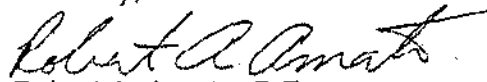
Dear Mr. Gatewood:

Investigation of the referenced complaint revealed that Peaks Mill Water District (PMWD) is in probably violation of 807 KAR 5:066, Section 5 which requires a minimum of 30 PSIG at each customer meter.

Please review the attached investigation report and submit a planned course of action to correct the problems as recommended in the report. During the course of the investigation, PMWD initiated a voluntary water advisory. Please provide the Commission with weekly reports of the system pressure near the complainants' connection to monitor the effectiveness of the advisory. The pressure recording should begin immediately. The above correspondence should be addressed to me.

If you have any questions or need further assistance, please contact Jimmy Adcock or James Rice at (502) 564-3940. Thank you for your attention to this matter.

Sincerely,


Robert A. Amato, P.E.
Director, Engineering Division

C: Ralph & Darla Sandlin
Virginia Smith
Tom Dorman
Wesley Turner, Division of Water



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Commonwealth of Kentucky
Public Service Commission

COMPLAINT INVESTIGATION REPORT

Ralph & Darla Sandlin
Vs
Peaks Mill Water District

On August 7 and 8, 2002, an investigation was made in Franklin County, Kentucky on the basis of a telephone inquiry received from Ralph and Darla Sandlin by the Public Service Commission's Division of Consumer Services. This investigation was in regard to the Ralph and Darla Sandlin's complaint about low water pressure at their home at 301 Scantland Lane. The original complaint (Complaint #20013851) was filed on October 4, 2001. Jimmy Adcock of the Commission staff conducted this investigation with information provided by Dale Gatewood, Peaks Mill Water District ("Peaks Mill Water"), and Ralph & Darla Sandlin ("Complainants").

Investigation

This investigation included an on-site visit of the complaint area, setting two pressure recorders, general review of the water distribution system serving the area, interviews with the Complainants and employees of Peaks Mill Water.

Complainants live at 301 Scantland Lane and have been customers of Peaks Mill Water since May 2001. They have a 3-inch service line and are the last customers on the 4-inch main. On August 7, 2002, the Commission's

Division of Engineering's Water staff was contacted by Consumer Services to make an investigation into this matter

On August 7, 2002, I contacted both parties by phone for information and discussion. When I called the Complainants, they wanted to know if PSC could help because they still had very low water pressure and sometimes no water between the times of 5:30 p.m. to 7:00 p.m. and 8:30 p.m. to 10:00 p.m. These times often vary. The Complainants said that they have a 3-inch service line on their side of the meter. They stated that they have already put in two heating elements and need to put in a third one. They live on the Owen County/Franklin County line. They are the last customers on the line of Peaks Mill's water main. They commented that they thought everyone past Swallowfield had a low water pressure problem. They said Peaks Mill came out in November of 2001 and put a pressure recorder at the meter and there was not a problem. After further discussion, I told the Complainants that we would look into the problem.

I then called Peaks Mill Water and asked him about the Complainants situation. He told me that a recorder was put on their meter on or about October 1-5, 2001 and the recorder showed that they averaged 55 psi and the lowest spike went to 35 psi. After that time, he talked with the customer and they told him that the problem seemed better at that time. He told the customer that he suspected that they may have had air in their lines.

Peaks Mill Water reported that the water main line on Peaks Mill's side was a 4-inch water main and that the customer is at the end of the line. Peaks Mill stated that because of the dry weather customers are using a lot more water

than usual because they are watering their gardens, flowers and grass. I therefore the pumps at the station have been running almost non-stop, 24 hours a day, drawing from the 4-inch water main.

On August 8, 2002, Joe Greenwell and I went to the Complainants house and installed a pressure recorder at their meter (Number 51083616 / customer's meter reading was 1284) and at the customer's house (outside water spigot in front of house) to be monitored for seven days. Peaks Mill Water pulled the meter and took it back to the shop until we called.

On August 9, 2002 Peaks Mill Water began posting notices in the newspaper of a voluntary water advisory for their customers and asked them to lower the amount of outside watering on Saturday and Sunday due to the dry weather.

On August 15, 2002, we met with Peaks Mill Water and the Complainants and retrieved the equipment and charts at both the meter and house and brought the information and charts to the Commission for review (chart attached).

Conclusions

The charts show the water pressure experienced by the Complainants averaged between 30 psig to 55 psig, dropping below 30 and as low as 20 psig (short duration). Therefore, Peaks Mill Water during the time of this recording was not meeting the minimum pressure requirements of 807 KAR 5:066, Section 5, which requires a minimum of 30 psig. Hence, Peaks Mill Water was in violation of this requirement during this time period.

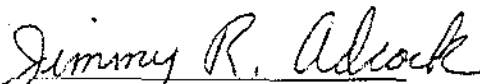
Recommendations

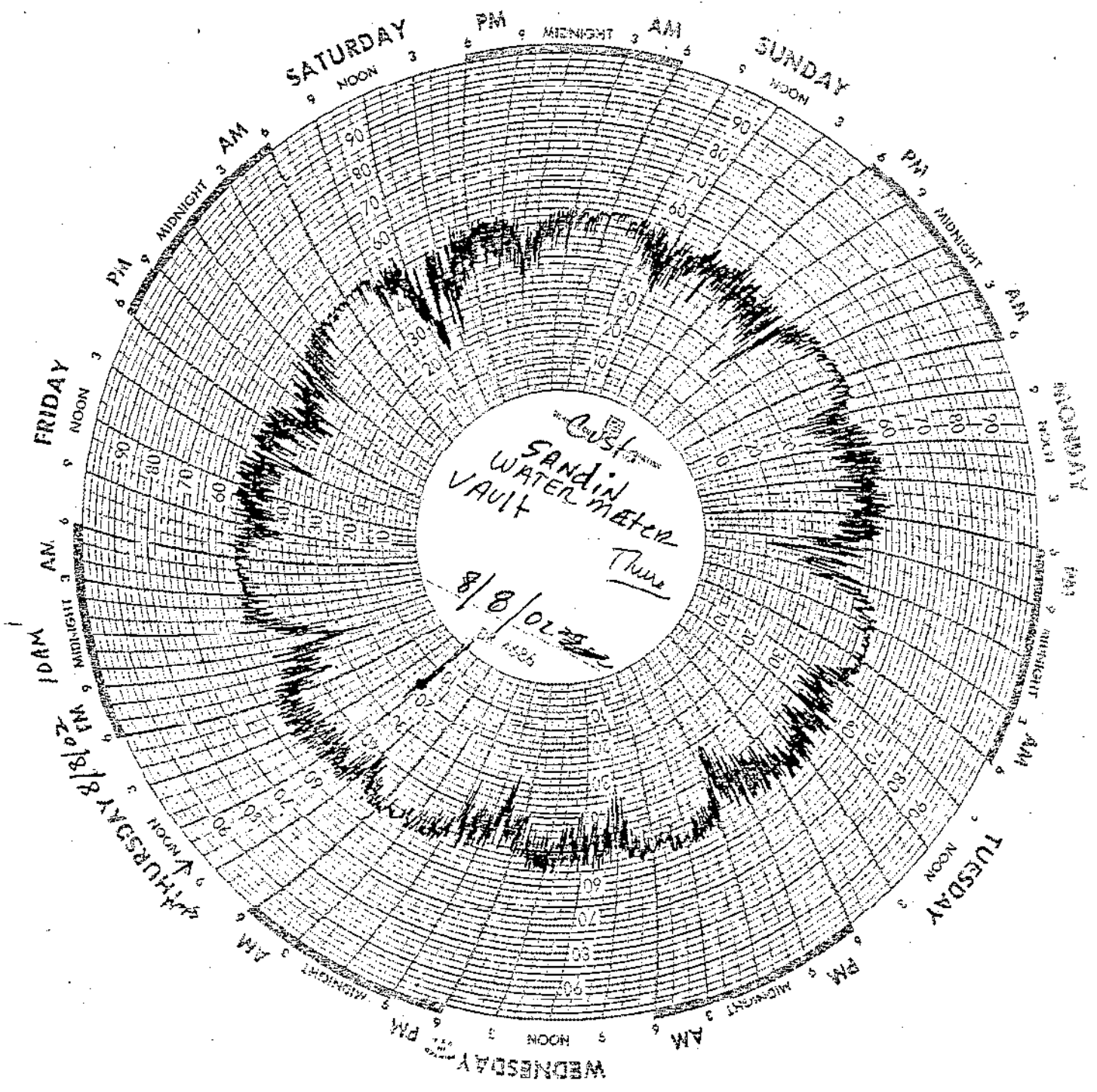
As indicated by the readings from the recorders, the Complainants are not receiving continuous water pressure of 30 psig at their meter box as required by KRS 278.010 (12), 807 KAR 5:066, Section 5(1), 807 KAR 5:066, Section 5(2), and 807 KAR 5:066, Section 3(2)(c).

Peaks Mill Water should provide the Complainants a continuous source of water at a minimum pressure of 30 psig at the meter. Therefore, I recommend that Peaks Mill Water submit their course of action to correct the deficiency including applicable supporting documentation and the dates each action will be started and completed. Failure to submit such a response within 30 days of this report to the Commission may result in the initiation of a formal proceeding to investigate this service deficiency. Further, Peaks Mill Water should monitor the system pressure in the vicinity of the complainant and submit copies of the pressure charts weekly.

Submitted,

September 5, 2002


Jimmy R. Adcock
Investigator



Warner A. Broughman III
and Associates

3161 Custer Dr.

Lexington, Kentucky 40517

(859) 271-1778

December 9, 2002

Bob Amato
Public Service Commission
P.O. Box 615
211 Sower Blvd.
Frankfort, KY 40602

Re: Peaks Mill Water District - Customer Complaint

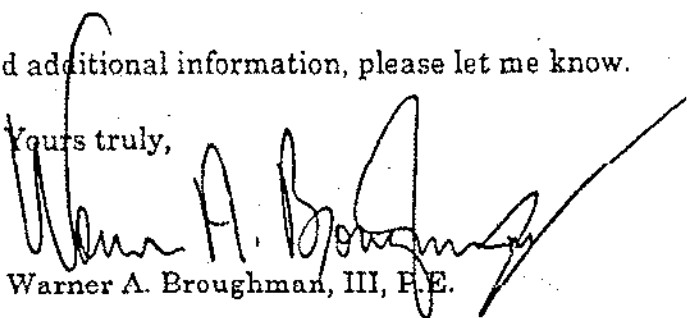
Dear Bob:

Enclosed please find the proposed solution to the customer complaint by the Sandlins. The District proposes to implement the preferred solution as soon as the COMMISSION reviews and ratifies the action of the District.

Copies of this response have been forwarded via USPS to the parties requesting service.

If you have any questions or need additional information, please let me know.

Yours truly,


Warner A. Broughman, III, P.E.

WAB/dyd
Enclosures

cc: Wilbert Perkins, Chairman
Ralph and Darla Sandlin
Martin Luther
Horace Ray Luther
Keith Mitchell

TO THE COMMISSION:

Peaks Mill Water District wishes to put forth the following plans for resolution of the pressure problems on U.S. 127.

PREFERRED SOLUTION: Connect the customers on the end of the line to Kentucky American Water Company (KAWC). Build approximately 100 feet of distribution main to connect with the new main being constructed by KAWC. Separate and disconnect the remainder of the main from the existing Peaks Mill main and transfer ownership to KAWC.

POSITIVE CONSEQUENCES:

- Immediate increase in water pressure by higher grade line of KAWC.
- Low cost to remedy problem (\$1,000 to \$1,500 range)

NEGATIVE CONSEQUENCES:

- Customer not happy with perceived Owenton water quality
- Customer base is lowered for Peaks Mill

SECOND SOLUTION: Connect to KAWC with a master meter and a pressure regulating valve that senses the pressure on Peaks Mill and only opens valve when pressure falls below a preset level (say, 45 psi).

POSITIVE CONSEQUENCES:

- Customer would have higher pressure assured with back-up system
- Intermediate cost to remedy problem (\$10,000 range)

NEGATIVE CONSEQUENCES:

- Customer not happy with perceived Owenton water quality
- Higher operating costs for Peaks Mill, both in maintenance of meter and minimum bill issues from KAWC
- Water pressures remain on the low side, but within the DOW and PSC regulations

THIRD SOLUTION: Peaks Mill would construct a constant pressure pumping station for the entire line of customers (7 currently) along U.S. 127. The pump station would have duplex pumps to provide for continuous operation, but not have backup power source in the event of a power outage.

POSITIVE CONSEQUENCES:

- All customers (7) along ridge would experience increased water pressure
- No water quality issues would arise

NEGATIVE CONSEQUENCES:

- Higher operating costs for Peaks Mill, both in maintenance and electrical costs
- Power outage could result in no water
- High cost remedy (\$100,000)
- Financial burden to pay capital cost would burden each customer on entire District more than \$100
- Time to find funding, borrow money and get approvals would be long (9 months to 2 years)

FOURTH SOLUTION: Peaks Mill would refund the cost of the meter tap-on fee plus the documented costs of the service line to the complaining customer. The customer would then make other arrangements for water. Meter would be disconnected.

POSITIVE CONSEQUENCES:

- Customers would be free to explore other options
- Peaks Mill would not have heavy investment in marginal operating systems

NEGATIVE CONSEQUENCES:

- Customers not happy with alternative solutions
- Water quality would again be an issue

LAST SOLUTION. Peaks Mill would leave system in place. Low pressures at meter found to meet state regulations. Customer would need to install individual pressure pumps to have preferred pressure at higher elevations.

POSITIVE CONSEQUENCES:

- Peaks Mill would have no heavy investment in marginal system

NEGATIVE CONSEQUENCES:

- Customers remain unhappy with current pressure
- Individual customers would have to make investment in pressure pumping apparatus

December 18, 2002

Mr. George Wakim
Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40601

Re: Sandlin Complaint (Peaks Mill Water District)

Dear Mr. Wakim:

This is in response to the proposal(s) outlined in the letter dated December 9, 2002 from Mr. Warner A. Broughman, III on behalf of the Peaks Mill Water District.

It was our understanding when the informal hearing of November 6, 2002 was adjourned that the only option to be explored by the Peaks Mill Water District was what is referred to in the letter as "third solution". None of the other solutions are acceptable to us as consumers except this option.

The preferred solution is not acceptable, due to the fact that the water quality of Owenton is not "perceived" it is a fact. If you recall, the lady that was representing Kentucky American Water Company said at times the quality of water was poor and that presently it was just meeting the criteria for healthy drinking water. She also indicated that in the near future the quality of water they are currently distributing would not meet the criteria for healthy drinking water without the addition of more chemicals. This was not suitable to us on November 6, 2002 and is not suitable to us now.

The second solution is not acceptable for reasons mentioned above.

The third solution is acceptable. As for the increase in other consumer's rates, we are most certain that if the same circumstance occurred concerning pressure at their residences they would want the problem solved. It seems to me that it is unfair to consumers for them to pay the consequences for poor planning/engineering on the part of the water district. These problems should have been addressed when the lines were installed. Although we are few in numbers now, the number of consumers is sure to grow in the future and the problems will not just disappear. We feel that there is a problem and it should be fixed.

Page 2
Mr. George Wakim
December 18, 2002

In our November meeting, if our memory serves us correctly, we thought the district indicated it would take a few months for this option to commence implementation. Now it is going to be 9 months to 2 years, we would like an explanation as to why such a change in the time span.

The fourth solution is hideous. Peaks Mill has a contract with us to provide a service, we, as consumers, pay our bill for services rendered yet we do not receive the quality of service as other consumers receive. We will not disconnect from the line. It was well known where the water line was going to run before the paperwork was signed.

The last solution of doing nothing is not acceptable either. This next statement may be irrelevant, but we do live on a county road and the meter is located on the main road. If the meter were located nearer to the residence we have our doubts if the 30-psi would be maintained. The burden of solving a water district problem should not be placed on the consumer, by requiring them to purchase extra pumping devices. The point is we have little pressure the majority of the time.

This is not a personal vendetta against Peaks Mill Water District or the board members. This is about a service that we are not receiving.

Sincerely,



Ralph & Darla Sandlin
301 Scantland Lane
Frankfort, Kentucky 40601

pc: Peaks Mill Water District



Paul E. Patton, Governor

Janie A. Miller, Secretary
Public Protection and
Regulation Cabinet

Thomas M. Dorman
Executive Director
Public Service Commission

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PUBLIC SERVICE COMMISSION
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Martin J. Huelsmann
Chairman

Gary W. Gillis
Vice Chairman

Robert E. Spurlin
Commissioner

February 4, 2003

Mr. Warner A. Broughman, III, P.E.
Warner A. Broughman, III and Associates
3161 Custer Drive
Lexington, Kentucky 40517

Re: Peaks Mill Water District- Sandlin Complaint

Dear Mr. Broughman:

Thank you for your December 9, 2002 reply to the Sandlins' complaint regarding their water pressure. Commission staff has evaluated the 5 options you presented, and has recommended your third solution (the installation of a constant pressure pumping station) to be the acceptable option to alleviate the pressure problems in that served area. The preferred and second solutions have been eliminated due to water quality issues presented at the current two sources of the Owenton water system and also due to the disinfectant incompatibility of both the water of Owenton and Peaks Mill Water District's water that is purchased from the Frankfort Plant Board. The fourth solution is unacceptable for reasons of public policy, and the fifth solution is unacceptable as Commission tests indicate Peaks Mill has failed to maintain adequate water pressure at the Sandlins' meter.

Please submit to the Commission a schedule to alleviate this complaint by March 3, 2003. Until such time that the project construction is complete, mandatory conservation measures are recommended during high water usage periods.

Sincerely,

Thomas M. Dorman
Executive Director

C: Gilbert Perkins, Chairman
✓Ralph and Darla Sandlin
Martin Luther
Horace Ray Luther
Keith Mitchell



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Warner A. Broughman III
and Associates

3161 Custer Dr.

Lexington, Kentucky 40517

(859) 271-1778

March 18, 2003

Thomas M. Dorman
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

VIA FAX Attn: George Wakim

Re: Peaks Mill Water District - Sandlin Complaint

Dear Mr. Dorman:

Peaks Mill Water District ("PMWD") has asked me to respond to your letter of February 4, 2003. The District Commissioners have carefully considered your letter. Their response is being made in the light of new information that has been discovered.

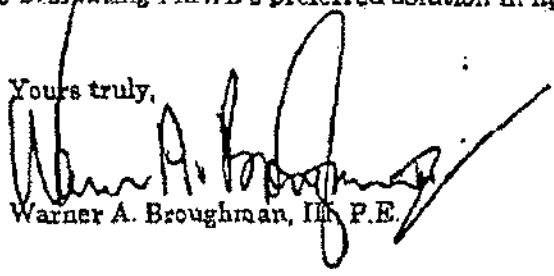
The District respectfully asks that you re-evaluate the recommendation in light of the fact that the Sandlins have moved a mobile home to the entrance of their property. Kentucky American Water Company (KAWC) has installed a meter for connection to the mobile home. The water quality issues that were presented at the informal conference are rendered moot by the action of taking water from the KAWC water system. The District further asserts that the water currently meets the water quality standards of the Commonwealth and will be required to do so in the future. The disinfection incompatibility issue is eliminated in the preferred solution, as no system interconnection will exist.

Were this a private matter in which the Sandlins chose water service based upon their resources, then it would seem that the choice would be theirs alone to make. However, the PMWD is a public entity which must consider the resources and needs of the remainder of the customers of the system. To make an expenditure of \$100,000 when the Sandlins have already chosen to hook on to the KAWC line for their trailer is simply a wasteful duplication of services.

The District implores the Commission to adopt our preferred solution so as not to waste valuable resources.

Please give every consideration to re-evaluating PMWD's preferred solution in light of the new information submitted at this time.

Yours truly,


Warner A. Broughman, III, P.E.

WAB/dyd