

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE	)	
JURISDICTIONAL STATUS OF SEVERAL	)	CASE NO.
COMPANIES IN PIKE COUNTY, KENTUCKY	)	2024-00271
AND OF THEIR COMPLIANCE WITH KRS	)	
CHAPTER 278 AND 807 KAR CHAPTER 005	)	

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**RESPONSE TO PUBLIC SERVICE COMMISSION ORDER 10-1-2024**

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Comes now Prater Construction, LLC (“Prater Construction”) by and through counsel,  
and for its Response to the Public Service Commission Order, dated 10-01-2024, and  
respectfully states as follows:

**INTRODUCTION**

Prater Construction wholeheartedly agrees with the Commission that all the homes impacted by this water and sewer service arrangement are located in the Mountain Water District service area. Relying on express and written representations made by Mountain Water District in 2001, Prater Construction installed a wastewater system and wastewater treatment plant for the at-issue residential housing development, Zebulon Heights Community. Mountain Water District expressly agreed to assume ownership and operation of the facility and sewer lines once they were installed. However, more than 20 years later, Mountain Water District never did what they said they would do. As a result, Prater Construction has been providing water and sewer service to the Zebulon Heights Community to ensure that the people that live there have clean water and a sanitary sewage system. Prater Construction has gained no profit providing such services. Prater Construction prays that as a result of this investigation, Mountain Water District will

finally assume ownership and operation of the water and sewage service. Prater Construction is fully prepared to execute any deeds, agreements, etc. to effectuate the same and seeks the assistance of the Commission with this issue.

### **INFORMATION ON THE PUMP HOUSE**

The Zebulon Heights Community in Pikeville, Kentucky consists of multiple subdivisions. These subdivisions consist of residential homes and commercial buildings. The subdivisions include Boulders East, Mountain View Drive, Devin Ryans Way, Prater Drive, and Zebulon Heights.

In the early 2000s, Roopani Development Corporation (“Roopani Development”) installed and operated the water pump house, which provides services to the property owners on Boulders East, Mountain View Drive, and Devin Ryans Way in Pikeville, Kentucky. Prater Construction had an unwritten agreement with Roopani Development to use water services from their pump house. In 2023, Roopani Development sold the real property that houses the pump house to Twin Diamond, LLC (“Twin Diamond”). When Roopani Development sold the real property and the pump house to Twin Diamond, there was an easement and condition in their deed requiring Twin Diamond to allow Prater Construction to utilize the pump house.

On or about April 22, 2024, Twin Diamond sent a letter to Prater Construction informing them that Twin Diamond is in the process of setting their own meters to determine customer water usage. Furthermore, the letter advises, as of May 1, 2025, Twin Diamond would start billing a surcharge and processing fee for the use of the pump house. The amount of the surcharge would be in the amount of \$450.00 per month, plus any water usage. Finally, the letter advised that if Prater Construction would not pay this surcharge fee, then Twin Diamond would disconnect the pump house. *See Exhibit 1.*

Therefore, on or about May 6, 2024, Prater Construction mailed out letters to all property owners who uses the pump house, informing them that Twin Diamond had purchased the real property that housed the pump house, and due to the Twin Diamond now owning the pump house, every property owner would be responsible for an additional \$64.29 fee per month on their water bill. *See* Exhibit 2. This number was calculated by dividing \$450.00 monthly surcharge by the seven (7) property owners who use the pump house.

Today, Prater Construction reads five (5) water meters for the property owners located on Boulders East, a water meter on Mountain View Drive, and a water meter on Devin Ryans Way. After reading each meter, Prater Construction calculates the total amount of water used by each property owner and sends that information to Twin Diamond. Based on that calculation, Twin Diamond will send an invoice for the water service and the service charge for the pump house. Prater Construction then calculates each property owner's water bill for that month, based upon how much each property owner consumed. Then Prater Construction will send a bill to each property owner. After receiving the property owner's payment, Prater Construction then sends all payments to Twin Diamond, who then sends payment to Mountain Water District.

#### **WATER AND SEWAGE SERVICE TO ZEBULON HEIGHTS COMMUNITY**

In 2001, Prater Construction spoke to Mr. Will Brown with Mountain Water District about bringing water to the Zebulon Heights Community. Mr. Brown informed Prater Construction that they could install water lines, and Mr. Brown recommended Mr. Dan L. Hall at H Design Group to get the water line permitted. Hall Design Group is who Prater Construction used to have the water lines permitted. In those plans, it was stated that Mountain Water District would accept the completed utilities for perpetual operation and maintenance contingent on the construction being performed in accordance with the proposed plans and specifications. The

plans were approved by Department for Environmental Protection, Division of Water. *See Exhibit 3.*

Prater Construction then began work on installing main water lines from Mountain Water District's water tank to every lot located in the Zebulon Heights Community. After installing the water lines, Prater Construction installed water taps, so Mountain Water District could install their water meters when property owners were ready for water to be run to their home. As each home was being built and it was time for water to be hooked up, Mountain Water District would install the water meter and collect a water tap fee. Mountain Water District collected a fee on every home located on Prater Drive and Zebulon Heights. Furthermore, with the advice of Mountain Water District, Prater Construction installed a master water meter, that would be used to bill the property owners on Zebulon Heights.

In addition, Prater Construction installed the main sewage lines in the Zebulon Heights community. The main sewage lines connect to a wastewater treatment plant, located on Emily Drive. Mountain Water District delivered the wastewater treatment plant. Mountain Water District said in writing, that Mountain Water District would assume ownership and operation of the facility and sewer lines once they were installed. *See Exhibit 4.* Prater Construction worked with Mr. Dan L. Hall with H Design Group on the installation of the wastewater treatment plant. Furthermore, Prater Construction received a letter from Kentucky Pollutant Discharge Elimination System (KPDES) that the work on the wastewater treatment plant had been determined complete.

Today, every home located in the Zebulon Heights Community is connected to the wastewater treatment plant. The wastewater treatment plant was originally being maintained by Wastewater Services, Inc. Prater Construction later turned that over to Mr. Johnny Adkins, and

then to Mr. Joe Thompson. Mr. Thompson oversaw the Pike County Schools' Treatment Plant. However, his license expired, so Prater Construction returned to Wastewater Services, Inc. to maintain the wastewater treatment plant.

Furthermore, after more than twenty (20) years, after it was agreed to do so in writing, Mountain Water District still has not assumed ownership and operation of the wastewater treatment plant. Prater Construction is fully prepared to execute any deeds, agreements, etc. to effectuate the transfer of the real property and wastewater treatment plant to Mountain Water District.

### **PROCESS OF COLLECTING WATER BILLS FROM PROPERTY OWNER'S IN ZEBULON HEIGHTS COMMUNITY**

Prater Construction receives a water bill from Mountain Water District for the water consumed by the homes located on Zebulon Heights. These homes are connected to the master water meter that Prater Construction installed after the advice from Mountain Water District. Once Prater Construction receives the bill, Prater Construction reads each property owner's water meter, to determine the amount of water consumed that month. After using Mountain Water District's calculations, Prater Construction then sends a bill to each property owner for their portion of the water bill. After receiving those payments, Prater Construction then sends all the payments from the property owners to Mountain Water District. Prater Construction does not gain any profit providing such services. As for the homes located on Prater Drive, and the businesses located in Zebulon Heights Community, Mountain Water District reads the owner's individual water meter and bills them directly.

Prater Construction reserves the right to amend and/or supplement its response.

WHEREFORE, Prater Construction prays for an appropriate Order of the Public Service Commission and for any and all other relief it may be entitled to.

JOHNSON LAW FIRM, PSC  
229 MAIN STREET  
P.O. BOX 1517  
PIKEVILLE, KY 41502  
TELEPHONE: (606) 437-4488

/s/ Hunter A. Branham  
WILLIAM R. JOHNSON  
[billy@billyjohnsonlaw.com](mailto:billy@billyjohnsonlaw.com)  
BRITTNEY N. SCHAEFFER  
[brittney@billyjohnsonlaw.com](mailto:brittney@billyjohnsonlaw.com)  
HUNTER A. BRANHAM  
[hunter@billyjohnsonlaw.com](mailto:hunter@billyjohnsonlaw.com)

#### **CERTIFICATE OF SERVICE**

This is to certify that foregoing was submitted electronically to the Commission on August 15, 2025 and that there no parties that have been excused from electronic filing. Pursuant to prior Commission orders, no paper copies of this filing will be submitted.

/s/ Hunter A. Branham  
WILLIAM R. JOHNSON  
BRITTNEY N. SCHAEFFER  
HUNTER A. BRANHAM

*Twin Diamond, LLC*  
*PO Box 52*  
*Prestonsburg, Kentucky 41653*  
*Email: twindiamondcorporation@gmail.com*  
*606.226. 3911*

Date: April 22<sup>nd</sup>, 2024

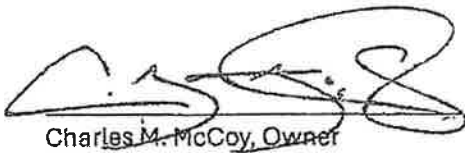
Prater Construction  
36 Maple LN  
Pikeville, KY 41501

Dear Mr. Prater,

We are in the process of setting our own meters for you and/or any customer water usage. Along with this process as of May 01, 2024, we will start billing you a surcharge and processing fee for the use of the pump house. This surcharge will be in the amount of \$450.00 per month plus your water usage.

If you are not in agreement, we will be more than happy to schedule a time for disconnection from the pump house.

Thank you,



Charles M. McCoy, Owner



**PRATER CONSTRUCTION**

36 Maple Ln.  
Pikeville, KY 41501

Ph: 606-631-9740

May 6, 2024

Daniel Isaac  
13 Boulders East  
Pikeville, KY 41501

Twin Diamond LLC has purchased the Mountain View Town Houses which also includes the pump house. Unfortunately, this pump house serves the homes on Boulders East as well as Kevin Prater and Kern Weddington. Kevin is currently trying to find a solution to this unforeseen situation. Regrettably, until then we are all going to incur an additional fee on our water bill of \$64.29. As stated in the letter, this went into effect May 1.

Lesha Prater





# Prater Construction Company, Inc.

## Zebulon Heights Water Line Extension

### Pikeville, Pike County, Kentucky

PLANS PREPARED BY:

**HDR**  
Hall Design Group, Inc.  
11111 Highway 100, Suite 100  
Pikeville, KY 41503



Vicinity Map  
Scale 1" = 2000'



INDEX OF SHEETS	
TITLE SHEET	1
GENERAL NOTES	2
SITE PLAN	3
WATER LINE DETAIL SHEET	4

Name

Project Number 012

tabbles®

EXHIBIT

3

**OBJECT SCOPE**

The objective of this project is to extend vendor services to Zabulion Hospital, a proposed sub-division near Zabulion, Pinar County.

At each of the main five points, one of the special issues that Volkswagen has identified as a focus of its research and made a part of these efforts.

## SAFETY

methods, techniques, and procedures of construction described those agents for conducting the work.

**BLASTING.**  
There shall be no blasting on this project.

## EASEMENTS AND RIGHT-OF-WAYS

THE OWNERS, in consideration of the procurement of a permanent and complete settlement of the CONTRACTORS' liability to defend the contents of these agreements and furnish their agreement to the terms of the agreement.

Buchfelling of all water lines in Sutter County meets the specifications.

The CUBANITOL is a just published investigation of the effect on the properties of the polymer of the weight ratio of the monomers and of the reaction temperature. The authors state that the reaction of the CUBANITOL is a complex of nucleophilic substitution. At a reaction in the 1,4,4,4-tetrafluorobenzene in the presence of sodium metal, the authors also stated that the monomer is the 2,4,6-trifluorobenzonitrile.

**COROLLARY 2** Let  $\mathcal{C}$  be a subcategory of  $\mathcal{A}$ , and  $\mathcal{D}$  a model category. The following are equivalent:

- (1)  $\mathcal{C}$  is a full subcategory of  $\mathcal{A}$ .
- (2)  $\mathcal{C}$  is a full subcategory of  $\mathcal{A}$ .
- (3)  $\mathcal{C}$  is a full subcategory of  $\mathcal{A}$ .

The COALITION that includes Norway (along with, say, Britain, Germany, the Vatican, Canada, the United States and Turkey) are currently sworn to the **International Convention on the Elimination of All Forms of Racial Discrimination**.

Another way to be involved is to contribute to the *Journal of the American Society for Health Management* by submitting an article. The journal is devoted to the study of health management and is published by the American Society for Health Management, 1100 North 17th Street, Suite 200, Arlington, VA 22209. The journal is published quarterly and is available to members of the society for \$10.00 per year. The journal is also available to non-members for \$20.00 per year. The journal is published by the American Society for Health Management, 1100 North 17th Street, Suite 200, Arlington, VA 22209.

## SEPARATION OF WATER AND OIL

statement that he realized he had to resign. In letters to his wife, he predicted a lifetime of 10-year separations. The age-appropriate memory algorithm may allow memories to be coded by date, location, or independent by state, but not by month. Such memories may show independence of the times when they are recalled.

## TESTING

Water from spring has been in accordance with ANOVA ( $P < 0.001$ ) a significant difference was found between C-851. Spring water also means low pressure in both in patients and in healthy subjects.

provided for in the governing specifications

[illegible]

Abstract: *Use of a virtual case study has demonstrated that the "pre-define" portion of a case study is not necessary to achieve the purpose of a case study. The "pre-define" portion of a case study is not necessary to achieve the purpose of a case study. The "pre-define" portion of a case study is not necessary to achieve the purpose of a case study.*


Questions about this study for the past several months have been largely about the possibility of a vaccine.

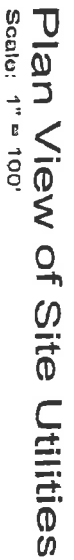
All established grassed hillsides will be restored by mowing. The disturbed areas that be known as a fallow area (1) month for the

- 50% increase in the number of people who are employed
- 35% increase in the number of people who are employed

Seed should be well rubbed or banged into the soil

- [illegible]

	
<b>Prater Construction, Inc.</b> P. O. Box 3157, Farmingdale, NY 11737	
Zablon Hedges Wear Line Extension Pike County, Kentucky <i>General Notes</i>	
5 4 3 2 1	100' 0" 00' 00" 00' 00" 0504.007.002



# Plan View of Site Utilities

Scale: 1" = 100'

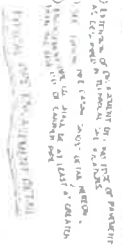
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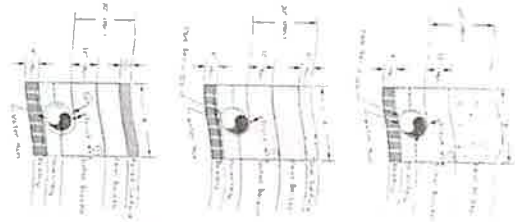
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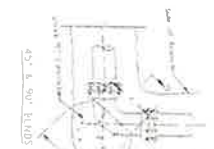
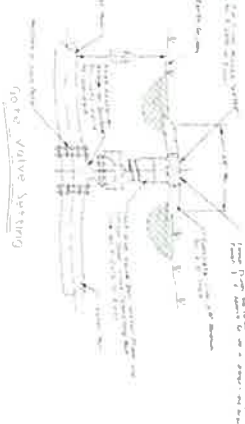
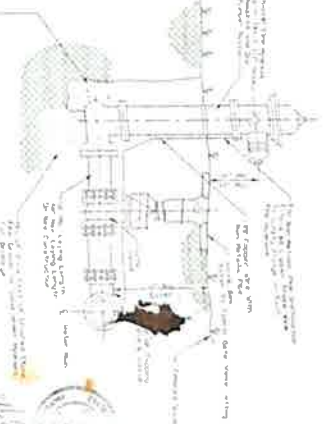


## METHOD

For and by the Board of Directors  
Approved: \_\_\_\_\_  
Secretary

[illegible]

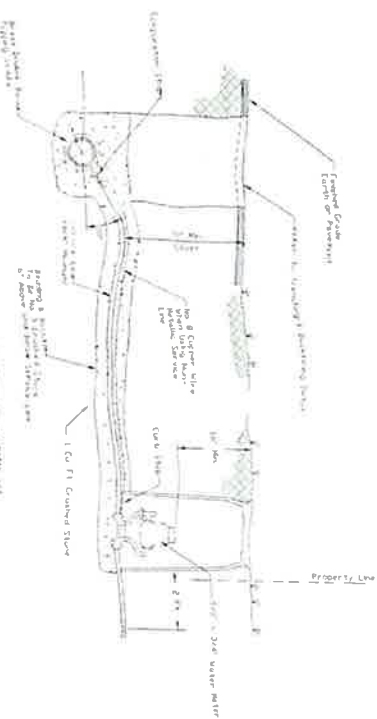
- ① Copper
- ② See 7A

[illegible]

CDAC PCLT FAYE MEH FIPPLAC FWE

PAY TO THE ORDER OF: THE UNIVERSITY OF CHICAGO

2017-11-11

[illegible]

171. *See* also, *Comptrolleur en chef des douanes et des droits de l'Etat* (1970) 1 *Revue des Tribunaux* 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908

## SERVICE CONNECTION

## CONCRETE THRUSTE BLDCM

[illegible]

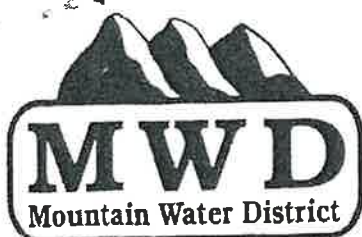
**Prater Construction, Inc.**  
1421 International Drive, Pasadena, CA 91107

WALLER AND LUTALDI


Hill Country

1997





**P. O. BOX 3157  
PIKEVILLE, KY 41502  
PHONE: (606) 631-9162  
FAX (606) 631-3087**

May 30, 2001

Big Sandy Pumping  
36 Maple Lane  
Pikeville, Kentucky 41501

Re: Operation of Wastewater System

Dear Mr. Prater:

It is my understanding you intend to install a wastewater system, including a wastewater treatment plant, for a residential housing development in Pike County.

It is also my understanding that you desire Mountain Water District to assume ownership and operation of the facility and sewer lines once they are installed. Mountain Water District, upon approval of the Board of Commissioners would be willing to accept ownership and operation of the facility and sewer lines with the following stipulations:

- Prior to installation and construction, Mr. Prater would need to obtain Division of Water approval of the plans and specifications.
- After construction is complete, a licensed engineer registered in the state of Kentucky shall need to certify that the plant and sewer lines were installed in accordance with the plans approved by the Division of Water. The District will need a copy of this certification.
- A final inspection by Mountain Water District personnel will be made prior to recommendation to the Board of Commissioners for acceptance.
- That sufficient revenue from sewer customers on the facility will cover the cost of operations, maintenance and depreciation. Mountain Water District will calculate this from the customer base.
- Big Sandy Pumping shall be responsible for all repairs other than minor, routine repairs for a period of twelve months from the date of acceptance.
- Big Sandy Pumping shall transfer any existing and necessary easements for the operation, maintenance and repair of the wastewater system when ownership is conveyed to the District.

If you have any question, please call me at 606/631-4000 extension 301.

Sincerely,

Will Brown  
Superintendent

CC: Toni Akers – Chairperson  
Wastewater file



## VERIFICATION

I, KEVIN PRATER, after first being duly sworn, state that the foregoing Response to October 1, 2024 Order is true and correct to the best of my knowledge, information and belief.

Kevin Prater  
KEVIN PRATER

STATE OF KENTUCKY)

COUNTY OF Pike)

Subscribed and sworn to before me by KEVIN PRATER, on this 14<sup>th</sup> day of August, 2025, as being his free act and deed.

My Commission expires: 9/6/25

Dei Cress Hae  
NOTARY PUBLIC, STATE AT LARGE