

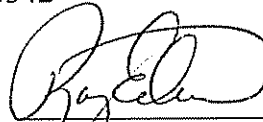


**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served upon the following on this the 23 day of December, 2008.

Stephanie Stumbo  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Ky 40602-0615

Julia Lynn Johnstone  
P.O. Box 464  
Lawrenceburg, Ky 40342



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RAY EDELMAN

## SOUTH ANDERSON WATER DISTRICT

142 SOUTH MAIN STREET  
LAWRENCEBURG, KY 40342

Telephone  
502-839-6919

Fax  
502-859-0424

December 15, 2008

To whom it may concern,

My name is Shawn Cook, I am the operations manager for the South Anderson Water District in Anderson county. I have been employed by the district since 1993. This correspondence will address the facts surrounding PSC case # 2008-00502 filed by Julie Johnstone, a customer of the district, regarding an amount billed to her account for damages caused to metering equipment. I have enclosed with this correspondence a "chain of events log" as well as other documents pertaining to this case.

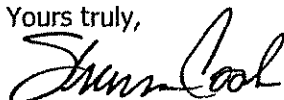
On December 8<sup>th</sup>, 2008 the district received notice from the Kentucky Public Service Commission that a complaint had been filed against the district by Julie Johnstone, a customer that receives service off Hwy 44 (Glensboro Road). In Ms. Johnstone's written complaint to the commission she clearly admits to entering the meter box to turn water service on and off at her discretion. She also states in paragraph 2 that "there is no other place to shut off the water" which is in direct violation of tariff sheet #36 paragraph 5 which states that the customer must have a shut off valve on the outlet side of the water meter. Ms. Johnstone also states that after repairs were made by the district that it looked as if nothing had been done inside the meter box. In explanation to this, repairs were made on the damaged inlet side of the meter (caused by turning service on and off multiple times) and a new service feed was installed to the meter. The meter box, meter, and service yoke were not replaced due to no damage to this equipment.

In the written complaint to the commission, Ms. Johnstone also states that her actions and intent were to repair an "emergency" water leak. Upon further review of the customers account file it was discovered that Ms. Johnstone had received a "high-usage" note February 18<sup>th</sup>, 2008 and also on March 31st, 2008 regarding abnormal usage at her service location. (copies enclosed) A "high-usage" note is generated by meter reading personnel in the field while recording monthly meter readings or upon review of the customer usage amounts prior to billing. This is a customer service provided by the district to inform our customers of abnormal usage on their account.

Ms. Johnstones statement that her intent was to repair an "emergency" water leak is misleading to the commission. Ms. Johnstone had received notice from the district and had knowledge of a possible problem with her service for over 4 months prior to the damage caused by her negligence. I have also spoken to the meter reader and was informed that it appears that she is still entering the meter box at her discretion which creates the possibility that she could cause additional damage to the equipment in the future. This "emergency" as stated is clearly not a high priority emergency to Ms. Johnstone as it has been over 9 months since she was first notified by the district of a problem and no repairs have been made to my knowledge.

In conclusion, after reviewing the facts of this case I believe the commission will agree that Ms. Johnstone has violated the districts recorded tariff and is responsible for the billed damages. If you have any questions or comments regarding this correspondence feel free to contact me M-F 8-4:30 at the number listed above.

Yours truly,



Shawn Cook  
Operations Manager

December 18, 2008

CHAIN OF EVENTS LOG

Re: Account #: 03-270-02  
Account Name: Julie Johnstone  
Service Address: Hwy 44  
PSC Case # 2008-00502

RECORDED BY: Shawn Cook, Operations Manager

- 07-03-2008 At approximately 4 p.m. the district office was contacted and informed by Ms. Johnstone that water was leaking at the location of her meter and wanted the district to investigate. Ms. Johnson also informed office personnel that her private service line had a leak, she had been entering the meter box and using the district's valve to turn her service on and off to water horses. Ms. Johnstone also stated that when she turned water off this time that water continued to run in the meter box (copy of work order enclosed)
- 07-03-2008 Ms. Johnstone was informed by office personnel that she was not allowed to enter the meter box and tamper in any way with district's equipment. She was also informed that she would be responsible for any expenses to repair damages caused by this practice.
- 07-03-2008 work order was executed, upon investigation by district personnel it was determined that the feed line had been damaged to Ms. Johnstone's meter from turning service on and off repeatedly. Due to 4<sup>th</sup> of July holiday, minimal water loss, and Ms. Johnstone still able to receive water for livestock repairs were scheduled for a later date. (a \$25 fee was assessed for this service call/investigation, copy of tariff fee schedule enclosed)

07-07-2008 office personnel were informed of results of Investigation and directed to send Ms. Johnstone A utility tampering letter and a copy of the districts Tariff sheet # 40, informing her of her responsibility For charges to repair this damage. Office personnel Were also instructed to contact 811 services for Utility marking in area of repairs. (copy of utility Tampering letter and tariff sheet #40 enclosed) (.25 hour office labor was charged for this service)

07-14-2008 Damaged area was repaired by district personnel and Contracted equipment and labor

07-15-2008 An invoice was prepared that reflected district costs Of contracted equipment, district labor and equipment, And costs of materials used in repair. (copy of Itemized invoice enclosed)

07-17-2008 Invoice was mailed to Ms. Johnstone for \$421.03 (\$383.30 labor/equipment, \$37.73 materials) (copy Of mailed invoice enclosed)

09-02-2008 A second notice invoice was mailed after no contact Was received from initial mailing. (copy of 2<sup>nd</sup> notice Enclosed)

10-07-2008 after no response from 2 invoices the amount due was added To the account

11-05-2008 account was disconnected for outstanding balance

11-10-2008 account was re-activated due to call from PSC stating that Ms. Johnstone was disputing the charges for repairs

## LIST OF ENCLOSURES

- A. Original 07-03-2008 work order
- B. Tariff sheet #7 non-recurring charges
- C. Tampering letter
- D. Tariff sheet #40
- E. itemized invoice
- F. mailed invoice
- G. 2<sup>nd</sup> notice of amount due
- H. tariff sheet #36

South Anderson Water District  
**WORK ORDER 498**

Account # 0003-00270-002  
Name Johnstone, Julie  
Address Hwy 44 Lawrenceburg, KY 40342  
Telephone (502) 859-4437 Job#

Order Date 7/3/2008  
Status Today  
Scheduled 07/07/08 04:08 PM  
Order Type Customer Complaint

1  
A

METER# WT 33342714      ERT/INTERNAL ID#      READING 7976      LOCATOR TAG      READING IN / OUT

Description SHE HAS BEEN TURNING WATER OFF AND ON AT METER TO FIX A LEAK  
Comment WATER IS NOW RUNNING IN METER BOX--SHE HAS TURN THE METER OFF--STILL RUNNING  
Requested By joyce      Assigned To Maintenance      Completed By *[Signature]*

Start Date \_\_\_/\_\_\_/\_\_\_      Time \_\_\_:\_\_\_      Completed Date 7/3/08      Time \_\_\_:\_\_\_

Make \_\_\_\_\_      Size/Type \_\_\_\_\_      Multiplier \_\_\_\_\_

Notes \_\_\_\_\_

PLEASE CHECK ONE    OFF \_\_\_\_\_    ON \_\_\_\_\_    LOCKED \_\_\_\_\_

Previous Reading \_\_\_\_\_ Date \_\_\_\_\_ Usage \_\_\_\_\_

Present Reading \_\_\_\_\_ Date \_\_\_\_\_ Usage \_\_\_\_\_

Todays Reading \_\_\_\_\_ Date \_\_\_\_\_ Usage \_\_\_\_\_

( ) OTHER \_\_\_\_\_

Field Notes *Checked, has broken our connection, sent "tampering" letter and copy of ~~report~~ where she is responsible for repairs required, scheduled for repairs*

DATE ENTERED IN SYSTEM \_\_\_\_\_ BY \_\_\_\_\_



FOR Anderson County, Kentucky  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original SHEET NO. 7

South Anderson Water District  
(Name of Utility)

CANCELING P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

RULES AND REGULATIONS

*B*

D. SPECIAL NON-RECURRING CHARGES:

Connection/Turn-on Charge	25.00
Connection/Turn-on Charge (After Hours)	50.00*
Field Collection Charge	25.00
Late Payment Penalty	10%
Meter Relocation Charge	Actual Cost
Damage to Meter Setting or Lid (Field visit plus equipment replaced)	Actual Cost
Meter Re-read Charge	25.00
Meter Re-read Charge (After hours)	50.00
Meter Test Charge	50.00
Re-connection Charge	50.00
Re-connection Charge (After Hours)	75.00*
Returned Check Charge	25.00
Service Call/Investigation	25.00
Service Call/Investigation (After Hours)	50.00*

\*NOTE—Regular working hours for the utility's Maintenance Staff is 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. excluding holidays. Upon customer request, and subject to availability of Maintenance Staff, services may be performed outside regular working hours at the after hours rate. Maintenance Staff who are called in after hours are guaranteed to be paid for a minimum of 2 hours.

DATE OF ISSUE \_\_\_\_\_  
Month / Date / Year

DATE EFFECTIVE \_\_\_\_\_  
Month / Date / Year

ISSUED BY Bob Knice  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2004-00525 DATED \_\_\_\_\_

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
5/28/2005  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)

By [Signature]  
Executive Director



**SOUTH ANDERSON WATER DISTRICT**

142 MAIN STREET/P.O. BOX 17, LAWRENCEBURG, KY. 40342

PHONE: 502-839-6919

FAX: 502-859-0424

C

DATE: 7/7/08

Julie Johnstone  
P.O. BOX 464  
Lawrenceburg, Ky 40342

THIS IS TO LET YOU KNOW:

YOU ARE **NOT** ALLOWED TO TAMPER WITH THE METER OR METER BOX.

ENCLOSED IS A COPY OF THE KRS 514.060 THAT STATES YOU CAN BE PROSECUTED. IF ANY DAMAGE IS DONE TO THE METER OR METER BOX, YOU WILL BE RESPONSIBLE FOR ANY EXPENSE INCURRED.

SOUTH ANDERSON WATER DISTRICT

**THEFT OF SERVICES**  
**KRS 514.060**

1. A person is guilty of theft of service when:

(a) The person intentionally obtains services by deception or threat or by false token or other means to avoid payment for the service which he knows are available only for compensation.

2. Prosecution for theft of gas, water, electricity, or other public service, where the utility supplying the service had installed a meter or other device to record the amount of service supplied  
Proof that:

(a) The meter or other device has been altered, tampered with, or by-passed in a manner so as to prevent or reduced the recording thereof; or

(b) Service has been ( after having been disconnected by the utility supply service), reconnected without authorization of the utility.

Shall be prima facie evidence of the intent to commit theft of service by person or persons obligated to pay for service supplied through the meter or other device.

3. Theft of service is a Class A misdemeanor unless the value of service is three hundred dollars (\$300.00) or more, in which case it is a Class D felony.

FOR Anderson County, Kentucky  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original SHEET NO. 40

South Anderson Water District  
(Name of Utility)

CANCELING P.S.C. KY. NO. \_\_\_\_\_ **D**

SHEET NO. \_\_\_\_\_

RULES AND REGULATIONS

Z. Legal Disclaimers.

1. The utility shall in no event be held responsible for any claims made against it for reasons of system failure or interruption of service. No persons shall be entitled to damages nor for any portion of a payment refunded for any system failure or interruption of service which in the opinion of the utility is deemed necessary.
2. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance or equipment which is a part of the utility's water system. Any person violating this provision will be subject to all legal remedies accorded the district and/or discontinuance of water service and shall pay the cost of repairing or replacing the utility's facilities.
3. If any loss or damage to the property of the utility or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of a customer, members of his/her household, his/her agent or employee, the cost of necessary repairs or replacements shall be paid by the customer of the utility and any liability otherwise resulting shall be that of the customer.
4. For purposes of fire protection, including any customer's fire protection system, the utility cannot guarantee a water supply at any particular flow rate or pressure. The fire flow may vary depending upon other water demands on the system, various water facility limitations, or other circumstances. The customer will indemnify and hold harmless the utility and its employees from and against all claims, damages, losses, and expenses incurred as a result of insufficient water supply or deficient system facilities.

DATE OF ISSUE \_\_\_\_\_  
Month / Date / Year

DATE EFFECTIVE \_\_\_\_\_  
Month / Date / Year

ISSUED BY Bob Kincer  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2004-00525 DATED \_\_\_\_\_

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
5/28/2005  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)

By [Signature]  
Executive Director

E

July 15, 2008

INVOICE

Julie Johnstone  
Glensboro Road

7/3/2008

District Service Charge \$25.00

7/7/2008

Office labor charge (.25 hour) 4.19

7/14/2008

Hyatt Plumbing \$250.00

2 district vehicles @\$25 \$50.00

1.5 hour Shawn 31.29

1.5 hour Shannon 22.82

Estimated water loss 12K gallons @\$2.15/1000 \$25.80

Brass CTS Repair Coupling \$9.44

3/4 PVC repair coupling \$249

3773

LABOR  
EQUIPMENT

MATERIALS

TOTAL \$421.03

F

**SOUTH ANDERSON WATER DISTRICT**  
142 SOUTH MAIN STREET  
LAWRENCEBURG, KY 40342

Telephone  
502-839-6919

Fax  
502-859-0424

# INVOICE

July 17, 2008

Ms. Julie Johnstone  
P.O. Box 464  
Glensboro Road  
Lawrenceburg, Ky. 40342

Repair and replace damaged meter box and metering equipment:

Labor & Equipment	\$	383.30
Materials	\$	<u>37.73</u>
Total due	\$	421.03

Total due upon receipt, if not paid within 90 days the invoice amount will be added to your water bill.

**SOUTH ANDERSON WATER DISTRICT**  
142 SOUTH MAIN STREET  
LAWRENCEBURG, KY 40342

Telephone  
502-839-6919

Fax  
502-859-0424

G  
**I N V O I C E**

July 17, 2008

SECOND NOTICE  
DATE: 9/2/08

Ms. Julie Johnstone  
P.O. Box 464  
Glensboro Road  
Lawrenceburg, Ky. 40342

Repair and replace damaged meter box and metering equipment:

7/14/08	Bobby Hyatt		
	Labor & Equipment	\$	383.30
	Materials	\$	<u>37.73</u>
	Total due	\$	421.03

Total due upon receipt, if not paid within 90 days the invoice amount will be added to your water bill.

3-270-2

FOR Anderson County, Kentucky  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original SHEET NO. 36

South Anderson Water District  
(Name of Utility)

CANCELING P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

RULES AND REGULATIONS

H

2. In areas where the distribution system follows well-defined streets and roads, the customer's point of service will be located at that point on or near the street right-of-way or property line most accessible to the utility from its distribution system. In areas where the distribution system does not follow streets and roads, the point of service will be located as near the customer's property line as practicable. Prior to installation of the meter the utility will consult with the customer as to the most practical location. If possible meters will be installed within 5 feet of the existing water main or the applicant's property at a point which is closest to the existing water main.
3. Depth of service line. All service lines must be laid at a sufficient depth (a minimum of 24 inches) to prevent freezing during the coldest weather normally experienced except where services are not intended for use during freezing weather and are actually drained during such periods.
4. A plumbing permit from the appropriate regulatory agency is required before the utility can establish service.
5. The applicant/customer must furnish and lay the necessary pipe to make the connection from the point of service to the point of usage and be financially responsible for all costs associated with the installation and maintenance of his/her service line plumbing, including a shut-off valve and one-way check valve, installed on his/her property beginning at the outlet side of the water meter. The service line must be kept in good repair and in accordance with utility and Public Service Commission rules and regulations.
6. The installation and maintenance of the water service line must be in accordance with the rules and regulations of the Kentucky Department of Health.
7. A cross-connection of the utility's system with any other source is strictly prohibited.

DATE OF ISSUE \_\_\_\_\_  
Month / Date / Year

DATE EFFECTIVE \_\_\_\_\_  
Month / Date / Year

ISSUED BY Bob Kincaid  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2004-00525 DATED \_\_\_\_\_

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
5/28/2005  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)

By [Signature]  
Executive Director