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In the Matter of:

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PUBLIC SERVICE COMMISSION

CASE NO. 2011-00413

SARAH WOLFORD	)
	)
COMPLAINANT	)
	)
	)
KENTUCKY-AMERICAN WATER COMPANY	)
	)
RESPONDENT	)

## ANSWER AND MOTION TO DISMISS

Now comes the Respondent, Kentucky-American Water Company ("KAW"), and hereby moves the Commission to dismiss the Complaint filed in this matter by Complainant, Sarah Wolford.

For its Answer to the Complaint, KAW makes the following admissions, denials, statements and defenses.

1. In response to the statements in Paragraphs (a) and (b) of the Complaint, KAW admits that Sarah Wolford is a KAW customer whose service meter is located at: 118 Arcadia Park, Lexington, Kentucky 40503. KAW denies that its office is located at P.O. Box 371880, Pittsburgh, Pennsylvania 15250-7880. KAW states that its office is located at: 2300 Richmond Road, Lexington, Kentucky 40502.

In response to the allegations in the first sentence of the attachment to Paragraph
 (c) of the Complaint labeled "Basis for complaint," KAW admits that, on September 6, 2011,
 Complainant received her first water bill from KAW for the 118 Arcadia Park service address

and that the amount of the September 6, 2011 water bill was \$645.23 for the period of August 2 to August 30, 2011, as reflected in the September 6, 2011 water bill attached hereto as Exhibit A.

3. In response to the allegation in the second sentence of the "Basis of complaint" that, "[b]elieving the bill was excessively high; we contacted KAW who sent one of their own inspectors to check our residence for outdoor leaks," KAW admits that Complainant contacted its customer service center on September 8, 2011, as indicated on page 1 of Exhibit B (attached). KAW further admits that a KAW service representative went to Complainant's residence on September 9, 2011, to check for leaks, as indicated at page 2 of Exhibit B and that the field representative observed no leaks, as indicated by the notation "no movement on meter."

4. In response to the allegations in the third and fourth sentences of the "Basis of complaint" that, "[t]hat same day, we had our own plumber check for indoor and outdoor leaks," and "[b]oth inspector and plumber found no evidence of a leak inside or outside," KAW admits that, as stated in paragraph 3 above, its field representative observed no evidence of any leaks at Complainant's residence on September 9, 2011. KAW admits that, as indicated on page 3 of Exhibit B, Complainant's landlord, Duran Brown of Flat Rock Realty, stated to KAW's customer service representative on September 9, 2011, that he had a plumber check for leaks at Complainant's residence and that the plumber observed no leaks inside the house. KAW is without sufficient information to either admit or deny the allegation that Complainant's plumber observed no leaks outside her residence on September 9, 2011 and, therefore, denies the same.

5. In response to the allegations in the fifth, sixth, seventh, eighth and ninth sentences of the "Basis of complaint" that:

We called KAW again to have our meter tested for accuracy. The meter was removed for testing on September 16 and replaced with a new meter. On September 19th, we received a notice from KAW explaining the results of our meter test. We then called KAW to

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clarify the results. KAW had concluded that the meter was running accurately and that we were expected to pay the full amount of the bill by October 4.

KAW admits that Complainant requested that her service meter be tested by KAW on September 14, 2011, as indicated in the work order attached hereto as Exhibit C. KAW further admits that the results of the meter test, attached hereto as Exhibit D, show that the Complainant's meter was actually running *slow*—at 94% of accuracy. KAW admits that Complainant's service meter was replaced with a new meter at the time the testing was conducted. KAW admits that Complainant was advised regarding the results of the meter test on September 21, 2011, as indicated in Exhibit E (attached). KAW admits that Complainant was informed that, as the meter was not reading fast (over 102% of accuracy), that she would be responsible for paying for the water usage indicated in her September 6, 2011 water bill.

6. In response to the allegations in the tenth, eleventh, twelfth, thirteenth, and fourteenth sentences of the "Basis of complaint" that:

On September 22nd, we called KAW to inform them of our intention to dispute the bill and also asked how to file a complaint with the Public Service Commission (PSC). The customer service representative informed us that we would have to continue our dispute with the PSC and directed us there. KAW called September 26th to inform us that our paperwork was transferred to the PSC and that we would be expected to pay the full amount of our bill. They offered to set us up with a payment plan. We let the KAW representative know that we intended to continue dispute of the bill. She agreed to extend the due date for the bill to October 28, 2011.

KAW admits that, as indicated in Exhibit F (attached), Complainant called KAW on September 22, 2011, and indicated that she "would like to dispute bill and findings of meter test." KAW admits that it discussed Complainant's dispute with the Public Service Commission's Customer Advocate Office, as indicated in the email attached hereto as Exhibit G. KAW admits that, as

indicated in Exhibit F, KAW's customer service representative provided the PSC's contact information to Complainant and that the service representative informed Complainant that once she filed a formal complaint, the service representative would not be able to discuss Complainant's disputed bill directly with her while the formal complaint was pending before the PSC. KAW denies that KAW's service representative "agreed to extend the due date for the bill to October 28, 2011." KAW admits that its customer service representative placed Complainant's account on hold until October 28, 2011, to prevent her service from being terminated while she was seeking to file her complaint in this matter.

7. In response to the allegations in the fifteenth, sixteenth, seventeenth, eighteenth,

and nineteenth sentences of the "Basis of complaint" that:

We then contacted the PSC to inquire the status of our dispute. After asking us a few questions, the representative said she would call us back with more information. We received a call later that day that our paperwork had been reviewed. PSC said they found no inaccuracies in KAW's paperwork and said we "must have left a faucet on." We asked what further steps we could take. She informed us that our only other course of action was to file a formal complaint and she would send the paperwork.

KAW is without sufficient information to either admit or deny the allegations regarding Complainant's conversations with the PSC or PSC Staff and, therefore, denies the same.

8. To the extent that an affirmative response is required, in response to the allegations in the twentieth and twenty-first sentences of the "Basis of complaint" that, "[t]he primary name on the account is Sarah Wolford, who has been dealing with the KAW and PSC representatives," and that, "[t]he PSC Consumer Services Representative she has been speaking with is Rosemary," KAW admits the allegations in sentences twenty and twenty-one of the "Basis of complaint."

9. In response to the allegations in the twenty-second and twenty-third sentences of the "Basis of complaint" that, "[w]e live in a 3 bedroom, 2 bathroom home with 1 kitchen sink, 1 washer and 1 dishwasher," and that "[t]his was our first water bill since moving to this residence," KAW admits that the bill in dispute in this matter was the first water service bill rendered to Complainant for service at 118 Arcadia Park, Lexington, Kentucky. With regard to the number of rooms, sinks, and appliances in the 118 Arcadia Park residence, KAW is without sufficient information to either admit or deny the allegations and, therefore, denies the same.

10. KAW denies each and every allegation in the Complaint not specifically admitted to be true herein.

#### FIRST AFFIRMATIVE DEFENSE

Pursuant to 807 KAR 5:001, Section 12, the Complaint fails to set forth a prima facie case KAW has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

## SECOND AFFIRMATIVE DEFENSE

As indicated in Exhibit G, after being contacted by the PSC's Customer Service Office, KAW's customer service representative examined the water usage records of the previous occupant of the 118 Arcadia Park residence and discovered that the prior occupant's water usage was very high just prior to the date the prior occupant vacated the residence on August 1, 2011, likely indicating a leak at the residence. As indicated in Exhibit H (attached), Complainant initially contacted KAW on July 26, 2011 to transfer service from the prior occupant to her name on August 5, 2011, but she then requested that the account be transferred her name beginning August 2, 2011. The prior occupant's usage information report shows that water usage at the 118 Arcadia Park residence in the five-day period between July 28, 2011, and August 2, 2011, was

7,500 gallons. It is notable that a faucet or toilet leaking at a rate of just one gallon per minute would use 7,200 gallons of water in five days (5 [days] x 24 [hours] x 60 [minutes] = 7,200). As reflected in KAW's last rate case, the average *monthly* usage for KAW's residential customer is only 4,470 gallons.<sup>1</sup>

This evidence, accompanied by the fact that no underground leaks were discovered by KAW's field service representative, shows that there was likely an indoor water leak at the 118 Arcadia Park residence that started before Complainant moved into the residence on August 6, 2011. Complainant's high water usage during the month of August 2011 was likely the result of this latent, indoor leak, which does not qualify for a hidden underground leak adjustment pursuant to KAW's tariff. As Complainant's high water usage in August 2011 was, more likely than not, caused by an indoor water leak and was not caused by any malfunction of KAW's service meter or any other act or omission by KAW, the Complaint should be dismissed.

WHEREFORE, for all of the reasons set forth above, Kentucky-American Water Company respectfully moves the Commission to:

- (1) dismiss the Complaint without further action being taken by the Commission;
- (2) lift the stay on disconnection;
- (3) close this matter on the Commission's docket; and

<sup>&</sup>lt;sup>1</sup> Case No. 2010-00036, Testimony of Edward L. Spitznagel, Jr., Ph.D. at 5-6. Dr. Spitznagel calculated average KAW residential customer usage at 155.67 gallons per day. 155.67 gallons multiplied by 365 days, divided by twelve months equals approximately 4,735 gallons per month.

(4) afford KAW and all other relief to which it may be entitled.

Dated November 4, 2011

Respectfully Submitted,

+/w

Richard W. Bertelson, III Corporate Counsel Kentucky-American Water Company 2300 Richmond Road Lexington, Kentucky 40502 (859) 268-6367

Counsel for Kentucky-American Water Company

## CERTIFICATE OF SERVICE

This is to certify that the original and 10 copies of the foregoing Answer have been filed on this 4<sup>th</sup> day of October 2011 at the Public Service Commission and that a true and accurate copy of same has been served via U.S. mail, return service requested, on the 4<sup>th</sup> day of October 2011, upon the following:

Sarah Wolford 118 Arcadia Park Lexington, KY 40503

2. Rthat

Counsel for Defendant

## CASE NO. 2011-00413

# Exhibit A to Kentucky-American Water Company's Answer

**Kentucky American Water** 

PO Box 371880 Pittsburgh, PA 15250-7880

For Service To: 118 S Arcadia Park

12-0629924-8

## \$645.23

Sep 19, 2011

## Amount Paid

## Sarah E Woolford 118 S Arcadia Park Lexington KY 40503-1360

Kentucky American Water PO Box 371880 Pittsburgh, PA 15250-7880

# 

#### Initial Bill

Please check here to change address or telephone number and print information on roverse side

#### **Customer Account Information**

Sarah E Woolford For Service To: 118 S Arcadia Park Account Number Premise Number:

## **Billing Period & Meter Information**

Billing Date: Sep 06, 2011 Billing Period: Aug 02 to Aug 30 (28 days) Next reading on/about: Nov 29, 2011 Rate Type: Residential

Meter readings in current	- · ·
Meter Number 090738239	N is a 5/8-inch meter.
Present-actual	104
Last-actual	24
100 Cubic Feet used	80
1 cu. ft. equals 7.50 galle	ons
Gallons used	60000

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## Water Usage Comparison

Monthly usage in 100 cubic feet

## Billing Summary

Prior Balance	
Balance from last bill	\$.00
Payments as of Sep 06, 2011. Thanks!	.00
Total prior balance, Sep 06, 2011	.00
Adjustments	
Activation Fee	26.00
Total adjustments, Sep 06, 2011	26.00
Current Water Charges	
Meter Service Charge	8.90
Water Usage (\$3.975300 x 80.00)	<u>318.02</u>
Total water charges, Sep 06, 2011	326.92
Current Wastewater Charges	
LFUCG - Sewer Minimum Fee	4.83
Sewer Usage (\$ .00000 x 1.00)	.00
<b>(\$</b> 3.64000 X 71.00)	258.44
Total Use Billed 72.00	263.27
Other Current Charges	
LFUCG - Wtr Qual Mgmt Fee	4.39
Total other charges, Sep 06, 2011	4.39
TaxesTaxes	
School Tax	9.95
Franchise Fee - LFUCG	9.95
KRA Withdrawal Fee - 100CF	4.75
Total taxes, Sep 06, 2011	24.65
Total Current Charges	645.23
TOTAL AMOUNT DUE	\$645.23

Messages from Kentucky American Water \*Local Office: 2300 Richmond Road (Lexington) and 102 Main Street (Owenton). \*\* To pay by credit card, debit card or electronic check, call TOLL FREE 1-800-678-6301. Pay online at www.water.paymybill.com. A service fee will apply. Customers can also pay their water bills at our local office

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# Exhibit B to Kentucky-American Water Company's Answer

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# CASE NO. 2011-00413

# Exhibit C to Kentucky-American Water Company's Answer

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SERVICE ORDER #: 3299918 SERVICES PRINTED:

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Changed Meter	· · ·	···· ··· ···	· · · · · · · · · · · · · · · · · · ·	
Office review required.				
W001 Found service on.				
W001 Left service on.				
W001 Remote ID entered: 1483593166.				
W001 Read out type: 11.				
W001 Meter change reason code: CC.				
Office Review Complete, No Action Requ:	ired.	Correct	Meter	is
attached to this Premise. SMW 9/16/11				

END OF SERVICE

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END OF SERVICE ORDER #: 3299918

## CASE NO. 2011-00413

# Exhibit D to Kentucky-American Water Company's Answer

# Kentucky-American Water Company

Customer Name Sar	ah E. U	lool forc	1	Accou	nt #	
Service Address 118 S. Arcadia Park Premise#						
Meter Size_578 MakeNNumber_90738239Date_9-19-11						
Readings						
	GPM	Begin	End	% of Accuracy	Required Accuracy	
Low flow Intermediate flow Maximum flow	<u>1/4</u> 2 15	9200 <u>9300</u> 9400	<u>9294</u> <u>9400</u> 0398	94 100 99.8	<u>95%-101%</u> 98.5%-101.5% 98.5%-101.5%	
IF ANY OF THE TESTS ABOVE ARE NOT WITHIN THE REQUIRED ACCURACY LIMITS THEN FURTHER TESTING IS REQUIRED BELOW.						

## **Readings**

Flow Rate % Of Capacity

	GPM,	Begin	End	% of Accuracy
25%	10	0400	0500	100
50%		0500	0600	100
75%		0600	1596	49,6

Average of All 3 tests: <u>97,93</u> Less Standard: 100%		
Equal % of Error:	FastSlo	
Before Test Reading: 0106.10	after Test Reading	ng 0107.15
Customer Witness? Yes	No	

# IF PERCENT OF ERROR IS GREATER THAN 2% THEN COMPLETE THE APPROPRIATE SECTION BELOW.

Length of time error is known to have existe	ed
FAST METER basis for refund	Amount of refund
SLOW METER basis for additional Bill	Amount of additional Bill
Comments Meter failed test.	MIU and register OK, will not reset
will keep I year	
<i>y</i>	
Copy to :	
Disputes : Jay Miller	Meter Tech. : Tony Richardson

1.44	pair Grew Re	port	AMERI	NAN IN		ску А	merica	IU AAS	
District	Centre!	Leak ID	Jensen -	B ALLY THERE	air Data		Tanan tanan tang tang tang tang tang tang		
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		Date Repa		Time	Crew Onsite			/	in ph
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Municipality					Repaired Under Pressure				
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Crew Leader 4	Assigned M. Mob	Lesupervisor	**************************************	PID	Information	No. Co. Co. Co. Co. Co. Co. Co. Co. Co. C		k Type	THE PARTY OF THE COMPANY
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# CASE NO. 2011-00413

# Exhibit E to Kentucky-American Water Company's Answer

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Path	Account # Name Woolford, Sarah E
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UC List/Acct # U	CAcct Info New/Edit S/D UC Comment Entr
Representative	WALKERTD Takisha Walker Contact Number 36256630
Contact Type	FLWUP Service Order Inquiry
Account #	Third Party Type
Last / First / Init	Woolford E Sarah E
Account Name	Woolford, Sarah E Prefix
DBA	Generate S/D? <u>Yes</u> <u>No</u>
Address 1	118 S Arcadia Park     S/D Type       Generate Ltr?     C ⊻es C №o C Email N
Address 2 Address 3	Lexington KY Letter Name
Zip Code	40503-1360 Phone Number 659-533-7475
Employer	Event         Event
Contact Created	9/21/2011 13:19:39 JOHNSOT2
Contact Closed?	© Yes C №o 9/21/2011 13:21:24
Investigate	
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# CASE NO. 2011-00413

# Exhibit F to Kentucky-American Water Company's Answer

UC List/Acct # UC Acct Info New/Edit S/D       UC Comment Entr       UC Def/Response         Contact Number       36258635       Contact Type       CFLWP       Customer Follow-Up         Print Date       III       Print Amount       Print Comment 1         Print Comment 1       Print Comment 2       Print Comment 2         Print Comment 3       Comment > Fibi3       Fibi3       Fibi3         Customer would Like to dispute bill and findings of mete       C       1         Customer states there is no way she could have used that much wate 0       E       1         Customer states she was going to call the PUC-Linformed her we c 0       E       1         an no longer help her if she calls them-she will have to handle e 0       E       1         PUC.       C       III       1				/ <u>Werte) - (e1533</u> )	10 Kentucky M	nerican (KYPR)	Profluction	
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Representative       WALKERTD       Takkna Weker       Contact Number       3625653         Contact Type       Externer FollowUp       Account #       Externer followUp         Account #       Woolland       Hild Parky Type       #	Path	<u> </u>	Accour		Name would	U, 301011L		
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# CASE NO. 2011-00413

# Exhibit G to Kentucky-American Water Company's Answer



- To "Tutt, Rosemary (PSC)" <Rosemary.Tutt@ky.gov>@AWX
- cc kawc.fieldservices@amwater.com

bcc

Subject Re: 2011\_2907.pdf - Wolford

Hello Rosemary

I have reviewed the account with Takisha and we looked at the account and previous accounts very closely. It looks like there was some kind of leak there starting with the previous tenant. The previous tenants usage went up right before they moved out 08/01/2011. I have attached both tenants usage and the meter failed the meter test slow on the low flow and can not be reset. So the customer will not get the adjustment for high usage. The customer is not responsible for the previous tenants bill as you can see from the usage reports. All usage is from the time she took responsibility.

Thanks



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Bethany Hungate Customer Advocate Office Kentucky American Water 2300 Richmond Rd Lexington, KY 40502 (859)269-2386 phone Opt. 6 (859)268-6315 Fax

"Tutt, Rosemary (PSC)" <Rosemary.Tutt@ky.gov>



"Tutt, Rosemary (PSC)" <Rosemary.Tutt@ky.gov> 09/22/2011 04:54 PM

To <kawc.fieldservices@amwater.com>

Subject 2011\_2907.pdf - Wolford

cc

[attachment "2011\_2907.pdf" deleted by Bethany G Hungate/KAWC/AWWSC]

# CASE NO. 2011-00413

# Exhibit H to Kentucky-American Water Company's Answer

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REGION:		1		** DU	PLICATI	E COP	Y **						SERVI	CEO	RDER #:
Fayette	County												1451		100211 # :
		F	ent	ucky A	mericar	a (KYI	PR) P	rodu	cti	on			1100	2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	
ROUTE/S	TOP:	1			Water					ON			OTITIT		
20214	/ 1715				. Hutter					010			1		RINTED:
GRID/EX			11		~	20/2	n /n n	-			· · · · · · · · · · · · · · · · · · ·				1
	1:		п	UNGALE	G	10/1	17/11	Ŧ	2:5				REQUE	STED	BY:
082	/							<i>.</i>				: 12301		I	
UTILITY		Water		rvice				SCH		LE DATE:					МA
SEQUENC			1		ER TAKE	IN BY:	MOBEI	RLMK		7/26/201	1 1	7:24:00			
	ADDRESS:			cadia											
	ADDRESS:	118 S	Ar	cadia	Park										
CITY/ST	/ZIP:	Lexin	gto	n KY 4	0503136	0		DIS	TRIC	CT:	Lexi	ngton			
CUSTOME	R NAME:										NAMES OF BRIDE				
NEW CUS	TOMER NAME:							WLP:			NO	PREMIS			
BILL CL	ASS:	Resid	ent	ial				1		JUMBER :	110	11000120	50#:	200	
LAST NO										ACK NUMB			~	a familiar a familiar	
HEALTH J					CREW:W	ont o	logtic			ACK NUMB					
SERIAL 1								11 1				EDIT TY		000	
					METER							TER NUM		90738	3239N
# OF DIA	ALS: SIZ	<u>ت</u> ار 1			INSTAL						REI	NOTE ID	#:		
MFG:					LAST T										
TAP NUMI		01206'	790'	7	PAST D	UE AM	OUNT:				LAS	T PAYM	ENT DAT	E: 9	22/2011
TAP SIZE	3:												ENT AMT		120.00
TAP LOCA	ATION:													-	
MEASUREN	MENTS:														
CURRENT R	EAD	000000	000			LAST S		OPVE	- 17	220	0010	MITTO	0/00/0		
DATE	READ	USE F		DATE		EAD				the second s		MTEST			
	106						U	SE R		DATE	F	EAD	USE 1	RTP	
09/15		2	S	07/28		14		13	D	04/28		235	8	M	
09/29	2	2	D	06/16		246		3	S	03/30		227	10	M	
08/30	104	80	D	06/29		1		1	D	02/25		217	7	M	
08/02	24	10	S	05/27		243		8	M			210	9	M	
PENDING	SO:						GET 1								
										ORE:120					
							ADDRI	ESS	AFT	ER: 116	Arca	dia Par	:k		
															· · · ·
CUR/RMVD	METER:			DIAL	#1 RDG	3:		#	2:		#3:				
NEW/SET	METER:			DIAL	#1 RDG	:			2:		#3:				
METER LO	CATION: H	ladio	Rea	ding;	Pit / T	ile:	17+17.	itv			10.				
				5,	, -			a e g							1
METER RE	AD: 3'R	OF HO	ISE	· 11+ - 1	ity, MT	17 74	0410/	1750							
COMMENTER	: 3'R	OF HO	UCE	, ULLL . 11+-17	4433 MI	0 14	04104	1/20	; 51	SRVICE N	UMBE	R: 0127	32		
COMMENTS	TOCKED	OF HO	TON	j ULLL	LLY		550								
METER:	LOCKED	51	UCK	DAM	AGE/TAM	PER	REG	IST:			sec/m	in '			
FOUND:	_ONOFF	UN	TO	DETER	MINE AT	C	ORP _	S'	TOP	MB		INSI	DE		
LEFT:	_ONOFF	UN	TO	DETER	MINE AT	C	ORP _	S'	TOP	MB		INSI	DE		
FOLLOW UI	P REQUIRED	ST	ART	DATE:			TIME	3:							
COMPLETEI	D BY:			DATE:			TIME	5:		KE	YED:				
				-								-			
COMMENT	S: <u>Advised</u>	custo	ome	of s	26.00 a	bolic	able	fee							
	Water i			<u> </u>	<u></u>	~~~~~	~~~~	100	•						
	W001 Me			ng	1										
				y: 24	±.										
	<u>Read On</u>														
	Left No														
	W001 Fo				and the second se										
	<u>W001 Le</u>	ft ser	vic	e on.											

SERVICE CONTINUED

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PAGE #: 2		
	SERVICE OF	RDER #:
	1451427	
	SERVICES P	RINTED:
sarah called to turn water on. issued on order. declined eft.	<u>sla</u> 1	1
p no. She oringially scheduled for the 5th. The after schedul	ing	
she changed to marry the service orders to avoid liability sc	ript	
ing.		

END OF SERVICE END OF SERVICE ORDER #: 1451427

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