

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF LEWIS SANITATION)	CASE NO.
COMPANY, INC. D/B/A GARDEN HEIGHTS)	2017-00045
SEWER DIVISION TO FILE REQUIRED)	
REPORTS)	

ORDER

On February 6, 2017, the Commission ordered Lewis Sanitation Company, Inc. d/b/a Garden Heights Sewer Division ("Garden Heights") to show cause why it should not be penalized for failing to comply with 278.230(3). A hearing in this matter was held on March 28, 2017, at which no representative for Garden Heights appeared. On May 2, 2017, the Commission issued an Order levying a fine of \$2,500 for violating KRS 278.230 and 807 KAR 5:006, Section 4(2), by failing to timely file its annual statistical and financial reports for the 2015 calendar year.

On May 10, 2017, John Lewis, the owner of Garden Heights, contacted Commission Staff by telephone to inform the Commission that he and/or Garden Heights could not afford to pay the \$2,500 fine. Mr. Lewis also informed Commission Staff that as of May 8, 2017, Garden Heights no longer had any customers, as all Garden Heights customers had been transferred to Regional Water Resource Agency ("RWRA"). On information and belief, RWRA is a metropolitan sanitation district, formed pursuant to KRS 76.231, which is located in Daviess County, Kentucky. Mr. Lewis further stated that

Garden Heights did not transfer its package treatment plants to RWRA, that Mr. Lewis was “locking up” the plants, and that Garden Heights had ceased to operate.

The Commission has confirmed that Garden Heights has transferred all of its customers to RWRA, has ceased providing sewer service, and is no longer operating in any capacity. Commission approval of the RWRA connection was neither sought nor required. RWRA did not purchase any of Garden Heights’s assets or ownership interest in the company. Because no transfer of utility ownership occurred, KRS 278.020(6) and (7) do not apply.¹

Garden Heights no longer owns, controls, or operates any facility used for the “collection, transmission, or treatment of sewage for the public, for compensation”² Based upon this, the Commission finds that Garden Heights is no longer an operating utility as defined in KRS 278.010(3)(f). The Commission further finds that if Garden Heights seeks to provide sewer service, it must first pay the \$2,500 prior to resuming service.

IT IS THEREFORE ORDERED that:

1. Garden Heights shall no longer be regulated by the Commission as it no longer meets the definition of a utility under KRS 278.010(3)(f).
2. Garden Heights shall be removed from Commission records as an operating utility.
3. If Garden Heights seeks to be a utility again, it shall pay a fine of \$2,500 prior to resuming the provision of sewer service.

¹ See Case No. 90-129, Removal of Third Street Sanitation, Inc., From Public Service Commission Jurisdiction (Ky. PSC May, 21, 1990).

² KRS 278.010(3)(f).

By the Commission

ENTERED
SEP 28 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2017-00045

*Lewis Sanitation Company, Inc. d/b/a Garden
Lewis Sanitation Company, Inc. d/b/a Garden
771 Sargent Drive
Owensboro, KY 42301

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771 Sargent Drive
Owensboro, KY 42301

LEWIS SANITATION COMPANY

P.S.C. Ky. No. 1

Cancels P.S.C. Ky. No.

LEWIS SANITATION CO., INC.

OF

2736 REID ROAD, OWENSBORO, KENTUCKY, 42301

Rates, Rules and Regulations for Furnishing

Sewer Service

AT

GARDENSIDE SUBDIVISION

LOCATED WEST OF OWENSBORO IN THE NORTHWESTERN PORTION OF ~~KENTUCKY~~ ^{KENTUCKY} COUNTY, KENTUCKY
PUBLIC SERVICE COMMISSION
EFFECTIVE

COUNTY, KENTUCKY

APR 01 1986

PURSUANT TO 80 KAR 5:011,
SECTION 9 (1)

BY: *J. Scoggin*

Filed with PUBLIC SERVICE COMMISSION OF
KENTUCKY

ISSUED... April 14,, 1986....

EFFECTIVE April 1,, 1986....

ISSUED BY LEWIS SANITATION CO., INC.
(Name of Utility)

BY *John L. Lewis*
John L. Lewis, President

Form for filing Rate Schedules

Garden Heights Sub.
For South of Ubers. at Masonville
Community, Town or City

P.S.C. NO. 1

original SHEET NO. 1

CANCELLING P.S.C. NO. _____

original SHEET NO. 1

Lewis Sanitation Co., Inc.
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

RATE
PER UNIT

MONTHLY CHARGE:

\$16.96

Single Family Residential

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

4/14/2005

DATE OF ISSUE April 14, 2005

DATE EFFECTIVE April 14, 2005

PURSUANT TO 807 KAR 8:019
SECTION 9 (1)

ISSUED BY John L. Lewis
Name of Officer

TITLE President

By [Signature]
Commissioner of Kentucky

Issued by authority of an Order of the Public Service Commission of Kentucky
in Case No. 2005-00036 dated April 14, 2005

GARDEN HEIGHTS SUBDIVISION
located near Masonville in the
FOR southern portion of Daviess Co.

P.S.C. Ky. No. 1

original Sheet No. 2

LEWIS SANITATION CO., INC.

Cancelling P.S.C. Ky. No. _____

_____ Sheet No. _____

RULES AND REGULATIONS

This schedule of Rules and Regulations governs the furnishing of sewage service by Sargent & Sturgeon Builders, Inc. hereinafter referred to as the Utility and applies to all service received from the Utility. No employee or individual direction of the Utility is permitted to make an exception to Rates, Rules or Regulations. All Rules and Regulations are to be in effect so long as they are not in conflict with Public Service Commission Rules and Regulations. The Utility is further subject to all Rules and Regulations of the Commission even though not contained herein.

REVISION

These Rules and Regulations may be revised, amended, supplemented or otherwise changed from time to time subject to approval of the Public Service Commission, and shall have the same force as the present Rules and Regulations.

SERVICE AREA

The Utility furnishes sewage service to Garden Heights Subdivision located near Masonville in southern portion of Daviess County, Kentucky OF KENTUCKY PUBLIC SERVICE COMMISSION EFFECTIVE

AVAILABILITY

Sewer service is available to any domestic consumer within the Utility's area.

SUBSTANCES NOT TO BE DISCHARGED INTO SEWERS

No substances shall be placed or discharged into the sanitary sewer system which will create a combustible, gaseous, explosive or inflammable condition in such sewer system nor shall any substances or objects be placed or discharged into the sewer system which will not dissolve and which will thus cause an obstruction and clogging within the system. No petroleum products shall be placed or discharged into the sewer system.

No storm water or surface water drain shall be connected with the sanitary sewer system nor shall any storm or surface water be otherwise introduced into the sewer system.

DATE OF ISSUE 4 14 86
Month Day Year

DATE EFFECTIVE 4 1 86
Month Day Year

ISSUED BY John L. Lewis
Name of Officer
John L. Lewis

President
Title
2736 Reid Road
Owensboro, KY. 42301
Address

GARDEN HEIGHTS SUBDIVISION
located near Masonville in the
For southern portion of Daviess Co

P.S.C. Ky. No. 1

original Sheet No. 3

LEWIS SANITATION CO., INC.

Cancelling P.S.C. Ky. No. _____

original Sheet No. 3

RULES AND REGULATIONS

SEWER FAILURE

The Utility is responsible for sewer failure only when in control of the Utility's employees. No consumer is paid damages for equipment unless such damages are specifically found to be caused by an act of negligence on the part of the Utility or its employees.

PROTECTION BY CONSUMER

Consumer shall protect the equipment of the Utility on his premises and shall not interfere with Utility's property or permit interference except by duly authorized representatives of the Utility.

NOTICE OF TROUBLE

Consumer shall give immediate notice to the Utility of any irregularities or unsatisfactory service and of any defects known to consumer.

MAINTENANCE

The Utility may at any time deemed necessary, suspend sewer service to any consumer or consumers for the purpose of making repairs, changes or improvements upon any part of its system. The Utility shall give reasonable notice of such suspension of service to the consumer.

The Utility shall be responsible for the maintenance of that portion of the service line installed by the Utility and the consumer shall be responsible for the maintenance of that portion thereof installed by the consumer.

PUBLIC SERVICE COMMISSION

OF KENTUCKY
EFFECTIVE

APR 01 1986

CONNECTION CHARGES

PURSUANT TO 80/ KAR 5:011,
SECTION 9 (1)

A. Normal connections:

BY: J. Profferman

Normal connections to existing sewer lines shall be made without charge for a prospective consumer who shall apply for and contract to use service for one (1) year or more and provides a guarantee for such service. Any such connection made at the property line of a prospective customer shall be calassified as a normal connection.

DATE OF ISSUE 4 14 86
Month Day Year

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Month Day Year

ISSUED BY

John L. Lewis
Name of Officer
John L. Lewis

President
Title

2736 Reid Road
Owensboro, KY. 42301
Address

GARDEN HEIGHTS SUBDIVISION
located near Masqville in the
FOR southern portion of Daviess Co.

P.S.C. Ky. No. 1

original Sheet No. 4

LEWIS SANITATION CO., INC.

Cancelling P.S.C. Ky. No. _____

original Sheet No. 4

RULES AND REGULATIONS

B. Other Connections:

The charges for connections made for the purpose of land development or for any party that will not be committed to the payment of a monthly rate in accordance with the established rate schedule as approved by the Public Service Commission are subject to negotiation between the Utility and the party requesting the connection. Any such connection that will affect the rate paid by any consumer of this Utility shall be subject to the approval of the Public Service Commission.

LINE RELOCATIONS

When necessary to move or relocate facilities, the cost will be paid by part or parties requesting such relocation.

BILLING, COLLECTION, PENALTIES

Bills for sewage service furnished by the sewer system will be mailed no later than the first day of each month and will be due and payable within 15 days.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

DEPOSITS

APR 01 1986

No deposits are required from any customer.

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

DISCONTINUANCE OF SERVICE BY UTILITY

BY: J. Deeghan

The utility may refuse or discontinue service to an applicant or customer, after proper notice, for failure to comply with its rules and regulations or state and municipal rules and regulation, when a customer or applicant refuses or neglects to provide reasonable access to the premises, for fraudulent or illegal use of service, or for non payment of bills. If discontinuance is for non-payment of bills, the customer shall be given at least forty-eight (48) hours written notice, separate from the original bill, and cut-off shall be effected not less than twenty (20) days after the mailing date of the original bill unless, prior to discontinuance, a residential customer presents to the utility a written certificate, signed by a physician, registered nurse, or public health officer, that such discontinuance will aggravate an existing illness or infirmity on the affected premises,

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John L. Lewis

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Address

GARDEN HEIGHTS SUBDIVISION
FOR located near Masonville in the
southern portion of Daviess Co.

P.S.C. Ky. No. 1

original Sheet No. 5

LEWIS SANITATION CO., INC.

Cancelling P.S.C. Ky. No. _____

original Sheet No. 5

RULES AND REGULATIONS

in which case diccontinuanace may not be effected until the affected resi-
dent can make other living arrangements or until not less than ten (10)
days elapse from the date of the Utility's notification. Which a dangerous
condition is found to exist on the customer's or applicant's premises, the
service shall be cut off without notice or refused.

PUBLIC SERVICE COMMISSION
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EFFECTIVE

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: J. Deeghegan

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