

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**ELECTRONIC BENT TREE CONDOMINIUM,)
COMPLAINANT)**

V.)

CASE NO. 2019-00133

**KENTUCKY-AMERICAN WATER,)
DEFENDANT)**

**BENT TREE CONDOMINIUM ASSOCIATION'S RESPONSES TO COMMISSION
STAFF'S SECOND REQUEST FOR INFORMATION DATED JUNE 18, 2020**

ELECTRONICALLY FILED: JULY 2, 2020

**Bent Tree Condominium Association's Responses to Commission
Staff's Second Request for Information Dated June 18, 2020
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Q-1. Refer to Bent Tree's response to Commission Staff's First Request for Information (Staff's First Request), Item 1.

- a. Explain in full detail whether Bent Tree is requesting for the Commission to have the old meters that were removed from the Bent Tree property, and currently held by Kentucky-American Water Company (Kentucky-American), tested by an independent third party.
- b. If Bent Tree does want the old meters tested by an independent third party, advise whether Bent Tree wants to be present at the testing, if possible.
- c. If there are any fees associated with an independent third party testing the old meters, explain whether Bent Tree will agree to pay for the same.

A-1. a. Bent Tree's request for the Kirklevington meter to be tested and evaluated by a third-party was a request made in advance of Bent Tree having knowledge that KAWC changed out the Kirklevington meter on February 6, 2018 which appears to have quickly, if not immediately, corrected the high volume issues and brought Bent Tree's volume and billings on the Kirklevington meter back to historic normal levels. However, if the PSC feels further testing of the original Kirklevington meter is needed given the problem was eventually solved by KAWC installing a new meter on the Kirklevington line, then Bent Tree would defer to the PSC's decision.

To further explain its response, and to facilitate easier reference, Bent Tree reiterates and restates the following, previously filed information:

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If there was a "leak" at the Kirklevington meter, PSC Staff DR-2 attempts to ascertain same by asking for the accuracy tests of the meters for Complainant's account, including the Kirklevington meter. KAWC responded that the meters were tested prior to installation on February 6, 2018. However, this is the "new" meter, number 83113560, at Kirklevington which began showing usage closer to historical usage around February 2018. The **old** meter, number 060670947N, associated with the Kirklevington account relates to the time period in question and should be the one under examination. It clearly shows high volumetric readings from February 2 - 4, 2017 at 8,727 gallons per day (26,180 gallons/3 days), versus the temporary flow reading meter at 5,236 for one day on February 5 (5,236 gallons/1 day), and, more importantly the new meter from February 6 - March 1, 2018 at 6,158 gallons/day, (147,800/24 days). A difference of 2,569 gallons per day (8727 - 6,158 = 2,569) after the new meter was installed calls into question the accuracy of the reading of the old meter, number 060670947N. Thus, KAWC's assertion that an accurate meter measured a certain amount of water passing through that meter is dubious at best, if not simply wrong at worst.

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To fully explore this striking difference in volumetric flow within the span of **one** day, and as it may reflect the accuracy of the meter number 060670947N during the disputed period, Bent Tree should be entitled to fully explore the facts at hand as they pertain to the issues and meter in question, assuming it has been pulled out of service pursuant to 807 KAR 5:006, Section 11(4), Usage investigation.¹ [original footnotes omitted]

- b. Yes, Bent Tree would like to be a witness to any testing.
- c. Yes.

Respondent: John "Brack" Marquette

¹ See *Bent Tree's Reply to KAWC's Response to Bent Tree's Motion for Leave to File Requests for Information to Kentucky-American Water Company*, pp. 3 -4, filed November 18, 2019.

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Q-2. Refer to Bent Tree's formal Complaint, page 5, in which it states that on or about May 25, 2018, Bent Tree engaged the services of American Leak Detection to look for a leak at the Redding Road meter's location, but no leak was found. Also, refer to Bent Tree's response to Staff's First Request, Item 2, pages 17 and 40, which provides a graph and a chart indicating a drastic reduction of water consumption on or about the same date that American Leak Detection looked for leaks at the subject property.

- a. Provide all documentation between Bent Tree and American Leak Detection.
- b. Explain in full detail what American Leak Detection discovered in its leak investigation.
- c. Explain in full detail how there was a large reduction in water consumption on or about the same date that American Leak Detection investigated Bent Tree's property for leaks.

- A-2. a. Bent Tree does not currently have all its written documentation in its possession. However, it is exercising all due diligence to obtain same under the constraints of the COVID-19 virus. The record will be supplemented immediately once it becomes available. In the interim, please find attached the "Billing Terms Agreement" between Bent Tree and ALD and various emails as Attachment A to this response.
- b. On May 25, 2018, American Leak Detection (ALD) could find NO evidence of leak on the Redding Road meter because the actual high volumes and suspected leak were NOT in the Redding Road meter as KAWC's Jerold Jackson and Josh, another KAWC associate, instructed Bent Tree Board Members Brack Marquette and Shawn Behan in person on site at Bent Tree on March 9, 2018, using a KAWC hourly volume they

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said was for the Redding Road meter. However, even Mr. Jackson and his associate could not find evidence of a leak on the Redding Road meter that same day when they personally inspected each of 16 outdoor faucets on that meter and several other water service equipment locations on the Redding Road meter water lines. Yet, they continued to advise Marquette and Behan that professional leak investigation was necessary to locate an "intermittent" leak on the Redding Road meter, and Bent Tree brought in American Leak Detectors (ALD) on May 25, 2018, as advised by KAWC. ALD examined only the Redding Road meter system since that is where KAWC pinpointed the high volume and potential leak (which was incorrect). ALD did not investigate Bent Tree's Kirklevington meter and its system because KAWC advised that the problem was not on Bent Tree's Kirklevington meter. It was only after Bent Tree requested that KAWC again review its information and reevaluate the possible problem with the Kirklevington meter that KAWC relented and discovered, in fact, that they had provided Bent Tree incorrect information and the high volumes and potential leak were now, according to their analysis, in the Kirklevington Road system.

c. The volumes on the Redding Road meter remained consistent, proven after the fact once KAWC corrected their error by saying the potential leak was now not on the Redding Road meter but on the Kirklevington meter.

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The volume reduction on the Kirklevington meter commenced after KAWC changed out the Kirklevington meter again on February 6, 2018. No other changes were ever made by Bent Tree on the Kirklevington meter and its system other than those made by KAWC.

Respondent: John "Brack" Marquette

Respectfully submitted,



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**COUNSEL FOR BENT TREE
CONDOMINIUM ASSOCIATION**

CERTIFICATE OF SERVICE

I certify, on July 2, 2020, that this Bent Tree Condominium Association's Responses to Commission Staff's Second Request for Information is a true and accurate copy of the document being filed with the Commission in paper medium within thirty days of the state of emergency due to the COVID-19 virus being lifted; that no parties have been excused from participation by electronic means, and that one original copy and one copy of the filing in paper medium will be delivered to the Commission.



Dennis G. Howard, II