

Jewell Rhoads

RECEIVED

FEB 5 1992

P.S.C.
RESEARCH DIVISION



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

February 4, 1992

Mr. Milton E. Keifer, Jr.
✓ Lakeway Shores Utilities Association, Inc.
P. O. Box 712
Murray, Kentucky 42071

Dear Mr. Keifer:

This is in response to your January 21, 1992 letter requesting a written opinion regarding voluntary withdrawal from Commission jurisdiction.

In your letter, you represent that:

- A Home Owners Association for Lakeway Shores has been organized and incorporated as a non-profit corporation and named Lakeway Shores Utilities Association, Inc.
- The Home Owners Association owns and operates the water distribution system. Service will be provided only to members of the Home Owners Association, not to the general public.
- The Home Owners Association is restricted by its Articles of Incorporation to 100 homeowners, currently there are 63 homeowners.
- Members must reside in the confines of the subdivision. To be a member one must own property in the subdivision and have a stock certificate.
- To receive a stock certificate, one must buy the property from an existing land owner and have the stock transferred, or as a new home builder one will be issued a stock certificate.

No title by deed of conveyance was executed; the water distribution system and its property was turned over to the homeowners association by the developers for no consideration as indicated by your letter of February 1, 1992 in response to a telephone conversation with Commission Staff.

Mr. Milton E. Keifer, Jr.
February 4, 1992
Page 2

Based upon these representations, the Commission Staff agrees that Lakeway Shores Utilities Association, Inc. is not a utility within the meaning of KRS 278.010(f) as it will not be operating a water distribution system "for the public" or "for compensation." Accordingly, Lakeway Shores would not fall under the Public Service Commission's jurisdiction. However, if the circumstances related in your letter change (for example, the Home Owners Association attempts to serve non-members) Lakeway Shores may then fall within the Public Service Commission's jurisdiction.

If you have any questions, please contact our General Counsel, Susan Mastin Scott, or Phyllis Bruning at (502) 564-7347.

Sincerely,



Lee M. MacCracken
Executive Director

fb

cc: Joyce Spears
Jewell Rhody ✓

*Nonjurisdictional per
etc. of 2-4-92*

P. S. C. Ky. No. 1

Cancels P. S. C. Ky. No. _____

RECEIVED

DEC 29 1982

RATES AND TARIFFS

LAKEWAY SHORES UTILITIES ASSOCIATION, INC.

OF

MURRAY, KENTUCKY

Rates, Rules and Regulations for Furnishing
Water Service

AT

Lakeway Shores Sub-division of Calloway County

Filed with PUBLIC SERVICE COMMISSION OF
KENTUCKY

ISSUED December 28 1982

EFFECTIVE January 17, 1983

FILED
SEP 27 1982
PUBLIC SERVICE COMMISSION
MURRAY, KY

ISSUED BY Lakeway Shores Utilities Association
(Name of Utility)

BY Robert T. Hudson

Secretary/Treasurer

C-2-92

P.S.C. NO. 1

Original SHEET NO. 1

CANCELLING P.S.C. NO. _____

SHEET NO. _____

LAKEWAY SHORES UTILITIES ASSOCIATION, INC.

Name of Issuing Corporation

CLASSIFICATION OF SERVICE

RATE
PER UNIT

RESIDENTIAL CONSUMERS

\$8.00 Monthly, Single Family Residence
All customers, full and part time pay the same rate
Based on flat rate service

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUL 16 1982

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

BY: [Signature]

DATE OF ISSUE November 8, 1982

DATE EFFECTIVE July 16, 1982

ISSUED BY Robert T. Hudson
Name of Officer

TITLE Secretary/Treasurer

Issued by authority of an Order of the Public Service Commission of Ky. in
Case No. 8502 dated July 16, 1982

C-292

P.S.C. NO. 1

Original SHEET NO. 2

CANCELLING P.S.C. NO.

SHEET NO.

LAKEWAY SHORES UTILITIES ASSOCIATION, INC.

Name of Issuing Corporation

CLASSIFICATION OF SERVICE

RATE PER UNIT

RESIDENTIAL CONSUMERS

\$63.14 Disconnection/Reconnection Charge for the first Disconnection/Reconnection on a customer premise

\$26.50 Disconnection/Reconnection Charge for the Disconnection/Reconnection when shut-off equipment is in place. Requires visit to lock valve in shut-off position and a visit to unlock valve to open position.

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

JAN 17 1983

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

BY: IP Jackson

DATE OF ISSUE December 28, 1982

DATE EFFECTIVE January 17, 1983

ISSUED BY Robert T. Hudson
Name of Officer

TITLE Secretary/Treasurer

Issued by authority of an Order of the Public Service Commission of Ky. in Case No. 8502 dated _____

C-2-9a

LAKEWAY SHORES UTILITIES ASSOCIATION, INC.

RULES AND REGULATIONS

This schedule of Rules and Regulations governs the furnishing of water services by the Lakeway Shores Utilities Association hereinafter referred to as the Utility and applies to all service received from the Utility. No employee or individual director 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 futher subject to all rules and regulations of the Commission even though not contained herein.

REVISIONS

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 water to Residential Customers located at Lakeway Shores in Calloway County, Kentucky.

AVAILABILITY

Water service is available to any customer or potential customer within the Utility's service area.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 17 1983

WATER FAILURE

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

PURSUANT TO 807 KAR 5:011,

UTILITY'S (1)

BY: [Signature]

DATE OF ISSUE 12-28-82

DATE EFFECTIVE XXXXXX 1-17-83

ISSUED BY Robert T. Hudson
Name of Officer

Secretary/Treasurer
Rt. 5, Box 525 Murray, Ky.
Address

C-2-92

LAKEWAY SHORES UTILITIES ASSOCIATION, INC.

Cancelling P.S.C. Ky. No.

Sheet No.

RULES AND REGULATIONS

Consumer shall protect the equipment of the Utility on his premises and shall not interfere with the Utilities 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 the consumer.

MAINTENANCE

The Utility may at any time deemed necessary, suspend water service to any consumer or consumers for the purpose of making repairs, changes or improvements upon any part of it's 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 installed by the consumer. The Utility provides a shut-off valve within two feet of the service line and the consumer provides all piping to the dwelling.

LINE RELOCATIONS

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

PUBLIC SERVICE COMMISSION
ORDER NO. KY
EFFECTIVE

JAN 17 1983

BILLING, COLLECTIONS AND PENALTIES

Bills for water service furnished by the Utility will be mailed no later than the 5th day of January, April, July and October and will be due and payable within 10 days. 10% penalty for late payment will be charged when payment is received after the due date.

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

DATE OF ISSUE 12-28-82
Month Day Year

DATE EFFECTIVE 1-17-83
Month Day Year

ISSUED BY Robert T. Hudson
Name of Officer Secretary/Treasurer

Rt 5, Box 525, Murray, Ky.
Address

2-92

RULES AND REGULATIONS

DEPOSITS

The Utility may require from any customer or applicant for service a cash deposit or other guaranty to secure payment of bills not to exceed four-twelfths (4/12) of the estimated annual bill. Interest at the rate of 6% per annum will be paid on deposits so required, accruing from the date of deposit.

DISCONTINUANCE OF SERVICE BY UTILITY

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 regulations, when a customer or applicant refuses or neglects to provide reasonable access to the premises, for fraudulent or illegal use of service or for nonpayment of bills. If discontinuance is for nonpayment 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, in which case discontinuance may not be effected until the affected resident can make other living arrangements or until not less than ten (10) days elapse from the date of the Utility's notification. When a dangerous condition is found to exist on the applicants or customer's premises, the service shall be cut-off without notice or refused, provided that the Utility notified the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the customer or applicant before service can be restored.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 17 1983

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

BY: [Signature]

DATE OF ISSUE 12-28-82

DATE EFFECTIVE ~~XXXXXX~~ 1-17-83

Month Day Year

Month Day Year

ISSUED BY

Robert T. Hudson
Robert T. Hudson

Secretary/Treasurer

Rt. 5, Box 525, Murray, Ky.

Name of Officer

Title

Address

C290

Murray, Kentucky

Special Charge Cost Schedule

Type of Special Charge: Reconnection/Disconnection

| | First Time on a customer premise | Subsequent visits to same customer |
|--------------------------------------|--|--|
| 1. Field Expense | | |
| A. Materials (Itemize) | | |
| 4 PVC Elbows @\$1.06 | \$ 4.24 | |
| 4 feet Pvc Pipe @ .40 | 1.60 | |
| 1 Shut-off Valve @5.80 | 5.80 | |
| B. Labor (Time and Wage) | | |
| 3 Hours @\$12.50 | 37.50 | \$12.50 |
| Subtotal Field Expense | \$49.14 | 12.50 |
| 2. Clerical and Office Expense | | |
| A. Supplies | \$ 4.00 | 4.00 |
| B. Labor | 10.00 | 10.00 |
| Subtotal Clerical and Office Expense | \$14.00 | \$14.00 |
| 3. Miscellaneous Expense | | |
| A. Transportation | \$ _____ | _____ |
| B. Other (Itemize) | | |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| Subtotal Miscellaneous Expense | _____ | _____ |
| Total Expense | \$63.14 | \$26.50 |

Robert T. Hudson
 Robert T. Hudson
 Secretary/ Treasurer

Date of Issue 12-28-82

C-2-92