

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THOMAS E. GUPTON)
)
) COMPLAINT)
)
 v.) CASE NO. 2010-00045)
)
 TODD COUNTY WATER DISTRICT)
)
) DEFENDANT)

ORDER TO SATISFY OR ANSWER

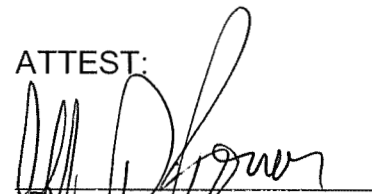
Todd County Water District ("Todd District") is hereby notified that it has been named as defendant in a formal complaint filed on February 1, 2010, a copy of which is attached.

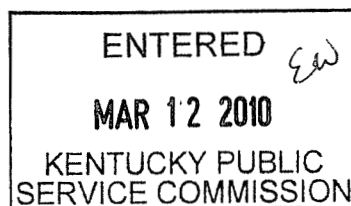
Pursuant to 807 KAR 5:001, Section 12, Todd District is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaints within 10 days of the date of service of this Order.

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.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB - 1 2010

PUBLIC SERVICE
COMMISSION

In the matter of:

THOMAS E. Gupton

(Your Full Name)

COMPLAINANT

VS.

Boyd County Water District

(Name of Utility)

DEFENDANT

RECEIVED

FEB - 2 2010

GENERAL COUNSEL

2010-00045

COMPLAINT

The complaint of THOMAS E. Gupton respectfully shows:
(Your Full Name)

(a) THOMAS E. Gupton
(Your Full Name)

915 Dumas Dr. Clarksville, TN 37040
(Your Address)

(b) Boyd County Water District
(Name of Utility)

P.O. Box 520 617 West Main St Ellettsville KY 42220
(Address of Utility)

(c) That: SEE ATTACHED
(Describe here, attaching addit

Redacted copy

the specific act, fully and clearly

and basis for the complaint.)

Continued on Next

Formal Complaint

vs.

Page 2 of 2

Wherefore, complainant asks

That I am ^① billed for service
(Specifically state the relief desired.)

that is available, ② reconnected without a
connect fee and that I am not assessed other
charges during this period of resolution (attached
forward)

Dated at Shaw Grove, Kentucky, this 15th day
(Your City)

of Jan ~~15~~, 2010
(Month)

James A. Dutton
(Your Signature)

(Name and address of attorney, if any.)

My issue is billing without access (availability) of water.

I contracted with Todd County Water District (TCWD) on Friday, 17 Jul 09, requesting service and that the lines be marked. I paid \$550 (Tap fee-S Knight) and was given a flag for placement of the desired location of the meter. I placed the flag. The meter box was installed by Wednesday, 12Aug09, the day that I met the Plumber (Napier). Napier did the "rough-in". On 4Nov09 when I met Napier for installing the Septic tank, there was no water meter. I called TCWD requesting that the meter be installed. I was told that there was no request for a permit. I spoke with Mr. Napier and was informed that he had faxed a request for a permit on 13Aug09, but would send another. The following day he (Mr. Napier) faxed another request and called TCWD.

On 5Nov09, I received a call (while en route to Scott Rd) from TCWD. I was told that I had an overdue bill (for usage prior to meter installation - 6Nov09). I went to the TCWD office and was surprised to find that the bill had been sent to the construction site even though I had informed them that I was living in Tenn. I gave them the Tennessee address and informed them that I would look into the matter of billing for service for I had received no service (availability of water) only the facility (meter box) . The meter was installed on 6Nov09. It registered 8 gallons.

I spoke with TCWD personnel (Carol and/or Jennie) explaining that I had no access to water prior to 6Nov09 and should not be billed. In short, I was told that if I did not pay the "service would be terminated (disconnected)". I inquired as to whom I may speak to arrive at a resolution. I was informed that the water board would meet on 7Dec09 at the District office at 6:30pm. I was also told that I must pay something to avoid service termination/disconnection.

On 7Nov09, I met with the board (letter attached). I requested and received (about 15Nov09) a copy of the tariff (Effective Feb. 23, 1996. I have yet to receive a reply from the board. On page 5, PSC KY NO 2008-00304, Eff date: 2/23/1996 (given me by TCWD), it states "On a new tap-on, the billing for the new service shall begin at the time the District makes water available to the customer, regardless of whether the consumer is connected to the meter." The converse, from my perspective, would be no billing unless water is available.

On 19Nov09, I paid TCWD \$20 to avoid service termination/disconnection.

On 17Nov09, I wrote to KY-PSC but received no reply. (Rosemary, PSC, said (13Jan10) that the letter was not received.)

On 12Jan10, I received a letter stating "The water was disconnected on December 29, 2009."

On 13Jan10, I spoke with TCWD (Mgr/supervisor) about the termination. I was interested in knowing why the service was terminated when I was trying to resolve the

matter and my bill said termination would be 29Jan10 (On review, each bill that I have received has a cutoff date). She (Mgr/supervisor) said that it was an error. At the construction site I got the notice of termination with an ***incorrect address of 222 Scott RD (meter read 8 gallons)***.

NOTE: As of today, 25Jan10, construction on the house continues. It has no facets, commode, etc. for using water. Mr. Detwieler, Builder, has a 700 gallon tank for usage. All subcontractors either use water from the tank or provide their own. ***A meter reading of 8 gallons on 25Jan10.***

24 November 2009

T. E. Gupton
915 Dumas Dr
Clarksville, TN 37040

*Letter to the
TCWD board*

Gentlemen:

The purpose is to request your assistance in bringing about a resolution to an issue (mine) regarding billing for service at 1060 Scott Rd by the Todd County Water District during the time for which I did not have access. In other words, I had a *meter box* but *no meter*.

I contacted Todd County Water District (TCWD) on Friday, 17 Jul 09, requesting service and that the lines be marked. I paid \$550 (Tap fee-S Knight) and was given a flag for placement of the desired location of the meter. I placed the flag. The meter box was installed by Wednesday, 12Aug09, the day that I meet the Plumber (Napier). Napier did the "rough-in". On 4Nov09 when I met Napier for installing the Septic tank, there was no water meter. I called TCWD requesting that the meter be installed. I was told that there was no request for a permit. I spoke with Mr. Napier and was informed that he had faxed a request for a permit on 13Aug09, but would send another. The following day he (Mr. Napier) faxed another request and called TCWD.

On 5Nov09, I received a call (while en route to Scott Rd) from TCWD. I was told that I had an overdue bill. I went to the TCWD office and was surprised to find that the bill had been sent to the construction site even though I had informed them that I was living in Tenn. I gave them the Tennessee address and informed them that I would look into the matter of billing for service when there was none. The meter was installed on 6Nov09.

Why was I billed for service for which I had no access?

T. E. Gupton

Loc# 012-00806

Acct# [REDACTED]

GUPTON, THOMAS
222 SCOTT RD.
SHARON GROVE

FOR DISCONNECT ON 12/29/2009
METER # 19678707
AMOUNT DUE \$46.54

+25.00 reconnect

71.54

Once service is terminated, payment of all charges, plus a Termination Fee must be paid before your service can be restored. After hours restoration of

Todd County Water District

Post Office Box 520
617 West Main Street
Elkton, Kentucky 42220



Telephone (270)265-2229
Fax (270)265-2035

email: toddcountrywaterdist1@mchsi.com
The Todd County Water District is an equal opportunity provider and employer.

January 11, 2010

Thomas Gupton
915 Dumas Drive
Clarksville, TN 37040

Account Number: [REDACTED]

This letter is to inform you the water account listed above has been repossessed due to non-payment of water bills. **The water service was disconnected on December 29, 2009.**

The charge to reconnect the water service is \$25.00 plus all water bills owed. If you wish to have the service reconnected, contact the Water District office for the total amount owed.

Sincerely,

Todd County Water District

Brenda Adler
Clerk

ba


8/6/09 - 9/3/09

1060 SCOTT RD

ARR BAL FORWARD	20.22
LTF LATE FEES	1.96
22.18	

10/26/09

012-00806



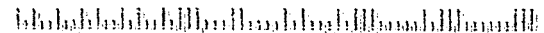
THOMAS GUPTON

NIXTE 402 CC 1 09 10/26/09

RETURN TO SENDER
NO MAIL RECEIPT
UNABLE TO FORWARD

MUST BE PAID BEFORE
AT 9:00 AM (RECONNECT

EC: 42220052020 *2970-00489-00-25




Local County Water District, P.O. Box 520, Ellettsville, KY 42702

8/6/09 - 9/3/09

1060 SCOTT RD

CODE	PRDSEV	PRFMQUS	USAGE	CHARGES	ACCOUNT	DUE DATE
WAT	0	0	0	19.63		10/10/09
TXU	UTILITY TAX			.59		
				22.18	1.96	20.22

012-00806



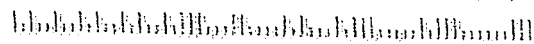
THOMAS GUPTON

NIXTE 402 CC 1 09 10/26/09

RETURN TO SENDER
NO MAIL RECEIPT
UNABLE TO FORWARD

YOU NO LONGER A
METER. CUT-OFF:

EC: 42220052020 *2970-00705-04-25



9/3/09 - 10/2/09

222 SCOTT RD

ARR BAL FORWARD	42.40
LTF LATE FEES	1.96

44.36

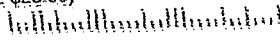
11/30/09

MUST BE PAID BEFORE 11/30/2009
AT 9:00 AM (RECONNECT FEE \$25.00)

2000

11/30/09 44.36

MUST BE PAID BEFORE 11/30/2009
AT 9:00 AM (RECONNECT FEE \$25.00)




Todd County Water District, P.O. Box 520 & Elizton, KY 42220
 Phone: (606) 255-2222 BILLING MONTH

ACCOUNT #		11/3/09 - 12/2/09		
SERVICE AT 222 SCOTT RD				
CODE	PRESENT	PREVIOUS	USAGE	CHARGES
ARR	BAL FORWARD			44.58
LTF	LATE FEES			1.96
WAT	800	0	800	19.63
TXU	UTILITY TAX			.59
TOTAL				66.76
CLASS	AMOUNT	DUE DATE	PAY THIS AMOUNT	
R	68.72	1/11/10	66.76	

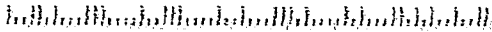
CUT OFF DATE: 1/25/2010

RETURN SERVICE REQUESTED

012-00806



THOMAS GUPTON
 915 DUMAS DR
 CLARKSVILLE TN 37040




Todd County Water District, P.O. Box 520 & Elizton, Ky, 42220
 Phone: (606) 255-2222 BILLING MONTH

ACCOUNT #		9/3/09 - 10/2/09		
SERVICE AT 1060 SCOTT RD				
CODE	PRESENT	PREVIOUS	USAGE	CHARGES
ARR	BAL FORWARD			20.22
LTF	LATE FEES			1.96
WAT	0	0	0	19.63
TXU	UTILITY TAX			.59
TOTAL				42.40
CLASS	AMOUNT	DUE DATE	PAY THIS AMOUNT	
R	44.36	11/10/09	42.40	

CUT OFF DATE: 11/30/2009

RETURN SERVICE REQUESTED

012-00806



THOMAS GUPTON
 1060 SCOTT RD
 SHARON GROVE KY 42280

NHR

Dr. George Brown
Chairman
Todd County Water District
P. O. Box 520
617 West Main Street
Elkton, KY 42220

Thomas Gupton
915 Dumas Dr.
Clarksville, TN 37040