

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------|---|------------|
| JOHN C. LAWRENCE |) | |
| |) | |
| COMPLAINANT |) | |
| |) | CASE NO. |
| V. |) | 2023-00148 |
| |) | |
| FARMDALE WATER DISTRICT |) | |
| |) | |
| DEFENDANT |) | |

ORDER

On April 26, 2023, John Lawrence tendered a formal complaint with the Commission against Farmdale Water District (Farmdale District) alleging that he was overbilled \$9,000 for one month's usage of water that is related to a water leak at 376 Schofield Lane, Frankfort, Kentucky, 40601. Pursuant to Commission regulations in 807 KAR 5:001, Section 20(4)(a), upon receipt of a formal complaint, the Commission must determine whether the complaint establishes a *prima facie* case. A complaint establishes a *prima facie* case when, on its face, it states sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001, Section 20(4)(a)(1), provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001, Section 20(4)(a)(2), provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

THE COMPLAINT

Mr. Lawrence alleged that he was overbilled \$9,000 for one month's usage of water that is related to a water leak. When Mr. Lawrence filed an informal complaint with the Commission, the Division of Inspections (DOI) Commission Staff arranged for Louisville Water to conduct a meter test, which reflected that the meter was within the Commission's meter accuracy regulatory standard. Mr. Lawrence alleged that between December 2021 and June 2022, there was water running and pooling on his property near the water meter and that he contacted Farmdale District regarding same one several occasions. During this same time period, his water bill decreased from \$100 per month to \$30 per month, which he attributed to repairing leaking toilets. Regarding the water on his property, Mr. Lawrence stated that Farmdale District conducted a leak test and tested the standing water for chlorine in December 2021 to determine whether there was a water line leak or if this was an underground spring that had risen to the surface. Mr. Lawrence alleges that Farmdale District determined that no waterline leak existed. Farmdale District again tested the standing water in April 2022. Both the December 2021 and April 2022 tests allegedly did not evidence chlorine, which Mr. Lawrence and allegedly Farmdale District took to mean that there was not a leak. After a neighbor informed Mr. Lawrence in May 2022 that there is an underground spring in the area of the standing water that rises to the surface in wet weather, Mr. Lawrence decided to install a drain to drain the water in June 2022. Mr. Lawrence alleged that, during the excavation, water could be heard running in that area, which caused the excavator to continue hand digging until they discovered that the fitting attaching the water line to the meter was leaking. Mr. Lawrence stated that he then repaired the line going to the meter.

DISCUSSION AND FINDINGS


The Commission notes that, because a determination has not yet been made whether the complaint establishes a *prima facie* case, the complaint has not yet been accepted for filing and Farmdale District is not a party to the case at this time, but Farmdale District should be in possession of records related to the basis of the Complaint. The allegations made by Mr. Lawrence support further investigation into the merits of the complaint. The Commission finds that additional information is needed to assist the Commission in making a determination of whether the complaint establishes a *prima facie* case. Because the necessary information is in the possession of Farmdale District, the Commission finds that a copy of this Order should be served upon Farmdale District.

Farmdale District, pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due within 15 days of service of this Order.

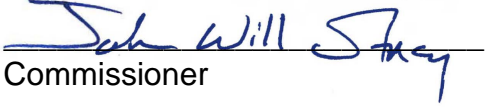
IT IS THEREFORE ORDERED that:

1. Farmdale District shall respond to the Commission Staff's requests for information set forth in the attached Appendix within 15 days of service of this Order.
2. A copy of this Order shall be served on Farmdale District for the sole purpose of requesting necessary documents to assist the Commission in determining whether the complaint establishes a *prima facie* case.
3. A copy of this Order shall be served on Mr. Lawrence by U.S. certified mail, return receipt requested at 376 Schofield Lane, Frankfort, Kentucky 40601.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00148 DATED NOV 12 2024

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO FARMDALE WATER DISTRICT

Farmdale Water District (Farmdale District), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on November 27, 2024. The Commission directs Farmdale District to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Farmdale District shall make timely amendment to any prior response if Farmdale District obtains information that indicates the response was incorrect or incomplete when

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

made or, though correct and complete when made, is now incorrect or incomplete in any material respect.

For any request to which Farmdale District fails or refuses to furnish all or part of the requested information, Farmdale District shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Farmdale District shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide a statement from Farmdale District explaining whether the water leak(s) referenced in the Complaint were located on Mr. Lawrence's side of the meter or Farmdale District's side of the meter.

2. Confirm whether Farmdale District conducted a leak test at the service address referenced in the Complaint in December 2021, including an explanation of the type of test(s), why any test(s) was conducted, and the results of any test(s).

3. Provide a statement from Farmdale Water District of whether the December 2021 tests were conducted at Mr. Lawrence's request or whether Farmdale District initiated the action.

4. Provide a list of what tests were conducted in April 2022, any test results, and an explanation why Farmdale District concluded there was not a leak.

5. State whether Farmdale District read the meter in question between December 2021 and September 2022 and explain how Farmdale District read the meter in question. Actual meter readings, along with the date of the reading, should be provided for each meter reading that occurred during that time. If the meter reading was estimated, it should be noted.

6. Provide any bills Farmdale District sent to Mr. Lawrence from January 2022 to June 2022.

7. Provide any and all correspondence, including settlement offers, demand letters, etc. from Farmdale Water District to Mr. Lawrence for the same period.

John C. Lawrence
376 Schofield Lane
Frankfort, KENTUCKY 40601

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100 Highwood Drive, Route 8
Frankfort, KY 40601

*Scott Wooldridge
Farmdale Water District
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