

RECEIVED

APR 26 2023

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

In the matter of:

John C. Lawrence)
(Your Full Name))
COMPLAINANT)

VS.

Farmdale Water)
(Name of Utility))
DEFENDANT)

COMPLAINT

The complaint of John Lawrence respectfully shows:
(Your Full Name)

(a) John Lawrence
(Your Full Name)

376 Schofield Lane, Frankfort Ky 40601
(Your Address)

(b) Farmdale Water
(Name of Utility)

100 Highwood Drive Frankfort Ky 40601
(Address of Utility)

(c) That: Water Leak Issue at 376 Schofield
(Describe here, attaching additional sheets if necessary,

Lane. We do not feel this is a legitimate
the specific act, fully and clearly, or facts that are the reason
billable issue. Please see Attached
and basis for the complaint.)

Documentation

Continued on Next Page

Formal Complaint

John Lawrence vs. Farmdale Water

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Please See Attached

Wherefore, complainant asks The delinquent Amount due to
(Specifically state the relief desired.)

water leak at 376 Schofield lane be removed from our
water bill, the water to be turned back on immediately
and ~~to~~ restitution be made to the home owner for
expenses.

Dated at Frankfort, Kentucky, this 25th day
(Your City)

of April, 20 23
(Month)


(Your Signature*)

(Name and address of attorney, if any)

Date

*Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

Before the Public Service Commission
In the matter of John C Lawrence (376 Schofield Ln, Frankfort KY 40601) Vs. Farmdale
Water District (100 Highwood Drive Frankfort KY 40601)

Farmdale Water District

Re:Water Loss at 376 Schofield Ln John/Julia Lawrence

Date: August 01, 2022 - Revised April 25, 2023 *** all italicized print is part of the revision, non-italicized font was original letter dated August 1, 2022.*

We have had a major waterline leak on our property. This issue started in December and ended with us excavating the line at the beginning of July. We have been in contact with Farmdale Water District Several times over the past 6 months to try to determine if the water presence was caused from a waterline leak or from ground water. In all times we have been told by Farmdale that the water is not from a leak but from a ground water issue. *In addition to the issue with the standing water our monthly water usage bill had decreased significantly throughout this time period. The decreased water usage billing gave us a false sense that there was no waterline leak. This waterline leak was not just puddles of water around the meter or water in the meter vault. It was constant running water about 2-3 inches deep for months. It looked like a small creek running thru the side of our property. IF we would have seen the water (which was obvious and impossible to miss) paired with a higher than normal water usage for the month, then it would have been very obvious the water was a waterline leak, we would have dug it up immediately and repaired it. However, this was not the case water was flowing down the property line, the water district itself tested water for chlorine and assured us it was not a leak several times, and our water bill decreased significantly which pointed to the fact there was no waterline leak (and if there was it was not on the metered side of the line)* Below is a description of some of the times and general conversations that have occurred over the past 6 months, and then some other general conversations that have transpired since August 01, 2022.

- mid-late December 2021 we noticed there was water standing around our water meter. It had been wet and rainy. Shortly after we noticed the water one of the guys from the water district came out to test to see if we had a leak. They performed a chlorine test and found no chlorine in the water either in the vault or in the standing puddles. Which he said indicated it was ground water and not treated water. Due to no chlorine present in the test and no noticeable change in water pressure we assumed the water was just standing due to the wet weather.
- late March or early April 2022 we called Farmdale Water District *AGAIN* stating we thought there was some sort of water leak around the meter. I met them at the house and the guys from the water department tested the water again. They tested the water in the vault and the water in the standing areas around the vault. Again there was no chlorine present in either test. We were told that there was no indication of a water leak, and that the water had to be some sort of underground spring.
- May 2022 I talked to my neighbor to warn him about mowing in that area because it was very wet (*he is legally blind, but still likes to mow, and I did not want him to get stuck or hurt by turning his mower over*). He told me that there was a wet water spring in the field between our houses and that in the past he thought there was a waterline leak, and had the water tested several times. The test showed there was no chlorine present so he was told it was some sort of underground spring which would surface in wet weather in several

locations one in the front of his house and one in the middle of the field around the old abandoned water meter (about 35 feet west of the new meter). At this point all indications pointed to the water coming from an underground spring. However, as the month went on the issue was getting worse. We had a lot of standing water that started about 10 feet in front of the water meter and then spread toward the woods toward the back of the property. The area was completely saturated so that it could not be mowed. We used a weed-eater to try to keep the grass and mosquitos under control until we could find someone to help install a drain.

- First of June 2022 we met with a contractor to get a price and time to install a drain. His first questions were - has the water been tested for chlorine and has your water bill been higher than normal? I explained that the water department had come out several times and tested the ground water for Chlorine and the test showed no chlorine present. I explained that our water bill was actually lower than normal, but thought that was due to replacing some leaking toilet fixtures in November. We decided the best way to deal with the issue was to install a drain that would start about 20 feet in front of the meter and extend to the edge of the woods at the rear of the property. Still at this point all indications pointed to an underground spring.
- end of June (I believe it was June 27) we called in an 811 ticket in order to install a drain system from in front of the water meter to the rear of the property. We contacted Farmdale water separately to get the location of the waterline marked. On June 30 a crew was on site to dig and we noticed the waterline had not been marked yet. We called the Office and they sent Chris out immediately. When Chris arrived I showed him where we were going to be working. We asked if he would mind to test the water one more time before we started digging to see if there was chlorine present. He tested the water in the vault as well as the water running on top of the ground with no chlorine present. We then asked if he could test the water at the outside faucet of the house to confirm that chlorine was present in the supplied water. When he tested from the faucet the test showed normal (chlorine was present). In talking with Chris he was **positive** the water present was not a city water leak for two reasons: 1)no chlorine shows up in testing at the meter but chlorine shows up at the house, 2) There was moss and algae growing in the water around the vault. *Our Construction crew started digging in order to drain the water away from the water meter area. Originally we had dug down to a depth of about 15 inches. While hand digging around the area of the water line we could hear a water leak. We uncovered it to find the fitting attaching the meter to the line going to the house was leaking. We turned the water off at the meter, and repaired the line going to the meter.*

There has been a loss of water due to this leak. We contacted Farmdale Water District in the very beginning and were told the issue was not a water leak, but some sort of underground spring surfacing. We followed up a few months later and were told the same thing. *Our Monthly water usage had drastically decreased during this period of time.* While we were preparing to excavate we were still told the same thing no chlorine present at or around the meter, but chlorine present at the house. This leak has caused several major issues to our property. The area has been totally saturated with water for months, it could not be mowed which has caused issues with weed, insects, frogs and snakes. Water has flowed from our property onto the property behind us creating ill- will with our neighbor (*which is on the water district's board*). The water saturation also affected the septic system as well as water collecting under our house. There has not been a lid on the meter since January causing issues with our dog falling in the meter vault and our son falling in the meter vault while weed eating.

- September 7, 2022 - we were asked to attend a water district board meeting to discuss the water leak at our property. During this meeting we were presented with a water bill showing the usage of over 1 million gallons of water used in approximately 28 days. The amount of the water bill was around \$9,000.00. In regards to the complainants John Lawrence and Richard Lawrence attended. Also in attendance was Scotty Wooldridge which was presiding over the meeting, Dale Gatewood, John Daley (board member and our neighbor) and possibly 2-3 other members of the water district. After the bill was given there was quite a bit of discussion concerning chlorine testing of the present water. The information above was given to the district, and was discussed (the original document - revised information is in italics). We were given a current copy of the water usage for the current month. This report was printed and showed water usage for every hour 24 hours a day for the current month. There was then some discussion on how the meters are read and the question was asked if the water meter was read during this period from December to July, and could we get a printout of those months. Mr Wooldridge called the supervisor in the room and he was adamant the meter was read and supplied a few dates and some "readings" scratched out on notebook paper. He also let us know that during this time our meter was not able to be read using the regular method and that it had to be hand read which meant they had to walk on the property, remove the meter lid and record the water meter reading by hand. The issue got a little heated for me at this point because there was no meter lid on the meter for several months, and if the district knew there was no lid on the meter then why was it not replaced. I did let them know at this time that my son fell in the meter while weed eating the area prior to the leak being repaired and that our dog had actually fell in the meter after the line was repaired to which we could not find him for 2 days. To these statements we got a chuckle as if it was a joke from Mr. Wooldridge. Once he realized I was serious about their negligence he called the field supervisor in and asked him if it had been replaced and was told yes they had replaced it a few days prior to the meeting (which was the case). I strongly feel the district is misrepresenting the fact they read the meter for several reasons:

1) the water usage we were billed for from December to June was drastically less than our normal water usage. As I explained earlier we did some work on the water fixtures in the house in September. In November our water bill was fairly normal, but shortly after the first of the year our bill dropped from approximately \$100.00 per month to the lowest billing of \$30.00 per month for water usage. During this time period we had a small creek running down the side of our property.

2) The ground was saturated approximately 15-20 feet around the water meter with cold standing water and the water meter vault was full of water. There was never at any time evidence anyone had walked in that area of the yard (no foot prints, no boot prints, no tire tracks, no muddy prints on the driveway etc..) there was never any evidence the meter had been pumped out or even attempted to be pumped out in order to correctly read the meter.

3) From approximately mid March on you could not even see where the meter was. I live there and I had trouble finding it. We could not mow the area because it was so saturated the mower sunk. By mid-late April the grass was about mid calf high and very thick due to the amount of water in the area. By May the meter was completely covered with grass and the only way to find it was with a probe rod and a weed eater. There was never evidence anyone had been walking in the tall grass and certainly no evidence anyone had used a weed eater in the area. In fact, our son fell in the meter vault while using the weed eater around the meter. The grass had grown over the meter and you could not see the meter opening nor down into it.

4) Once the leak was repaired and the meter located the district now could show us the meter readings that were stored in the meter for the past 30 days. They could not show that for the months prior to the leak being repaired. The printout they gave us showing meter

readings was extremely impressive - water reading and usage being shown every Hour 24 hours a day for 30 days. In this report it is very easy to tell the exact time the leak was repaired. For the month's prior there was no available report, but there was a scribbled date and a number: To the best of my recollection from the meeting there was no form that was used to show the previous month reading, current reading, reading time, who read the meter etc... just a simple date and number written on what appeared to be (at the best of my recollection) a piece of notebook paper.

5) This water leak did not just present itself starting in May or June as it was suggested at the meeting by the district. Once we knew for sure it was a leak and looking back on the situation it is very plain the leak started in December. Water was present around the meter, the vault was full and water was running down the side of our property like a small creek (the water depth was approximately 2 inches deep of running water) for months. During this period of time the water usage dropped??? It seems more plausible the water usage dropped because the meter was not being read.

- shortly after the meeting (within a day or so) we contacted the Public Service Commission. To let them know there was an issue the we did not feel was right, and did not appear we would be able to resolve. We described the situation and the PSC sent a request for the district to test the water meter.
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- September 15, 2022 we did receive a letter from Fairdale Water with a settlement offer to pay close to 400 dollars per month plus the amount of the water usage per month for the next 2 years in order to settle the over 9 thousand dollar water bill. A copy of this letter was sent to PSC. I did go in person to pay the water bill in September. I paid the current month water usage and did verbally discussed the fact we submitted information to the PSC and did not feel we owed the 9 thousand dollars.
- The monthly water usage bill has been paid every month but money has not been paid toward the water leak billing.
- We received a letter from the office of Jim Boyd about a month ago which stated the amount of close to 9 thousand dollars was delinquent to the water district and if we disputed that we could attend the board meeting to discuss. At the time we received the letter we viewed it as a strong arm tactic to collect money for the leak in dispute. At the time we received the letter I thought everything on our end had been submitted to the PSC and that we were still waiting on a water meter test from Fairdale Water. At this time I also contacted an attorney to see what options were available. The attorney's advise was to continue to work with the PSC and if it escalated further to contact him. I decided to not attend the water district meeting for several reasons. 1) I have already went that route - we attended the meeting initially and the only result I got on my end was high blood pressure. 2) The meeting is during the day and in order to do so I would have had to leave work. Currently I manage a small DME Medical business and we are extremely busy and short staffed. 3) My thought was the PSC was involved and this is just a collection tactic.
- On April 24 the water was turned off for non payment of the delinquent bill.

In summary:

There was a major water leak on our property. We contacted the district in the very beginning and were told, hey buddy there isn't a leak, there is no way it is a leak we tested the water. We

contacted them a second time and was told the same thing, hey man you don't have a leak you have an underground spring we tested it we are sure it is not city water. This is from the water district itself, not from a friend or an amateur but the professional water district. The whole time the water bill decreases not stays the same, not increases, but drastically goes down decreased to more than half of the normal amount. Even the day we were digging to install a drain system, while marking the lines (which was late according to 811 rule, and we had to call a second time to get a response) we were told by the district's representative/employee I am positive this is not a water leak no chlorine here but a lot at the house. (This is while talking to me and the contractor), algae present no way this is a water leak. Only to find about an hour later it was in fact a water leak.

During this time from December to June we incurred property damage and lot of additional cost in addition to an outrageous water usage bill, due to the negligence of the water district (assuring us no way it was a leak determined by the absence of chlorine, and no meter reading, and no meter lid). IF the district would have read the meter the monthly usage would have shown the increase in water usage in Late December or January, THEN we would have repaired the water line immediately before the property damages and outrageous water bill occurred.

The property owner has incurred several costs associated with this water leak including but not limited to:

- cost of contractor to install drain system which includes design and planning of project, material for project (some were able to be returned and some were not), equipment mobilization and rental etc...*
- Cost of installing monitoring wells for septic system - due to a neighbor complaint (which just happens to be on the Farmdale Water Board)- to the Health Department we were now forced to resolve a complaint of water running onto the farm in the rear of the property. I received a call from the Health Department to let me know he thought we would have to dig up and re install the septic system that was installed approximately 7 months prior, because there were some wet areas in the back yard. He did see the water running onto the neighboring property and did realize it was not septic and let the property owner know it was not septic but some sort of spring. However; due to the ground saturation he was concerned the septic system was not nor would not work properly. We tried to explain the reason was due to ground saturation and shade. The option at that point was to either dig and replace the new system OR install some monitoring wells (pipes going to the septic lines in order to measure the actual amount of water in the lines), and an additional pumping system to pump water farther into the system "if needed".*
- A lot of Water under the house - requiring pumping and work to be done in order to help water drain*
- Could not use portions of the property due to insects attracted by the additional water*
- Damage to swimming pool (settling caused by ground saturation and running water)*
- Lost time of work*
- Cost for house rental while water is off.*
- As well as numerous indirect costs associated with this issue (stress and aggravation)*