

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

BENT TREE CONDOMINIUM ASSOCIATION)
)
COMPLAINANT)
)
vs.) CASE NO. 2019-00133
)
)
KENTUCKY-AMERICAN WATER COMPANY)
)
DEFENDANT)

**KENTUCKY-AMERICAN WATER COMPANY’S
RESPONSE TO BRIEF AND MOTION TO DEMAND KAWC
FORFEIT ITS ILLEGALLY BILLED COSTS TO BENT TREE**

Now comes the Defendant, Kentucky-American Water Company (“KAW”), and for its Response to Bent Tree Condominium Association’s (“Bent Tree”) August 24, 2021 Brief and Motion to Demand KAWC Forfeit Its Illegally Billed Costs to Bent Tree (“Bent Tree’s Motion”), states that Bent Tree’s Motion should be denied. Further, KAW’s May 24, 2019 Motion to Dismiss this matter (which has not been denied or ruled upon in any way¹) should be granted because two different meter tests have been performed on the subject meter and both of those tests show an accurate meter. Thus, under Commission precedent,² Bent Tree is obligated to pay the disputed amount of \$8,034³ for the water that passed through that accurate meter.

¹ Bent Tree’s Motion states that KAW has filed two motions to dismiss in this case and that both have been denied (Bent Tree’s Motion, p. 6). This is false. KAW filed a single Motion to Dismiss with its Answer on May 24, 2019 and the Commission has not ruled on that motion.

² *Robert Young Family v. Southeastern Water Association*, PSC Case No. 2006-00212, Order of January 25, 2007; *Susan Spangler and Mark Lewis Farman v. Kentucky-American Water Company*, PSC Case No. 99-109, Order of October 7, 1999; and *Moore’s Chapel A.M.E. Church v. Water Service Corporation of Kentucky*, PSC Case No. 2011-00414, Order of September 17, 2012.

³ Bent Tree states that \$8,035.12 is the amount in dispute which is an immaterial difference (Bent Tree’s Motion, p. 5).

I. FACTUAL HISTORY AND ARGUMENT

This billing dispute is based on a single and basic issue: how much water passed through a KAW meter located at Bent Tree's premises from August 2017 to January 2018. There are two meters at Bent Tree's premises. One is located on Redding Road and the other is located on Kirklevington Road. It is the accuracy of the Kirklevington Road meter – Meter No. 060670947N – that is in dispute in this case. There is no dispute regarding the Redding Road meter. This dispute concerns water usage during the six-month period from August 2017 to January 2018 when usage higher than historical usage occurred at the Kirklevington Road meter.

Bent Tree is a condominium complex that was constructed in the late 1970s.⁴ It consists of 11 buildings with a total of 44 condominium units.⁵ The Redding Road Meter supplies water to 16 of those units.⁶ The Kirklevington Road meter supplies water to 28 of those units.⁷ According to Bent Tree, the condominium complex was constructed in a way “to provide NO way to isolate the water supply to any of our 11 buildings or 44 units. The only shut off valves are those INSIDE each separate and privately owned unit. Thus, the difficulty level in locating the presumed leak is high.”⁸ Thus, by Bent Tree's own admission, locating a leak downstream from the KAW meters is highly difficult.

The following table shows usage in gallons at the Kirklevington Road⁹ meter (Meter No. 060670947N) as reflected on invoices KAW has produced in discovery:¹⁰

⁴ Bent Tree's July 8, 2019 Responses to Commission Staff's First Request for Information, p. 18 of 366 (July 18, 2018 e-mail from Bent Tree Chairman Brack Marquette).

⁵ Id.

⁶ Bent Tree's Motion, p. 2.

⁷ Id.

⁸ Bent Tree's July 8, 2019 Responses to Commission Staff's First Request for Information, p. 18 of 366 (July 18, 2018 e-mail from Bent Tree Chairman Brack Marquette)(emphasis in original).

⁹ All invoices are mailed to Bent Tree's mailing address of 401 Redding Road, but these invoices are for the meter located on Kirklevington Road.

¹⁰ On March 20, 2020, KAW produced all invoices it issued to Bent Tree in response to Item No. 1 of Commission Staff's Second Request for Information to KAW. For convenience, KAW has attached as Exhibit A just the 11

Usage Period	Date of Bill	Gallons Used
May 2, 2017 – June 2, 2017	June 6, 2017	219,164
June 3, 2017 – July 3, 2017	July 6, 2017	246,092
July 4, 2017 – August 1, 2017	August 3, 2017	374,748
August 2, 2017 – September 1, 2017	September 6, 2017	438,328
September 2, 2017 – October 2, 2017	October 4, 2017	433,092
October 3, 2017 – November 1, 2017	November 6, 2017	412,148
November 2, 2017 – December 4, 2017	December 5, 2017	421,124
December 5, 2017 – January 3, 2018	January 4, 2018	345,576
January 4, 2018 – February 1, 2018	February 2, 2018	192,236
<i>Meter changed on February 4, 2018</i>		
February 2, 2018 – March 1, 2018	March 2, 2018	179,216
March 2, 2018 – April 2, 2018	April 4, 2018	217,800

The usage numbers are clear. Prior to the period July 4, 2017 to August 1, 2017, monthly usage was below 250,000 gallons. But during the period of July 4, 2017 to August 1, 2017, usage began to increase as it went to 374,748 gallons. It then increased to usage exceeding 400,000 gallons per month through the period ending December 4, 2017. However, for the period December 5, 2017 to January 3, 2018, usage decreased to 345,576 gallons. Then it decreased again significantly during the period January 4, 2018 to February 1, 2018 to typical historical levels. For that period, usage was 192,236 gallons. Critically, that entire usage period occurred

invoices used to populate the table below as well as a chart and a graph showing all usage from January 2016 to December 2019. That graph and chart were also provided in response to Item 3 of Commission Staff’s Second Request for Information.

before KAW changed the Kirklevington Road meter on February 4, 2018. KAW made that meter change on February 4, 2018 as part of its response and investigation into Bent Tree’s inquiries about elevated usage. On that date, KAW replaced Meter No. 060670947N on Kirklevington Road with a temporary meter and then replaced the temporary meter with a permanent replacement on February 6, 2018.¹¹ Thus, Bent Tree’s usage returned to typical levels *before* the Kirklevington Road meter was replaced with a new meter. This is a critical fact in this case as it demonstrates that whatever caused the elevated usage prior to the period January 4, 2018 to February 1, 2018, it had nothing to do with Meter No. 060670947N. Bent Tree has always argued that usage levels returned to “normal” *as a result of* the meter change. But the facts demonstrate otherwise; usage returned to a typical level *before* the meter change.¹²

On February 7, 2018, the day after the meter changes were complete, in furtherance of its investigation of Bent Tree’s inquires, KAW tested Meter No. 060670947N at low, intermediate, and maximum flows.¹³ At all flow levels, the meter satisfied the Commission’s accuracy requirements set forth at 807 KAR 5:066, Section 15. This test result provided further confirmation that, whatever caused higher usage, it had nothing to do with the meter itself.

On June 29, 2021, as part of the Commission’s processing of this case and at Bent Tree’s request,¹⁴ Meter No. 060670947N was tested again, this time by the Commission’s designated meter tester, Citco Water in Bowling Green, Kentucky. With Bent Tree and Commission representatives present, the meter again tested within the Commission’s regulatory accuracy

¹¹ See the March 2, 2018 invoice attached as part of Exhibit A reflecting these meter changes.

¹² Bent Tree’s argument that high use occurred on a single day – February 4, 2018 – is of no moment (Bent Tree’s Motion, p. 10), as a single day of high use is too small of a data sample to draw any conclusions, especially when that meter serves 28 condominium residences.

¹³ A copy of KAW’s February 7, 2018 meter test results was attached to KAW’s May 24, 2019 Answer and Motion to Dismiss and is also attached hereto as Exhibit B.

¹⁴ Bent Tree’s Motion, p. 6.

requirements at high, medium, and low flows.¹⁵ Although Bent Tree takes great issue with results of the test that Bent Tree itself requested, KAW does not and has no reason to question Citco Water's test results. Indeed, Citco Water's June 29, 2021 test results are in perfect accord with KAW's February 7, 2018 test results. Thus, all of Bent Tree's arguments about "chain of custody" and an alleged failure of Citco Water to perform a "high-pressure test" are irrelevant.

The water meter readings in question are accurate and the indicated amount of water did, in fact, pass through the meter. Therefore, Bent Tree, who has the burden of proof in this matter, is liable to KAW for all amounts resulting from the indicated usage. *Robert Young Family v. Southeastern Water Association*, PSC Case No. 2006-00212, [Order](#) of January 25, 2007, p. 3 ("The Commission finds that the Youngs, who bear the burden of proof in this case, have not provided conclusive evidence that the meter reading or the March 2006 bill was incorrect . . ."); *Susan Spangler and Mark Lewis Farman v. Kentucky-American Water Company*, PSC Case No. 99-109, [Order](#) of October 7, 1999, p. 3 ("without any direct proof that the meter has been incorrectly read, the customer is responsible for payment for the amount of water that passes through the meter"); and *Moore's Chapel A.M.E. Church v. Water Service Corporation of Kentucky*, PSC Case No. 2011-00414, [Order](#) of September 17, 2012, p. 3 ("The complainant bears the burden of proof in matters before an administrative body. In the absence of a defective meter, a customer is responsible for the quantity of water supplied.").

Perhaps Commission Staff stated it best in correspondence it sent to Bent Tree on October 24, 2018:

Utilities in Kentucky are required to bill for whatever service goes through the meter, in the absence of a malfunctioning meter. The disputed bills were based on actual meter readings that determined the usage went through the meter. Kentucky-American tested the

¹⁵ A copy of the Citco Water test results was filed in the record of this case on August 18, 2021 and is included in the attached Exhibit B along with the KAW February 7, 2018 test results.

meter and it was found to be functioning correctly. At your request, a second meter was installed for 24 hours and then tested. . . . The test for the second meter showed the meter was functioning properly. If you are not satisfied with these test results, you can request the Commission test your meter. Since the bills were based on actual meter readings and the meter has tested accurately, having the Commission test your meter is the only way to dispute your bill at this point.¹⁶

Of course, as described above, the Commission eventually tested the subject meter and it met all accuracy requirements.

Although Bent Tree is understandably frustrated that it had trouble ascertaining why its own higher usage levels occurred, the fact is that KAW is not responsible for what happens downstream of its meters. KAW's obligation is to provide safe and adequate service at fair, just, and reasonable rates. While KAW will take reasonable steps to help a customer understand what might be happening on the customer's side of the meter, KAW is not an "insurer" for the numerous problems that can occur on a customer's side of a meter resulting in elevated usage. Any number of reasons or a combination thereof can cause increased water to pass through a meter. Most times, KAW is not able to explain changes in customer usage, either increases or decreases. Once the water leaves KAW's distribution facilities and passes through the meter, the monitoring and maintenance of the system downstream from the meter is the customer's responsibility. This is true in a single-family residential situation and it is especially true when there are multiple users at multiple dwellings downstream from the meter in an apartment or condominium environment like at Bent Tree. Again, there are 28 condominiums downstream from the Kirklevington Road meter¹⁷ and Bent

¹⁶ Bent Tree's July 8, 2019 Responses to Commission Staff's First Request for Information, p. 152 of 366 (October 24, 2018 e-mail from Commission Staff to Bent Tree).

¹⁷ Bent Tree's Motion, p. 2.

Tree's own correspondence states that locating a leak on Bent Tree's side of the meter is highly difficult given the inability to isolate the water supply going to the individual units.¹⁸

II. KAW MET ITS OBLIGATION TO INVESTIGATE BENT TREE'S INQUIRIES PROMPTLY AND COMPLETELY

Faced with KAW's and the Commission's test results showing the subject meter to be accurate, Bent Tree's Motion attacks the validity of the tests themselves and KAW's overall handling of Bent Tree's inquiry about elevated usage. As described above, KAW has no reason to question the results of either test. As for KAW's handling of Bent Tree's inquiry about the elevated usage, the record reflects that KAW acted reasonably in doing what it could do to assist the customer. Although it took longer than KAW would have liked, KAW's obligation is to make a "prompt and complete investigation" of a customer's complaint.¹⁹ The record reflects that KAW did so. Bent Tree first requested its meter be tested in November 2017, KAW did so on February 7, 2018, and KAW informed Bent Tree of the accurate meter test results on February 27, 2018.²⁰ The record does not reflect whether KAW informed Bent Tree of the planned meter testing on February 7, 2018, but, of course, Bent Tree was aware that it had requested a test and the record does not indicate Bent Tree ever requested to be present for the test.

Regardless of Bent Tree's presence at the February 7, 2018 meter testing, as explained above, usage had already returned to typical levels before the meter was removed for testing. So, although Bent Tree had a right to request a meter test and KAW complied with that request, the facts are that the meter was not to blame for the elevated usage in late 2017.

¹⁸ Bent Tree's July 8, 2019 Responses to Commission Staff's First Request for Information, p. 18 of 366 (July 18, 2018 e-mail from Bent Tree Chairman Brack Marquette).

¹⁹ 807 KAR 5:006, Section 10(1).

²⁰ Bent Tree's Motion, p. 3.

While KAW could have concluded its investigation when it informed Bent Tree of the meter testing accurately on February 27, 2018, Bent Tree asked for further help and KAW attempted to provide it without obligation to do so.²¹ In the “no good deed goes unpunished” category, KAW agreed to meet Bent Tree at its premises on March 9, 2018 to ascertain whether Bent Tree’s water distribution system to its residents downstream of the KAW meters was leaking. KAW did so by performing listening tests using KAW’s leak detection equipment on Bent Tree’s water distribution system.²² While there is no documentation of what the discussion at that meeting was, Bent Tree insists that KAW representatives stated that a leak was possible downstream from the Redding Road meter. Regardless of whether KAW made such a statement, KAW subsequently communicated to Bent Tree on July 25, 2018 that there was a possible leak downstream of the Kirklevington Road meter based on recent meter usage readings. While Bent Tree has complained loudly about these two allegedly differing communications, they do not somehow shift to KAW Bent Tree’s burden of maintaining and operating its system of distributing water to its residents. And, likewise, it does not somehow eliminate Bent Tree’s obligation to pay for water that flowed through the accurate Kirklevington Road meter. Finally, if an erroneous statement was made, it is not surprising given Bent Tree’s own statement that isolating water supply and finding a leak in its system is highly difficult.

The facts necessary to decide this case are simple. Those facts are that an accurate meter measured a certain amount of water passing through it. Based on those facts alone, Bent Tree owes the amount in dispute. While it is true that there were many contacts and communications

²¹ Bent Tree repeatedly states that “KAW has suggested/contended” that Bent Tree altered or manipulated its water usage after February 4, 2018 (Bent Tree Motion, pp. 10, 12). The record is devoid of any such allegation. The fact is that KAW does not know, and, apparently Bent Tree does not either, why elevated usage occurred. But the responsibility for that elevated usage is Bent Tree’s and not KAW’s.

²² KAW’s May 24, 2019 Answer and Motion to Dismiss, p. 3.

between Bent Tree and KAW as KAW tried to assist Bent Tree with why elevated usage was occurring, Bent Tree must pay for water passing through an accurate meter. Any number of possibilities exist for *why* there was elevated usage. But at bottom, the *reason* for the elevated usage is distinct from *whether* Bent Tree must pay for that accurately measured usage. Once KAW determined that the measured usage was accurate, Bent Tree must pay for that usage regardless of the reason for the usage.

For all the reasons stated above, the Commission should deny Bent Tree's Motion and move forward with dismissal of this case as requested in KAW's May 24, 2019 Motion to Dismiss.

Respectfully submitted,

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300 West Vine Street, Suite 2100
Lexington, Kentucky 40507
(859) 231-3000
L.Ingram@skofirm.com

By  _____
Counsel for Defendant

CERTIFICATE OF SERVICE

This certifies that Kentucky-American Water Company's electronic filing is a true and accurate copy of the original document in paper medium; that the electronic filing has been transmitted to the Commission on September 10, 2021; and that no party has been excused from participation by electronic means.

 _____
Counsel for Defendant

EXHIBIT A



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	June 22, 2017
Total Due	\$1,414.47
If Paid After Due Date	\$1,485.19 after 6/22/17

Amount Enclosed \$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

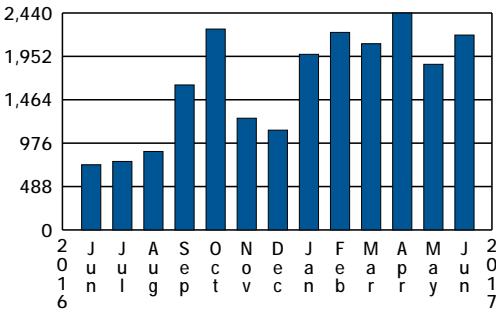
- Billing date: June 6, 2017
- Due Date: June 22, 2017
- Billing period: May 02 to Jun 02 (32 Days)
- Next reading on or about: Jul 03, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	13,214 (Actual)
Previous Read	12,921 (Actual)
Total water used this billing period	293 units (219,164 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 2,191.64 CGL
- Same billing period 2016: 733.04 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	1,220.45
• Payments as of May16. Thank you!	-1,220.45
Balance Forward	0.00

Current Water Service	
• Water Service Charge	109.04
• Water Usage Charge (\$0.50950000 x 2,191.64)	1,116.64
• Total Water Service Related Charges	1,225.68

Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 2,191.64)	35.07
• Total Other Charges	35.07

Taxes	
• State Sales Tax (\$1,301.32 x 6.000%)	78.08
• Franchise Taxes (\$1,260.75 x 3.000%)	37.82
• School District Tax (\$1,260.75 x 3.000%)	37.82
• Total Taxes	153.72

TOTAL CURRENT CHARGES 1,414.47

TOTAL AMOUNT DUE → \$1,414.47

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

Account Number	[REDACTED]
Due Date	July 24, 2017
Total Due	\$1,573.20
If Paid After Due Date	\$1,651.86 after 7/24/17

Amount Enclosed \$ [REDACTED]

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



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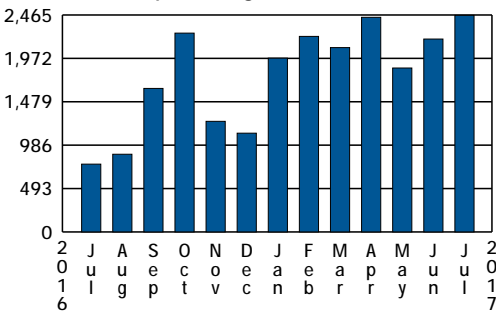
BILLING PERIOD AND METER READINGS

- Billing date: July 6, 2017
- Due Date: July 24, 2017
- Billing period: Jun 03 to Jul 03 (31 Days)
- Next reading on or about: Aug 01, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	13,543 (Actual)
Previous Read	13,214 (Actual)
Total water used this billing period	329 units (246,092 gallons)

- Total Water Use Comparison (in 100 gallons)
- Current billing period 2017: 2,460.92 CGL
 - Same billing period 2016: 770.44 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

- Prior Balance
- Balance from last bill 1,414.47
 - Payments as of Jun26. Thank you! -1,414.47

Balance Forward 0.00

- Current Water Service
- Water Service Charge 109.04
 - Water Usage Charge (\$0.50950000 x 2,460.92) 1,253.84
 - Total Water Service Related Charges 1,362.88

- Other Charges
- KRA Withdrawal Fee (\$0.01600000 x 2,460.92) 39.37
 - Total Other Charges 39.37

- Taxes
- State Sales Tax (\$1,446.92 x 6.000%) 86.82
 - Franchise Taxes (\$1,402.17 x 3.000%) 42.07
 - School District Tax (\$1,402.17 x 3.000%) 42.06
 - Total Taxes 170.95

TOTAL CURRENT CHARGES 1,573.20

TOTAL AMOUNT DUE → \$1,573.20

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

Account Number	[REDACTED]
Due Date	August 21, 2017
Total Due	\$2,331.62
If Paid After Due Date	\$2,448.20 after 8/21/17

Amount Enclosed \$ [REDACTED]

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



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BILLING PERIOD AND METER READINGS

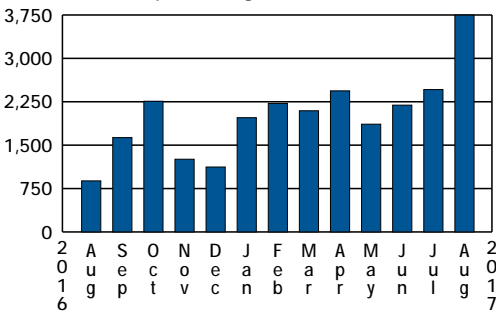
- Billing date: August 3, 2017
- Due Date: August 21, 2017
- Billing period: Jul 04 to Aug 01 (29 Days)
- Next reading on or about: Sep 01, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	14,044 (Actual)
Previous Read	13,543 (Actual)
Total water used this billing period	501 units (374,748 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 3,747.48 CGL
- Same billing period 2016: 882.64 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance
• Balance from last bill 1,573.20
• Payments as of Jul27. Thank you! -1,573.20

Balance Forward 0.00

Current Water Service
• Water Service Charge 109.04
• Water Usage Charge (\$0.50950000 x 3,747.48) 1,909.34
• Total Water Service Related Charges 2,018.38

Other Charges
• KRA Withdrawal Fee (\$0.01600000 x 3,747.48) 59.96
• Total Other Charges 59.96

Taxes
• State Sales Tax (\$2,143.06 x 6.000%) 128.58
• Franchise Taxes (\$2,078.18 x 3.000%) 62.35
• School District Tax (\$2,078.18 x 3.000%) 62.35
• Total Taxes 253.28

TOTAL CURRENT CHARGES 2,331.62

TOTAL AMOUNT DUE → \$2,331.62

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

Account Number	[REDACTED]
Due Date	September 22, 2017
Total Due	\$2,706.42
If Paid After Due Date	\$2,841.74 after 9/22/17

Amount Enclosed \$ [REDACTED]

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

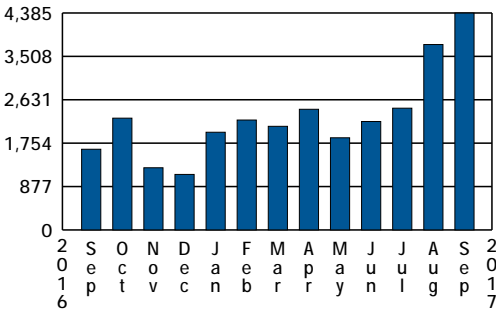
- Billing date: September 6, 2017
- Due Date: September 22, 2017
- Billing period: Aug 02 to Sep 01 (31 Days)
- Next reading on or about: Oct 02, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	14,630 (Actual)
Previous Read	14,044 (Actual)
Total water used this billing period	586 units (438,328 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 4,383.28 CGL
- Same billing period 2016: 1,630.64 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

- Prior Balance
- Balance from last bill 2,331.62
 - Payments as of Aug16. Thank you! -2,331.62

Balance Forward 0.00

- Current Water Service
- Water Service Charge 109.04
 - Water Usage Charge (\$0.50950000 x 4,383.28) 2,233.28
 - Total Water Service Related Charges 2,342.32

- Other Charges
- KRA Withdrawal Fee (\$0.01600000 x 4,383.28) 70.13
 - Total Other Charges 70.13

- Taxes
- State Sales Tax (\$2,487.08 x 6.000%) 149.22
 - Franchise Taxes (\$2,412.61 x 3.000%) 72.38
 - School District Tax (\$2,412.61 x 3.000%) 72.37
 - Total Taxes 293.97

TOTAL CURRENT CHARGES 2,706.42

TOTAL AMOUNT DUE → \$2,706.42

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	October 20, 2017
Total Due	\$2,675.55
If Paid After Due Date	\$2,809.33 after 10/20/17
Amount Enclosed	\$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

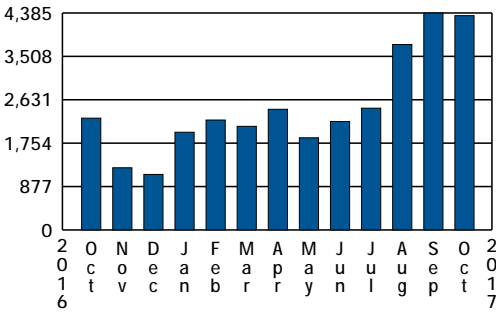
- Billing date: October 4, 2017
- Due Date: October 20, 2017
- Billing period: Sep 02 to Oct 02 (31 Days)
- Next reading on or about: Nov 01, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	15,209 (Actual)
Previous Read	14,630 (Actual)
Total water used this billing period	579 units (433,092 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 4,330.92 CGL
- Same billing period 2016: 2,258.96 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

- Prior Balance
- Balance from last bill 2,706.42
- Payments as of Sep25. Thank you! -2,706.42

Balance Forward 0.00

- Current Water Service
- Water Service Charge 109.04
- Water Usage Charge (\$0.50950000 x 4,330.92) 2,206.60
- Total Water Service Related Charges 2,315.64

- Other Charges
- KRA Withdrawal Fee (\$0.01600000 x 4,330.92) 69.29
- Total Other Charges 69.29

- Taxes
- State Sales Tax (\$2,458.74 x 6.000%) 147.52
- Franchise Taxes (\$2,384.93 x 3.000%) 71.55
- School District Tax (\$2,384.93 x 3.000%) 71.55
- Total Taxes 290.62

TOTAL CURRENT CHARGES 2,675.55

TOTAL AMOUNT DUE → \$2,675.55

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	November 22, 2017
Total Due	\$2,552.08
If Paid After Due Date	\$2,679.68 after 11/22/17
Amount Enclosed	\$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

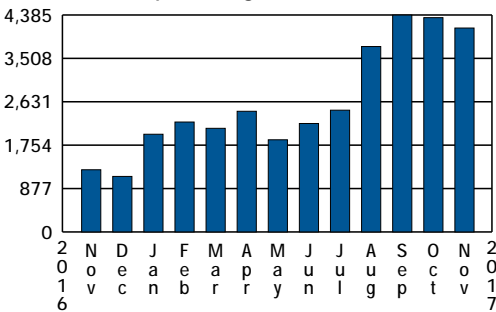
- Billing date: November 6, 2017
- Due Date: November 22, 2017
- Billing period: Oct 03 to Nov 01 (30 Days)
- Next reading on or about: Dec 01, 2017
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	15,760 (Actual)
Previous Read	15,209 (Actual)
Total water used this billing period	551 units (412,148 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 4,121.48 CGL
- Same billing period 2016: 1,256.64 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	2,675.55
• Payments as of Oct19. Thank you!	-2,675.55
Balance Forward	0.00
Current Water Service	
• Water Service Charge	109.04
• Water Usage Charge (\$0.50950000 x 4,121.48)	2,099.89
• Total Water Service Related Charges	2,208.93
Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 4,121.48)	65.94
• Total Other Charges	65.94
Taxes	
• State Sales Tax (\$2,345.33 x 6.000%)	140.72
• Franchise Taxes (\$2,274.63 x 3.000%)	68.25
• School District Tax (\$2,274.63 x 3.000%)	68.24
• Total Taxes	277.21

TOTAL CURRENT CHARGES 2,552.08

TOTAL AMOUNT DUE → \$2,552.08

Important messages from Kentucky American Water

- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

Account Number	[REDACTED]
Due Date	December 21, 2017
Total Due	\$2,605.02
If Paid After Due Date	\$2,735.27 after 12/21/17
Amount Enclosed	\$ [REDACTED]

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

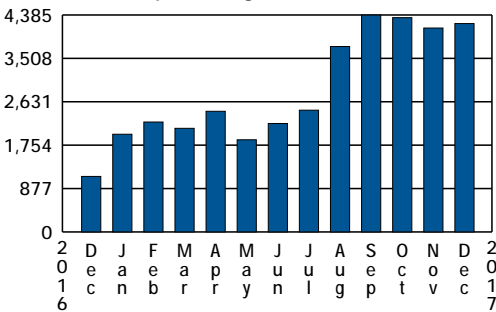
- Billing date: December 5, 2017
- Due Date: December 21, 2017
- Billing period: Nov 02 to Dec 04 (33 Days)
- Next reading on or about: Jan 03, 2018
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	16,323 (Actual)
Previous Read	15,760 (Actual)
Total water used this billing period	563 units (421,124 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2017: 4,211.24 CGL
- Same billing period 2016: 1,122.00 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	2,552.08
• Payments as of Nov27. Thank you!	-2,552.08
Balance Forward	0.00
Current Water Service	
• Water Service Charge	109.04
• Water Usage Charge (\$0.50950000 x 4,211.24)	2,145.63
• Total Water Service Related Charges	2,254.67
Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 4,211.24)	67.38
• Total Other Charges	67.38
Taxes	
• State Sales Tax (\$2,394.01 x 6.000%)	143.65
• Franchise Taxes (\$2,322.21 x 3.000%)	69.66
• School District Tax (\$2,322.21 x 3.000%)	69.66
• Total Taxes	282.97

TOTAL CURRENT CHARGES 2,605.02

TOTAL AMOUNT DUE → \$2,605.02

Important messages from Kentucky American Water

- We spend all of our time looking after your water. So that you can enjoy life's most precious resource without giving it a second thought. WE ARE KENTUCKY AMERICAN WATER. WE KEEP LIFE FLOWING.
- Local Office: 2300 Richmond Road (Lexington).



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	January 22, 2018
Total Due	\$4,894.93
If Paid After Due Date	\$5,009.43 after 1/22/18

Amount Enclosed \$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



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BILLING PERIOD AND METER READINGS

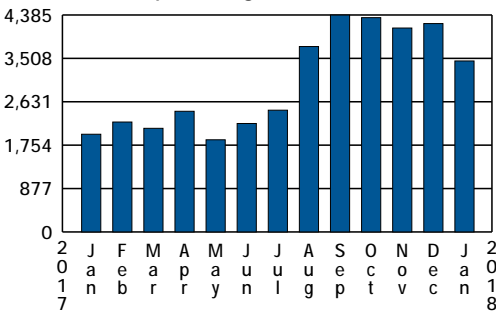
- Billing date: January 4, 2018
- Due Date: January 22, 2018
- Billing period: Dec 05 to Jan 03 (30 Days)
- Next reading on or about: Feb 01, 2018
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	16,785 (Actual)
Previous Read	16,323 (Actual)
Total water used this billing period	462 units (345,576 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2018: 3,455.76 CGL
- Same billing period 2017: 1,974.72 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	2,605.02
Total Prior Balance - DUE IMMEDIATELY	2,605.02
Current Water Service	
• Water Service Charge	109.04
• Water Usage Charge (\$0.50950000 x 3,455.76)	1,760.71
• Total Water Service Related Charges	1,869.75
Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 3,455.76)	55.29
• Water Late Payment Charge	130.25
• Total Other Charges	185.54
Taxes	
• State Sales Tax (\$1,985.25 x 6.000%)	119.12
• Franchise Taxes (\$1,925.04 x 3.000%)	57.75
• School District Tax (\$1,925.04 x 3.000%)	57.75
• Total Taxes	234.62

TOTAL CURRENT CHARGES 2,289.91

TOTAL AMOUNT DUE → \$4,894.93

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- Local Office: 2300 Richmond Road (Lexington).
- THE DUE DATE PERTAINS TO CURRENT CHARGES ONLY. ANY PAST DUE BALANCE SHOULD BE PAID IMMEDIATELY.



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	February 20, 2018
Total Due	\$6,265.17
If Paid After Due Date	\$6,333.68 after 2/20/18

Amount Enclosed \$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



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BILLING PERIOD AND METER READINGS

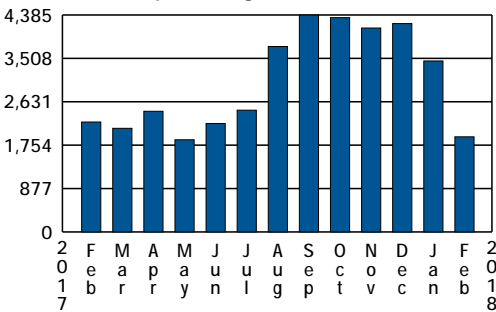
- Billing date: February 2, 2018
- Due Date: February 20, 2018
- Billing period: Jan 04 to Feb 01 (29 Days)
- Next reading on or about: Mar 01, 2018
- Customer Type: Commercial

Meter No.	060670947N
Size of meter	2"
Current Read	17,042 (Actual)
Previous Read	16,785 (Actual)
Total water used this billing period	257 units (192,236 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2018: 1,922.36 CGL
- Same billing period 2017: 2,221.56 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	4,894.93
Total Prior Balance - DUE IMMEDIATELY	4,894.93
Current Water Service	
• Water Service Charge	109.04
• Water Usage Charge (\$0.50950000 x 1,922.36)	979.44
• Total Water Service Related Charges	1,088.48
Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 1,922.36)	30.76
• Water Late Payment Charge	114.50
• Total Other Charges	145.26
Taxes	
• State Sales Tax (\$1,155.74 x 6.000%)	69.34
• Franchise Taxes (\$1,119.48 x 3.000%)	33.59
• School District Tax (\$1,119.48 x 3.000%)	33.57
• Total Taxes	136.50

TOTAL CURRENT CHARGES **1,370.24**

TOTAL AMOUNT DUE ➔ **\$6,265.17**

Important messages from Kentucky American Water

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- Local Office: 2300 Richmond Road (Lexington).
- THE DUE DATE PERTAINS TO CURRENT CHARGES ONLY. ANY PAST DUE BALANCE SHOULD BE PAID IMMEDIATELY.



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

Account Number	[REDACTED]
Due Date	March 19, 2018
Total Due	\$7,444.14

Amount Enclosed \$ [REDACTED]

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

- Billing date: March 2, 2018
- Due Date: March 19, 2018
- Billing period: Feb 02 to Mar 01 (28 Days)
- Next reading on or about: Apr 02, 2018
- Customer Type: Commercial
- See additional page for Meter details

Meter No.	060670947N
Size of meter	2"
Current Read	17,077 (Actual)
Previous Read	17,042 (Actual)
Total water used this billing period	35.00 (26,180 gallons)

Meter Changed: 02/06/2018

Meter No.	060629350N
Size of meter	2"
Current Read	25,859 (Actual)
Previous Read	25,852 (Estimated)
Total water used this billing period	7.00 (5,236 gallons)
Total water used this billing period	1520.00 (179,216 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2018: 1,792.16 CGL
- Same billing period 2017: 2,094.40 CGL

BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance	
• Balance from last bill	6,265.17
Total Prior Balance - DUE IMMEDIATELY	6,265.17
Current Water Service	
• Water Service Charge	11.68
• Water Service Charge	3.89
• Water Service Charge	93.46
• Water Usage Charge (\$0.50950000 x 1,792.16)	913.11
• Total Water Service Related Charges	1,022.14
Other Charges	
• KRA Withdrawal Fee (\$0.01600000 x 1,792.16)	28.67
• Total Other Charges	28.67
Taxes	
• State Sales Tax (\$1,085.28 x 6.000%)	65.11
• Franchise Taxes (\$1,050.89 x 3.000%)	31.53
• School District Tax (\$1,050.89 x 3.000%)	31.52
• Total Taxes	128.16
TOTAL CURRENT CHARGES	1,178.97

TOTAL AMOUNT DUE **\$7,444.14**

Important messages from Kentucky American Water

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- If you would like a copy of our tariff please visit www.kentuckyamwater.com, call 1-800-678-6301, or visit our customer lobby at 2300 Richmond Road in Lexington anytime between 8 a.m. and 4:30 p.m., Monday through Friday.
- Local Office: 2300 Richmond Road (Lexington).
- THE DUE DATE PERTAINS TO CURRENT CHARGES ONLY. ANY PAST DUE BALANCE SHOULD BE PAID IMMEDIATELY.

MULTIPLE METERS SERVE THIS PROPERTY

Multiple meters serve this property. The below chart provides information on the current and previous meter readings, as well as the amount of water used.

Meter No.	Size	Meter Type	From Date	To Date	Current Reading	Previous Read	Water Used
060670947N	2"	REGULAR	02/02/2018	02/04/2018	17,077 CCF (Actual)	17,042 CCF (Actual)	35 CCF (26,180 gallons)
060629350N	2"	REGULAR	02/05/2018	02/05/2018	25,859 CCF (Actual)	25,852 CCF (Estimated)	7 CCF (5,236 gallons)
83113560	2"	REGULAR	02/06/2018	03/01/2018	1,479 CGL (Actual)	1 CGL (Actual)	1,478 CGL (147,800 gallons)

Total Water Consumption in CGL = 1792.16 CGL

A = Actual Read

E = Estimated Read



PO Box 6029, Carol Stream, IL 60197-6029

For Service To: 401 REDDING RD

Check this box for address changes and note new address on back.

BENT TREE CONDO
c/o JOHN MARQUETTE
401 REDDING RD APT 42
LEXINGTON, KY 40517-2507

Account Number	[REDACTED]
Due Date	April 20, 2018
Total Due	\$8,850.93

Amount Enclosed \$ [REDACTED]

KENTUCKY AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029



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BILLING PERIOD AND METER READINGS

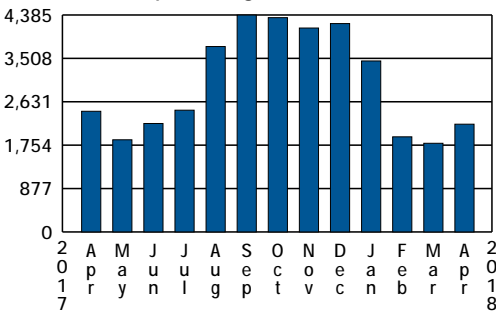
- Billing date: April 4, 2018
- Due Date: April 20, 2018
- Billing period: Mar 02 to Apr 02 (32 Days)
- Next reading on or about: May 01, 2018
- Customer Type: Commercial

Meter No.	83113560
Size of meter	2"
Current Read	3,657 (Actual)
Previous Read	1,479 (Actual)
Total water used this billing period	2,178 units (217,800 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2018: 2,178.00 CGL
- Same billing period 2017: 2,438.48 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 401 REDDING RD
For Account [REDACTED]

Prior Balance		
• Balance from last bill		7,444.14
Total Prior Balance - DUE IMMEDIATELY		7,444.14
Current Water Service		
• Water Service Charge		109.04
• Water Usage Charge (\$0.50950000 x 2,178.00)		1,109.69
• Total Water Service Related Charges		1,218.73
Other Charges		
• KRA Withdrawal Fee		
• 03/02/18 to 03/30/18 (\$0.01600000 x 1,976.43)		31.62
• 03/31/18 to 04/02/18 (\$0.01770000 x 201.57)		3.57
• Total Other Charges		35.19
Taxes		
• State Sales Tax (\$1,293.95 x 6.000%)		77.64
• Franchise Taxes (\$1,253.76 x 3.000%)		37.62
• School District Tax (\$1,253.76 x 3.000%)		37.61
• Total Taxes		152.87
TOTAL CURRENT CHARGES		1,406.79

TOTAL AMOUNT DUE **\$8,850.93**

Important messages from Kentucky American Water

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- Local Office: 2300 Richmond Road (Lexington).
- THE DUE DATE PERTAINS TO CURRENT CHARGES ONLY. ANY PAST DUE BALANCE SHOULD BE PAID IMMEDIATELY.

Meter Reading Date	Consumption in Gallons	Monthly Average by Year
12/3/2019	307600	
11/1/2019	205500	
10/2/2019	247100	
9/3/2019	197800	
8/1/2019	211600	
7/1/2019	178300	
6/3/2019	225600	
5/3/2019	240000	
3/31/2019	214600	
3/4/2019	183200	
2/4/2019	179000	
1/3/2019	174800	213758
12/3/2018	175300	
10/31/2018	160000	
10/2/2018	218600	
9/1/2018	156800	
8/1/2018	140600	
7/2/2018	124700	
6/1/2018	210500	
5/1/2018	204600	
4/2/2018	174700	
3/1/2018	179216	
2/1/2018	192236	
1/3/2018	345576	190236
12/4/2017	421124	
11/1/2017	412148	
10/2/2017	433092	
9/1/2017	438328	
8/1/2017	374748	
7/3/2017	246092	
6/2/2017	219164	
5/1/2017	186252	
4/3/2017	243848	
3/1/2017	209440	
2/1/2017	222156	
1/3/2017	197472	300322
12/1/2016	112200	
11/1/2016	125664	
10/3/2016	225896	
9/1/2016	163064	
8/2/2016	88264	
6/30/2016	77044	
6/1/2016	73304	
5/2/2016	57596	
4/1/2016	71060	

3/1/2016	101728	
2/1/2016	82280	
1/4/2016	94996	106091

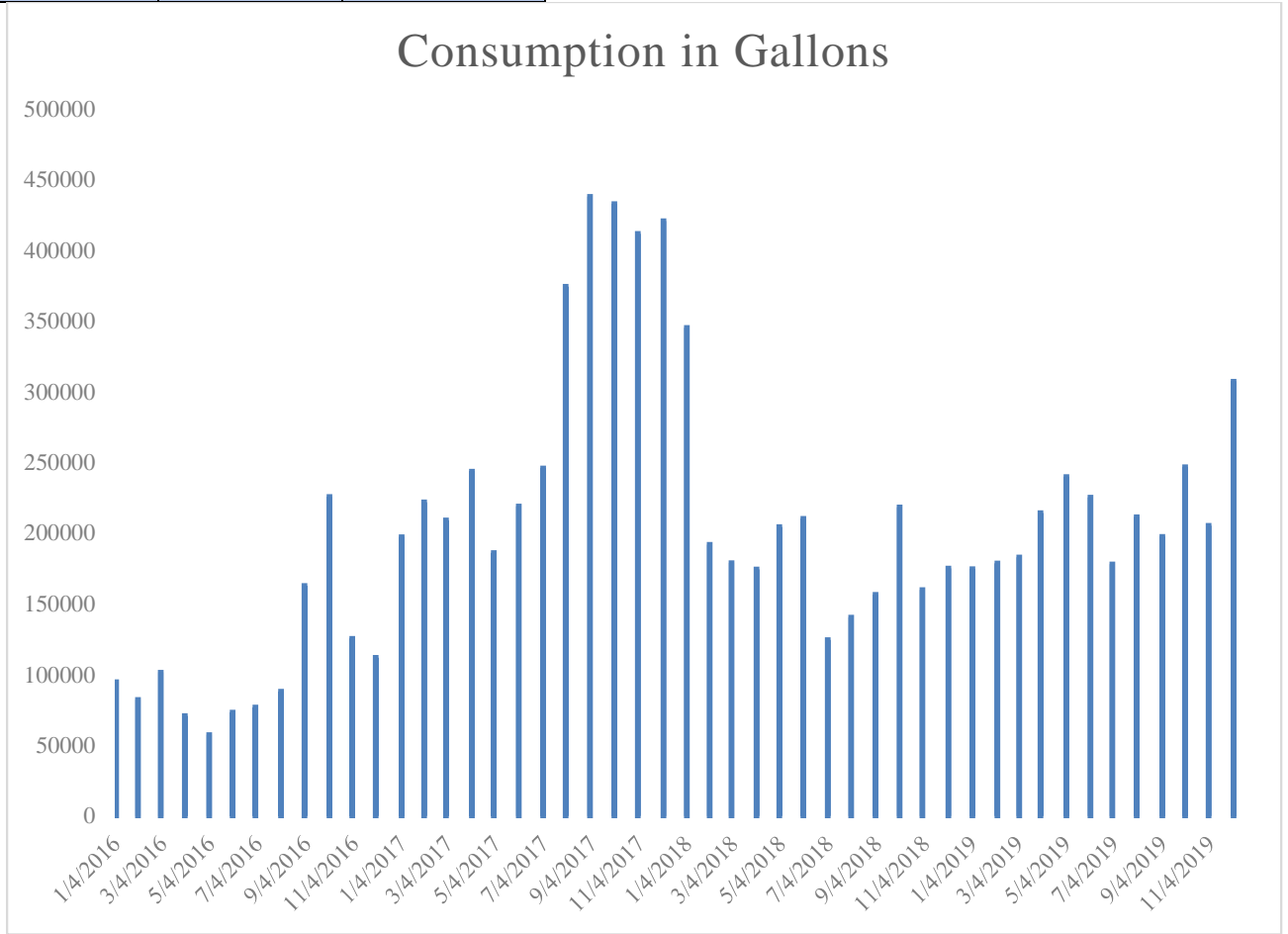


EXHIBIT B

Kentucky-American Water Company

Customer Name Bent Tree Condo Account # [REDACTED]
 Service Address 401 Redding Rd Premise# 9120028288
 Meter Size 2 Make N Number 60670947 Date 2/7/18

Readings

	GPM	Begin	End	% of Accuracy	Required Accuracy
Low flow	<u>2</u>	<u>77.400</u>	<u>77.501</u>	<u>101</u>	<u>95%-101%</u>
Intermediate flow	<u>15</u>	<u>77.501</u>	<u>77.6005</u>	<u>99.5</u>	<u>98.5%-101.5%</u>
Maximum flow	<u>100</u>	<u>77.6005</u>	<u>78.6045</u>	<u>100.4</u>	<u>98.5%-101.5%</u>

IF ANY OF THE TESTS ABOVE ARE NOT WITHIN THE REQUIRED ACCURACY LIMITS THEN FURTHER TESTING IS REQUIRED BELOW.

Readings

Flow Rate %
Of Capacity

	GPM	Begin	End	% of Accuracy
25%	_____	_____	_____	_____
50%	_____	_____	_____	_____
75%	_____	_____	_____	_____

Average of first test 100.3 Average of second test _____
 Less Standard: 100%
 Equal % of Error: _____ Fast _____ Slow _____
 Before Test Reading: 17077.400 after Test Reading 17078.6045
 Customer Witness? Yes _____ No

IF PERCENT OF ERROR IS GREATER THAN 2% THEN COMPLETE THE APPROPRIATE SECTION BELOW.

Length of time error is known to have existed _____
 FAST METER basis for refund _____ Amount of refund _____
 SLOW METER basis for additional Bill _____ Amount of additional Bill _____
 Comments Meter passed test, RF reading good. Will return to inventory as USAV after entering test results

Copy to: J. Riley

Disputes: _____ Meter Tech.: R. Mattingly



Citco Water

140B Ambassador Drive
Bowling Green, Kentucky 42101

Phone: (270)843-0852 Fax: (270)780-9894

Sales Order #:	
Date Tested:	6/29/2021
Tester:	Micheal Shipley
Card #:	W-70

Meter Shop Test Report

Customer: PSC
Ky Am Water

	Serial #	Size	As Found	Model	% ACCURACY AS RECEIVED				% ACCURACY AS REPAIRED				Parts
					High	Med.	Low	Avg.	High	Med.	Low	Avg.	
1	60670947	2"	2427680.5	Nep T-10	100	99	99	99.333				#DIV/0!	
2					100			100				#DIV/0!	
3					100			100				#DIV/0!	
4								#DIV/0!				#DIV/0!	
5								#DIV/0!				#DIV/0!	
6								#DIV/0!				#DIV/0!	
7								#DIV/0!				#DIV/0!	
8								#DIV/0!				#DIV/0!	
9								#DIV/0!				#DIV/0!	
10								#DIV/0!				#DIV/0!	
11								#DIV/0!				#DIV/0!	
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22								#DIV/0!				#DIV/0!	