

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JULIA LYNNE JOHNSTONE)
)
) COMPLAINT)
)
) V.) CASE NO.)
) 2008-00502)
) SOUTH ANDERSON WATER DISTRICT)
)
) DEFENDANT)

ORDER TO SATISFY OR ANSWER

South Anderson Water District ("South Anderson") is hereby notified that it has been named as defendant in a formal complaint filed on December 4, 2008, a copy of which is attached hereto.

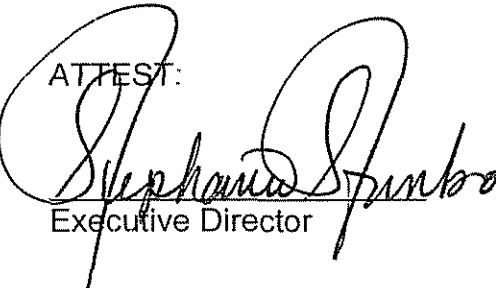
Pursuant to 807 KAR 5:001, Section 12, South Anderson is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 18th day of December, 2008.

By the Commission

ATTEST:


Executive Director

2008-00502 ¹¹²

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Julia Lynn Johnstone
(Your Full Name)
COMPLAINANT

RECEIVED
DEC 04 2008
PUBLIC SERVICE
COMMISSION

VS.
SOUTH ANDERSON WATER
(Name of Utility)
DISTRICT
DEFENDANT

COMPLAINT

The complaint of Julia Lynn Johnstone respectfully shows:
(Your Full Name)

- (a) Julia Lynn Johnstone
(Your Full Name)
P.O. Box 264 LAWRENCEBURG KY 40342
(Your Address)
- (b) SOUTH ANDERSON WATER DISTRICT
(Name of Utility)
142 S. MAIN ST. LAWRENCEBURG KY
(Address of Utility) 40342

(c) That: PLEASE SEE ATTACHED
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason
and basis for the complaint.)

Formal Complaint

Julia Lynn Johnstons. South Anderson
Water District

Page 2 of 2

Wherefore, complainant asks CHARGES OTHER THAN
(Specifically state the relief desired.)

WATER SERVICE BE REMOVED FROM
my account

Dated at LAWRENCEBURG Kentucky, this 4th day
(Your City)

of DECEMBER, 192008
(Month)

Julia L. Johnstons
(Your Signature)

(Name and address of attorney, if any)

My name is Julia Johnstone I reside at 261 Kentucky Avenue, in Lexington Kentucky. I am employed by the University of Kentucky. I lease a small farm in Lawrenceburg Kentucky, at 1021 Hammonds Creek Road, which is also bordered by highway 44, which is where the water meter is located.

July 2nd, contacted South Anderson Water, to report a water leak at the meter. I stated that I had noticed this, as I had gone to the meter to turn the water on. I had turned it off to repair a leak at the barn. There is no other place to shut off the water. The leak at the barn was substantial, and it did not seem reasonable to let it continue.

I was spoke to Joyce, an employee of the water company, the following day during business hours. She became very aggressive, and accused me of "breaking something". I tried to explain the way the water was leaking, and that it seemed to be coming from their side of the meter. The shut off valve was working fine, and so was the meter itself, as the indicators were turning appropriately. She continued to loudly make accusations. I just reiterated that I wanted to report the leak, and discontinued the call.

Within a couple of days I received a legal letter accusing me of tampering, as if I were trying to steal water. My account was paid in full, and I had no reason to "tamper" with the meter. In the meantime, the water continue to leak from in and around the meter box for 10 days.

On July 15, when I went to the farm to water the horses, there was a large area on South Anderson Water District's side of the meter which had been dug up. At that point, the water leak was resolved. I have provided photographs of this area.

When I examined inside the meter box, nothing had changed. There was even an old paper cup that I had used to bail out water still in the meter box, and a couple of other bits of trash that had washed in during an earlier storm. It looked as if nothing had been moved or touched.

In the meantime, I received a bill for \$421.00, \$50.00 for parts, and the rest for labor. Their were no other itemizations for this, just repair of meter and meterbox.

After speaking with several people who had knowledge of plumbing repair, some professional plumbers, I contacted the Public Service Commission for mediation.

Virginia Smith, a representative of the P.S.C., contacted South Anderson Water district on my behalf. The District was unwilling to compromise, gave no explanation, to my knowledge, of the large area on their side of the meter which had been dug up, which seemed to resolve the leak. Their claim was that I had used improper equipment to shut off the water.

Be that as it may, I present that my actions and intent were to repair an emergency water leak, and having also used a plumbers key, I cannot see the measurable difference in how they work. I further contend that the water districts employee seized on my initial report,

without actually listening to all that was said. She made her determination at that moment, without benefit of seeing the leak in question. It further appears that the determination was made from the outset to hold me financially liable regardless, as demonstrated by subsequent events.

Virginia Smith, a representative, of the PSC advised me that, regardless of how they were billing me, that my service could not be disconnected for equipment charges, as long as I continued to pay my bill. I received disconnect notice on the repair charge.

In spite of having paid my bill, my water service was disconnected. I did not find out until November 8th, a Saturday, when I went to the farm to fill the horses water tank. I borrowed a plumbers key from a friend, and turned the water back on, as it was the weekend, and the horses were completely out of water.

On Monday, the 10th of November, I contacted the PSC to advise them of what had happened. Virginia Smith was out for medical reasons, and another person assisted me. She said that the water district intended to charge me a tampering charge, and for a lock that they claimed they had placed on the meter box. There was no lock. As they had illegally shut me off, and I have aging horses to tend to, it seems that a tampering charge is inappropriate. In addition, there was no lock on or anywhere around the meter box. I cannot even imagine how one would lock this type of meter box.

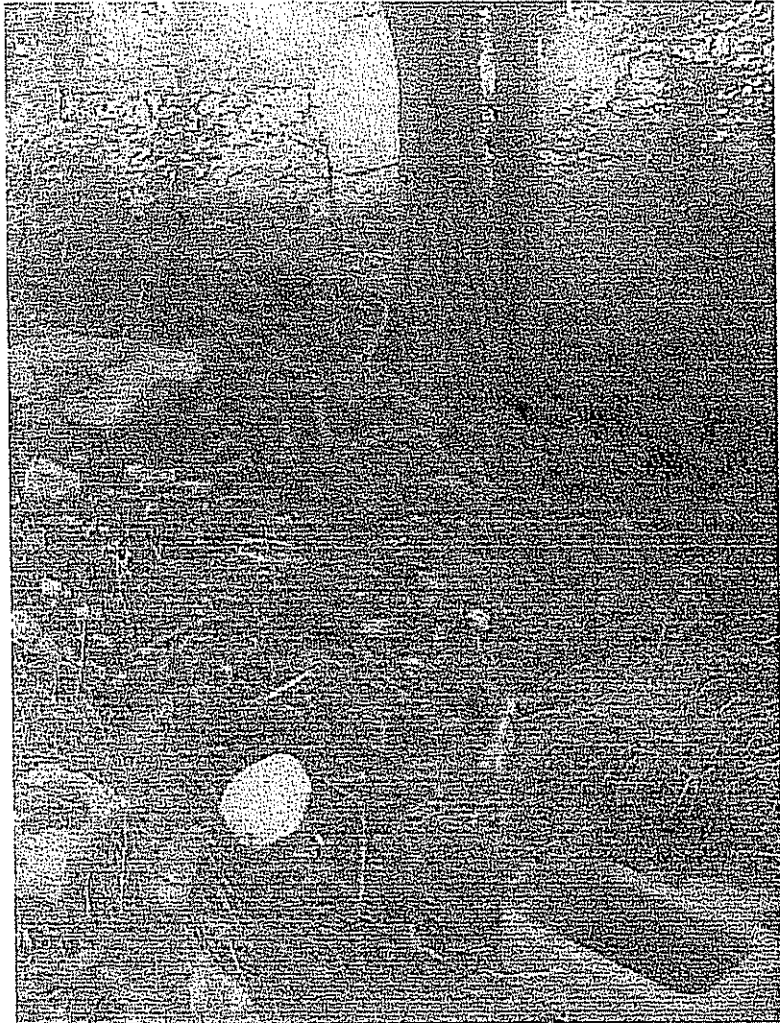
I do not understand such an aggressive approach. I have had this account for approximately 20 years, and there is nothing in my interactions with this organization that would indicate that their behaviour in any of this is reasonable, necessary or appropriate. It is hard to understand why the company serving the water needs of much of Anderson County would fabricate a story about a lock on the meter, just to get a few extra dollars. And again, they are sending disconnect notices on the amount that is in dispute, even though they were advised by the PSC that they cannot disconnect my service for this.

My request for resolution is that these repair charges, and any other charges other than water service, be removed from my account.

It seems that from my initial phone call, as I was forthcoming about shutting off the meter and how it had been done, that from that moment the approach was one of extreme bias. The photographs that I have provided to the PSC at the time, and also attached here, demonstrate the area where the repairs were done is clearly on the water district side of the meter.

Further, I believe that it was only noticed at that time as I had reason to go to the meter box. Otherwise the leak may have become worse, and more water wasted.

It seems apparent by these photographs that the leak was coming from a pipe above, and water drained down into the meter boxes below.





South Anderson Water District
142 S Main Street
Lawrenceburg, KY 40342
(502) 839-6919
November 26, 2008

Julie Johnstone
P.O. Box 464
Lawrenceburg, KY 40342

REMINDER

According to our records we have not received payment for this month's water bill. Please call our office if there is some special reason the bill has not been paid. If we have not received payment by **8:00 A.M.** on the date (listed below) your account may be subject to additional charges and/or disconnection of service.

If you have a question regarding the past due amount shown below or if you desire to arrange a payment plan, please contact our office at the address printed at the top of this letter before the cut off date. This will prevent disconnection of service. You cannot make arrangement and no notes, no telephone calls on the cut-off date.

Respectfully,
South Anderson Water District

** CUT OFF DATE:	<u>December 8, 2008</u>	**
Meter #	WT:	
Deposit Upgrade	_____	
Past Due Amount	\$485.77	**
Total	_____	
Reconnect Charge	\$50.00	
Total Amount Due	_____	**

Payments made after 4:30 P.M. on disconnect date are subject to a \$75.00 "after hours" service charge to have service restored.

South Anderson Water District

Julie Johnstone
P.O. Box 464
Lawrenceburg, KY 40342

Eddie Stevens
Chairman/Commissioner
South Anderson Water District
P. O. Box 17
Lawrenceburg, KY 40342