

complete and reported that it obtained approval for the project from the Kentucky Division of Water.¹

In the nine months since the project was approved, North Manchester Water has blown through several project completion dates, without any explanation, and made an inaccurate or inconsistent statement alleging that construction had begun that was belied by a subsequent filing.

Despite approving the project in January 2020, no further substantive action was taken until May 27, 2020, when North Manchester Water reported that the necessary equipment was on site, but that it had to bid for installation services.² North Manchester Water said that the project would begin the week of June 1, 2020, and be completed in 30 days or less.³ The project was not begun as North Manchester Water had avowed, and thus, the first project completion date was missed.

On July 23, 2020, North Manchester Water reported that the project would begin on July 27, 2020, and be completed on August 14, 2020.⁴ In a subsequent filing on August 3, 2020, North Manchester stated that construction began on July 27, 2020, and was expected to be completed on August 14, 2020.⁵ However, North Manchester Water's next filing contradicted this assertion.

¹ Response of North Manchester Water Association, Inc. to Order Dated January 2, 2020 (filed Jan. 16, 2020); and Response of North Manchester Water Association, Inc. to Commission Staff's First Request for Information (filed Feb. 14, 2020), Item 2.

² *Id.*; and North Manchester Water's May Status Report (filed May 27, 2020).

³ North Manchester Water's May 27, 2020 Status Report.

⁴ North Manchester Water's July Status Report (filed July 27, 2020).

⁵ North Manchester Water's August Status Report (filed Aug. 3, 2020).

In a September 3, 2020 filing, North Manchester Water stated that a contractor is “mobilizing on site September 4, 2020; construction is scheduled to begin on September 25, 2020; and construction is expected to be completed by September 25, 2020.”⁶ North Manchester Water provided no explanation for the discrepancy from its earlier statement that construction began on July 27, 2020; why yet another project completion date had been missed; and how a project with a multi-week timeframe could be completed in one day.

On September 4, 2020, Mrs. Swafford reported that the project had not begun and that her 77-year-old mother who lives at the residence at issue still does not have sufficient water due to the low water pressure. Mrs. Swafford stated that her mother was suffering from North Manchester Water’s negligence and that the utility “misinformed” both the Swaffords and the Commission.⁷

Based upon the foregoing, the Commission is gravely concerned that North Manchester Water has not only failed to remedy its inability to provide adequate, safe, and reliable water to the Swaffords, but that North Manchester Water filed, at best, inaccurate statements regarding the status of the project to cure this deficiency. The Commission finds that North Manchester Water should file a response by September 11, 2020, with a statement of attestation signed by North Manchester Water’s Board Chairman or General Manager, that provides specific details setting forth:

1. The reason North Manchester Water did not begin the project the week of June 1, 2020, as it stated in filings with the Commission.

⁶ North Manchester Water’s September Status Report (filed Sept. 3, 2020).

⁷ Mr. and Mrs. Swafford’s September Status Report (filed Sept. 4, 2020).

2. Whether North Manchester Water actually began construction on July 27, 2020.

3. If North Manchester Water did not begin construction on July 27, 2020, why it told the Commission that it had begun construction on that date and why construction was not begun on that date.

4. If North Manchester Water did begin construction on July 27, 2020, why it did not complete the project on August 14, 2020.

5. The reason North Manchester Water will not begin construction until September 25, 2020, and how construction that is expected to take four weeks can be completed in one day.

6. What assurances, financial or otherwise, has North Manchester Water received from the contractor that the project will be completed by September 25, 2020.

7. What assurances can North Manchester Water provide the Commission and Mr. and Mrs. Swafford that the project will be completed by September 25, 2020.

8. Identify the personnel employed by North Manchester Water who are directly responsible for coordinating and monitoring the progress of this project.

By separate Order, the Commission will schedule an in-person formal hearing at its offices at 211 Sower Boulevard, Frankfort, Kentucky, to take additional evidence regarding North Manchester Water's failure to provide Mr. and Mrs. Swafford with adequate, safe, and reliable water service. The witness list will be finalized in that Order, but will include members of North Manchester Water's board and its manager.

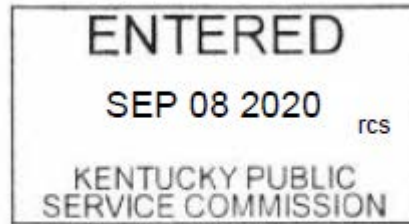
The Commission puts North Manchester Water commissioners and manager on notice that each may be subject to a show cause proceeding for their failure to provide

adequate, safe, and reliable water service to Mr. and Mrs. Swafford if the project is not completed by September 25, 2020, and that civil penalties could be assessed against each commissioner and manager pursuant to KRS 278.990 upon a Commission finding of a violation of 807 KAR 5:066, Section 5(1).

IT IS THEREFORE ORDERED that:

1. On or before September 11, 2020, North Manchester Water shall file its response to this Order, setting forth the specific information as requested herein.
2. The response filed pursuant to ordering paragraph 1 shall contain a statement of attestation signed by North Manchester Water's Board Chairman or General Manager.

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to be "H. A. [unclear]". The signature is written over a horizontal line.

Acting Executive Director

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