

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STUART I. GROSS, SR.)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2019-00258
)	
GREEN RIVER VALLEY WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

On May 4, 2021, Defendant, Green River Valley Water District (Green River Valley District), filed a motion to dismiss this complaint. In support of its motion, Green River Valley District states that it has constructed a new water main to serve Complainant’s property, and that hydraulic studies conducted before the installation of the new main indicated that installation of the main would raise water service pressure to the Complainant’s property to 85 psi. A copy of Green River Valley District’s motion is attached to this Order.

The Commission, on its own motion, finds that the Complainant, Stuart I Gross, Sr. (Mr. Gross), should file a status report on or before June 10, 2021, indicating whether his complaint has been resolved, and if not, what issues still remain in dispute. The Commission further finds that Mr. Gross should include in his status report detailed documentation of any expenses he has incurred in maintaining water pressure of at least 30 psi at his residence. The Commission directs Mr. Gross to the Commission’s March

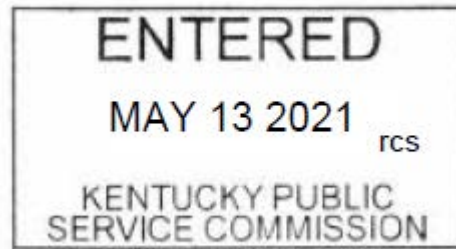
16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission.² The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. When filing a paper containing personal information, the party filing it shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

IT IS THEREFORE ORDERED that by June 10, 2021, Mr. Gross shall file a status report as described herein with the Commission.

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5-6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1-3.

² Any electronic mail filed in this matter should be sent to PSCED@ky.gov, and each message should include the case number in the subject line of the message and a read receipt to ensure the Commission received the message and documents.

By the Commission



ATTEST:


Executive Director

ATTACHMENT

ATTACHMENT TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00258 DATED MAY 13 2021

SEVEN PAGES TO FOLLOW



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May 4, 2021

RECEIVED

MAY 04 2021

PUBLIC SERVICE
COMMISSION

Ms. Linda C. Bridwell, P.E.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

Re: Case No. 2019-00258
Stuart I. Gross, Sr. v. Green River Valley Water District

Dear Ms. Bridwell:

Enclosed for filing in the above-referenced matter is Green River Valley Water District's Motion to Dismiss. This letter and the enclosed document are true and accurate copies in paper medium of the electronic version of the documents transmitted by electronic mail to the Public Service Commission this day.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in black ink that reads "Gerald E. Wuetcher".

Gerald E. Wuetcher

GEW
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STUART I. GROSS, SR.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2019-00258
)	
GREEN RIVER VALLEY WATER DISTRICT)	
)	
DEFENDANT)	

MOTION TO DISMISS

Pursuant to 807 KAR 5:001, Section 20(5), Green River Valley Water District (“Green River District”) moves for dismissal of the Complaint in this matter. In support of its Motion, Green River District states:

1. On June 11, 2019, the Complainant filed a complaint with the Public Service Commission in which he alleged that Green River District was failing to provide water service at adequate pressure to his property at 2931 Rocky Hill Road in Bonnieville, Kentucky.¹ He alleged that since at least 2016 the property has experienced very low water pressure and that, in response to his inquiries regarding the low water pressure, Green River District had installed a pumping device after the water delivery point to maintain adequate water pressure to his residence. The Complainant had further alleged that this pumping device had subsequently failed and that, upon informing Green River District of the pumping device’s failure, had been advised that replacement of the pumping device was the property owner’s responsibility. The Complainant requested that Green River District be required to provide water service at the metering point in accordance with

¹ Green River District’s records list that the property’s address as 2931 Baumgardner Road. Throughout this proceeding, Green River District has referred to the property using that address.

the Public Service Commission's regulations. The Complainant also requests that Green River District be required to devise at its expense a permanent solution to resolve the low water pressure conditions.

2. On August 25, 2020, Green River District filed with the Public Service Commission an Offer of Settlement in which it proposed to construct approximately two miles of three-inch polyvinyl chloride water main at the estimated cost of \$50,000 to serve the Baumgardner Road area, including the Complainant's property, with water purchased from Edmonson County Water District ("Edmonson District"). Because the Edmonson District water storage tank that will serve the proposed water main has a higher overflow elevation, water pressure at the Complainant's location under static conditions is expected to increase to 85 pounds per square inch gauge ("psig"), thus eliminating the Complainant's need for an individual pump. A copy of the Offer of Settlement was mailed to Complainant's address of record.

3. Complainant has not responded to the Offer of Settlement or contacted Green River District regarding the offer. In fact, the record reflects that Complainant has not made any filings in this proceeding since the Commission established this proceed on November 13, 2019.

4. Since filing its Offer of Settlement, Green River District has received Edmonson District's written consent for the connection of the proposed water main to Edmonson District's distribution system. It has applied for and obtained the authorization from the Kentucky Division of Water ("KDOW") for the construction and installation of the proposed water main. A copy of Edmonson District's written consent and KDOW's authorization has been filed with the Public Service Commission. Green River District has also filed with the Public Service Commission hydraulic studies that show that the installation of the new water main will raise water service

pressure to the Complainant's property to 85 psig and will eliminate the need for any individual pumping device on the Complainant's side of the delivery point.

5. Green River District purchased the materials necessary for construction of the proposed water main and commenced construction of the water main in early January 2021. The water main has been completed and is now serving the Complainant's property.

6. On August 19, 2020 Green River District's Board of Commissioners adopted a written policy that places responsibility on Green River District to install and maintain at its expense any equipment or facilities necessary to ensure that an existing customer continues to receive water service within the pressure range established by Public Service Commission Regulations and that such responsibility extends to the replacement of such equipment at its expenses when that equipment fails (unless the failure is the result of the customer's negligence or misconduct). This policy further provides that, if water service cannot be provided to an applicant for service at the minimum permissible water pressures established by the Commission and the KDOW unless an individual pump is installed at the applicant's location, Green River District will install such pump at its own expense and assume responsibility for the pump's maintenance and replacement until the pump is no longer necessary to provide the required water pressure.


7. On October 22, 2020, Green River District filed a revised tariff sheet with the Public Service Commission incorporating into its filed Rules and Regulations the policy regarding water pressure described in the paragraph above.

8. In light of these actions, Green River District has satisfied the matters complained of in the Complaint and is moving swiftly to provide the relief requested in the Complaint. As the matters for which the Complainant sought relief from the Commission have been resolved, this matter should be dismissed.

WHEREFORE, Green River District requests that the Commission dismiss the Complaint in this matter and remove this matter from its active docket.

Dated: May 4, 2021

Respectfully submitted,



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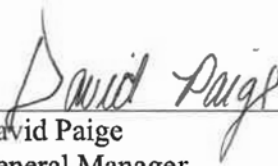
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Counsel for Green River Valley Water District

VERIFICATION

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF HART)

The undersigned, David Paige, being duly sworn, deposes and states that he is the General Manager of Green River Valley Water District and that he has personal knowledge of the statements set forth in this Motion and to the best of his information, knowledge and belief, these statements are true and accurate.



David Paige
General Manager
Green River Valley Water District

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 3 day of May 2021.



Notary Public

My Commission Expires: 12-9-2023

Notary ID: 636733

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 6, I certify that a true and accurate copy of this Motion was served by U.S. Mail, postage prepaid, on Stuart I. Gross, Sr., 3013 Leitchfield Road, Cecilia, Kentucky 42724 and 2931 Rocky Hill Road, Bonnieville, Kentucky 42713-8457 on May 4, 2021. I further certify that an electronic copy of this Motion was transmitted to the Public Service Commission on May 4, 2021 by electronic mail to psced@ky.gov and that within 30 days following the end of the state of emergency announced in Executive Order 2020-215 this Motion in paper medium will be delivered to the Public Service Commission.


Counsel for Green River Valley Water District

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Bonnieville, KENTUCKY 42713

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