

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

CHARLES DOUGLAS CHAMBERS)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 2024-00350
)	
)	
KENTUCKY-AMERICAN WATER COMPANY)	
)	
DEFENDANT)	

ANSWER AND MOTION TO DISMISS

Now comes the Defendant, Kentucky-American Water Company (“KAW”), and for its Answer to the October 28, 2024 Complaint in this matter, makes the following admissions, denials, statements and defenses. Further pleading, KAW moves for a dismissal with prejudice of the Complaint.

1. Regarding the first page of the Complaint, there are no allegations requiring a response.

2. KAW denies the allegations on the second page of the Complaint that Mr. Chambers is entitled to a reduction of his water bill to reflect “normal” usage and denies that there was a “dysfunctioning meter.”

3. In response to the allegations on the third page of the Complaint, KAW is without information or belief to admit or deny many of the claims on that page, and, therefore, denies them in accordance with 807 KAR 5:001, Section 20(6)(b). KAW admits that the customer’s premise is 645 Lakeshore Drive in Lexington, Kentucky. KAW admits that the customer has been in contact with KAW regarding water usage at that premise during July and August of

2024. KAW states that it has worked with the customer in providing detailed data logs demonstrating the water usage in question and in providing meter test results for the meter in question which show that it was measuring usage accurately. KAW provided those data logs and meter test results to the Commission during the course of the Commission's handling of the informal complaint process. The data logs and meter test results are again provided as attachments to this Answer and Motion to Dismiss along with correspondence KAW sent to the customer as part of KAW's handling of this matter. KAW notes that the data logs indicate elevated usage during the second half of July 2024 and the first part of August 2024. KAW also notes that the customer's allegations on the third page of the Complaint indicate problems with leaky toilets at the residence.

4. Regarding the fourth page of the Complaint, there are no allegations requiring a response.

5. KAW denies that the customer is entitled to any relief requested in the Complaint.

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

7. KAW states that the meter in place at the premise in question during the relevant period was tested by KAW and that the meter test results attached hereto¹ show that the meter meets all applicable accuracy requirements. Therefore, the water meter readings in question are accurate and the indicated amount of water did, in fact, pass through the meter. Thus, the customer is liable to KAW for all amounts resulting from the indicated usage. *Robert Young Family v. Southeastern Water Association*, PSC Case No. 2006-00212, Order of January 25, 2007; *Susan Spangler and Mark Lewis Farman v. Kentucky-American Water Company*, PSC

¹ Account numbers on the documents attached hereto have been redacted as required by 807 KAR 5:001, Section 4(10).

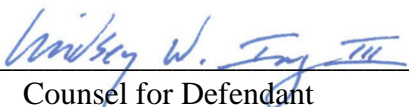
Case No. 99-109, Order of October 7, 1999; and *Moore's Chapel A.M.E. Church v. Water Service Corporation of Kentucky*, PSC Case No. 2011-00414, Order of September 17, 2012.

Accordingly, KAW moves for dismissal with prejudice of the Complaint.

WHEREFORE, KAW moves for a dismissal of the Complaint with prejudice.

Respectfully submitted,

Lindsey W. Ingram III
STOLL KEENON OGDEN PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507
(859) 231-3000
L.Ingram@skofirm.com

By  _____
Counsel for Defendant

CERTIFICATE OF SERVICE

This is to certify that the foregoing Answer and Motion to Dismiss has been transmitted to the Commission at psced@kyk.gov on April 18, 2025; that the transmitted document is identical to the original document in paper medium; and that a true and accurate copy of the transmitted document has been served, via U.S. Mail, on April 18, 2025 upon the following:

Charles Douglas Chambers
645 Lakeshore Drive
Lexington, KY 40502

 _____
Counsel for Defendant

08/01/2024

Doug Chambers
645 Lakeshore Dr
Lexington, KY 40502-3157

For Service To:
Account Number: [REDACTED]
Service Address: 645 Lakeshore Dr
Lexington, KY 40502-3157

Dear Customer Chambers:

We appreciate your business and the opportunity to continue serving you, your neighbors and our local communities.

One of our responsibilities as your water service provider is to give you all the information you need to manage your water use, and to alert you when we notice something out of the ordinary. We recently saw an increase in water use, which surpassed 200% and \$200 when compared to the prior month. We also identified a similar disparity when compared to the prior year's use for this property. We have also verified the meter reading to confirm the device accurately recorded the registered water usage.

There could be many reasons for an increase in water use, including short-term visitors, seasonal usage, or potential leaks. We suggest that you check your property for possible leaks or problems which could cause unusually high water use. If you determine that the source of the high water use is the result of a broken service line or internal plumbing problem, we encourage you to take steps as soon as possible to prevent recurring high bills.

We offer a Leak Detection Kit and other useful information for identifying high water use on our website, www.amwater.com. Many leaks are not noticeable but can contribute to unexpected water use. If you cannot determine the reason for your higher water use, please call our customer service center between the hours of 7am and 7pm at the number below.

Sincerely,

Kentucky American Water Customer Service

09/04/2024

Doug Chambers
645 Lakeshore Dr
Lexington, KY 40502-3157

For Service To:

Account Number: [REDACTED]

Service Address: 645 Lakeshore Dr
Lexington, KY 40502-3157

Dear Customer Chambers:

We appreciate your business and the opportunity to continue serving you, your neighbors and our local communities.

One of our responsibilities as your water service provider is to give you all the information you need to manage your water use, and to alert you when we notice something out of the ordinary. We recently saw an increase in water use, which surpassed 200% and \$200 when compared to the prior month. We also identified a similar disparity when compared to the prior year's use for this property. We have also verified the meter reading to confirm the device accurately recorded the registered water usage.

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We offer a Leak Detection Kit and other useful information for identifying high water use on our website, www.amwater.com. Many leaks are not noticeable but can contribute to unexpected water use. If you cannot determine the reason for your higher water use, please call our customer service center between the hours of 7am and 7pm at the number below.

Sincerely,

Kentucky American Water Customer Service

08/23/2024

Doug Chambers
645 Lakeshore Dr
Lexington, KY 40502-3157

For Service To:
Account Number: [REDACTED]
Service Address: 645 Lakeshore Dr
Lexington, KY 40502-3157

Dear Customer Chambers:

Thank you for your request to investigate your higher than expected water bill. Your feedback is important to us and we appreciate your bringing this issue to our attention.

We have reviewed the bill in question and conducted a visit to verify the accuracy of the meter reading used to calculate the bill. Based on our research, the amount of water billed for 06/27/2024 to 07/29/2024 is correct. Here is a summary of our findings:

We did not detect meter movement during our visit.

Many leaks are not noticeable but can still contribute to unexpected water use. Our website, www.amwater.com, includes water saving ideas and a downloadable leak detection kit to help you check for leaks.

We understand the inconvenience that can occur when you receive a higher than expected bill. If you have additional questions or would like to discuss a possible payment arrangement for your account, please contact our customer service center.

We appreciate your business and the opportunity to continue serving you, your neighbors and our local communities.

Sincerely,

Kentucky American Water Customer Service

Kentucky American Water - Customer Meter Test Form **BENCH 1**

CUSTOMER NAME: _____ ACCT # _____

SERVICE ADDRESS: _____ PREMISE # _____

METER SIZE: _____ NUMBER: _____ DATE: _____

FIRST TEST READINGS

<u>Volume / Test</u>	<u>GPM</u>	<u>Adj. Read</u>	<u>Final Read</u>	<u>Test %</u>	<u>Required Accuracy</u>
____ / LOW	_____	_____	_____	_____	<u>95%-101%</u>
____ / MED	_____	_____	_____	_____	<u>98.5%-101.5%</u>
____ / HI	_____	_____	_____	_____	<u>98.5%-101.5%</u>

IF ANY OF THE TESTS ABOVE ARE NOT WITHIN THE REQUIRED ACCURACY LIMITS THEN FURTHER TESTING IS REQUIRED BELOW

SECOND TEST READINGS

<u>Flow % of Capacity / Volume / Test</u>	<u>GPM</u>	<u>Adj. Read</u>	<u>Final Read</u>	<u>Test %</u>	<u>% Accuracy</u>
<u>25% / _____ / LOW</u>	_____	_____	_____	_____	<u>95%-101%</u>
<u>50% / _____ / MED</u>	_____	_____	_____	_____	<u>98.5%-101.5%</u>
<u>75% / _____ / HI</u>	_____	_____	_____	_____	<u>98.5%-101.5%</u>

First Test Series % Average: _____ Second Test Series % Average: _____

Less Standard: 100% Equal % of Error: _____ Fast: _____ Slow: _____

Before Test Reading: _____ After Test Reading: _____

Customer Witness? Yes: _____ No: _____

IF % OF ERROR IS GREATER THAN 2%, COMPLETE APPROPRIATE SECTION BELOW.

Length of time error is known to have existed: _____

FAST METER basis for refund: _____ Amount of refund: _____

SLOW METER basis for additional Bill: _____ Amount of additional Bill: _____

Comments: _____

Copy To: _____ Disputes: _____ Meter Tech: _____

E-Coder R900i Data Logging Report
MIU#: 1580609998 for 05/18/2024 - 08/22/2024 - 5/8" - 1" T-10, GALLONS

