THE OFFICE OF REGULATORY STAFF

DIRECT TESTIMONY AND EXHIBITS

OF

MARY SMOAK

RECEIVED
2005 JUL 19 PM 4:26
SC PUBLIC SERVICE COMMISSION

DOCKET NO. 2005-110-WS

Petition of the Office of Regulatory Staff to Request Forfeiture of the Bond and to Request Authority to Petition the Circuit Court for Appointment of a Receiver

1

2 **TESTIMONY OF MARY SMOAK**

3 **FOR**

4 **THE OFFICE OF REGULATORY STAFF**

5 **DOCKET NO. 2005-110-W/S**

6 **IN RE: PINEY GROVE UTILITIES, INC.**

7

8

9

10 **Q. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.**

11 A. My name is Mary Smoak. I am a resident of Lloydwood Subdivision and my
12 address is 303 Carterhill Drive, West Columbia, South Carolina 29172.

13 **Q. HOW LONG HAVE YOU BEEN A RESIDENT OF THE LLOYDWOOD**
14 **SUBDIVISION?**

15 A. 18 years

16 **Q. WHAT UTILITY PROVIDES WATER SERVICE TO THE LLOYDWOOD**
17 **SUBDIVISION?**

18 A. The City of Cayce.

19 **Q. WHAT UTILITY PROVIDES SEWER SERVICE TO THE LLOYDWOOD**
20 **SUBDIVSION?**

21 A. Piney Grove Utilities, Inc. ("PGU") has been providing us with sewer service.

22 **Q. HOW LONG HAS PINEY GROVE UTILITIES, INC. BEEN PROVIDING**
23 **YOU WITH SEWER SERVICE IN THE LLOYDWOOD SUBDIVISION?**

1 A. Piney Grove Utilities, Inc. has been providing us with sewer service since 2000.

2 **Q. PRIOR TO PINEY GROVE UTILITIES, INC., WHO PROVIDED YOU**
3 **WITH SEWER SERVICE IN THE LLOYDWOOD SUBDIVISION?**

4 A. C.W. Haynes was the service provider prior to 2000.

5 **Q. DESCRIBE YOUR UNDERSTANDING OF THE BILLING PROCESS**
6 **WHEN PINEY GROVE UTILITIES, INC. BEGAN MANAGING THE**
7 **SEWER SYSTEM.**

8 A. When PGU first took over the sewer system from C.W. Haynes, PGU
9 immediately began sending its customers monthly sewer bills demanding the
10 $15.00 payment be paid within 2 weeks or we would be assessed a $5.00 late fee.
11 When C.W. Haynes ran the sewer, the $15.00 sewer fee was added to our water
12 bill, which made it easy to pay. This inconvenient billing was the first problem.

13 **Q. WHEN DID YOU FIRST START TO HAVE PROBLEMS WITH YOUR**
14 **SEWER SYSTEM AFTER PINEY GROVE UTILITIES, INC. BEGAN**
15 **OPERATING THE SYSTEM?**

16 A. In May of 2003.

17 **Q. PLEASE EXPLAIN WHAT HAPPENED.**

18 A. Sure. At that time I had water backing up into my shower when I ran the washing
19 machine. I paid a plumber $85.00 to check my sewer service lines, which were
20 clear. The plumber then showed me the PGU manhole which was overflowing
21 with water at street level. Based upon my conversation with the plumber, it was
22 my understanding that my service lines were clear, and that the problem was in
23 PGUs' main lines. I called the telephone number listed on the sewer bill and left

1 a message on the answering machine. No one called back. I called again and
2 again and only got an answering machine. Finally, after several days, I talked to
3 Mr. Reece Williams, the owner of PGU, and told him about the manhole problem.
4 A week later nothing had been done and the water back up into my shower was
5 getting worse. Because I was late in paying my $15.00 sewer bill that month, I
6 received a notice from PGU to send a $90.00 deposit and to sign a contract that
7 would allow PGU to charge me any fee that they considered appropriate. I called
8 again and again and only got the answering machine. I finally called the SC
9 Department of Health and Environmental Control ("DHEC"). DHEC came out,
10 saw the problem, and contacted Mr. Williams. Then, Mr. Williams called me
11 back and, in a threatening manner, told me I should have never called DHEC, and
12 that they (DHEC) will probably throw me out of my house because I have sewage
13 problems. Mr. Williams said that because I was late in paying my sewer bill that
14 month (again, we are allowed only 15 days to pay the sewer fee), I needed to send
15 him $90.00 and that he had already had a work crew fix my problem. I told Mr.
16 Williams that no one had been to my house and the problem still existed. Mr.
17 Williams changed his story and said that he had been out to the site and there was
18 no problem with the manhole. Mr. Williams also said that most of the problems
19 in our neighborhood were because people flushed inappropriate items such as
20 rubber gloves and condoms into the sewer lines. I ended up calling DHEC again,
21 who came out and forced PGU to clear out the manhole. Meanwhile, I decided
22 that PGU had to go.

1 **Q. WHAT IS YOUR UNDERSTANDING OF THE LATE FEE AND DEPOSIT**
2 **THAT PINEY GROVE UTILIES, INC. HAD BEEN CHARGING ITS**
3 **CUSTOMERS?**
4 A. Over the last two years I have learned more about sewer regulations than I ever
5 really wanted to; but despite the fact that I found out that the $5.00 late fee as well
6 as the 15 day period to expect payment is in violation of Public Service
7 Commission ("PSC") Regulation 103-532.2 and that the deposit he demanded is
8 in well excess of what is allowed by PSC Regulation 103-531.1; and despite the
9 fact that I have written PGU letting them know that they are in violation of these
10 codes, I continue to get bills requiring payment be made in 15 days. The late fee
11 continues to be charged at $5.00 and it was only two months ago that I got
12 another notice demanding a $90.00 deposit. In fact, my current bill for May's
13 sewer fee which I received on the 4th of May has a note at the bottom that states,
14 "Total due payment POSTMARKED by May 15, 2005; to avoid late fees".
15 Exhibit MS-1 indicates language referring to a 15 day payment period. The
16 invoice shown in the exhibit was for services rendered in March 2005 by PGU.
17 Mr. Reece Williams, despite the bad publicity and current problems with the PSC
18 seems to ignore the regulations and has shown no intention of changing his ways.
19 **Q. ARE THERE ANY OTHER CONCERNS THAT YOU HAVE WITH THE**
20 **SEWER SERVICE BEING PROVIDED BY PINEY GROVE UTILITIES,**
21 **INC.?**
22 A. Yes.
23 **Q. WHAT ARE THOSE CONCERNS?**

1 A. For years, Mr. Williams has also violated PSC Regulation 103-570.A concerning
2 quality of service relating to odor regulation by inadequately treating the sewage
3 that goes through the neighborhood sewage plant. Mr. Williams should be
4 charged for endangerment by allowing raw sewage to be drained past peoples'
5 houses into Dry Creek, which surrounds our neighborhood. This is endangerment
6 since we have a lot of children in the neighborhood who at times wade and catch
7 tadpoles in the creek. My own children did so when they were small.

8 **Q. DO YOU HAVE ANY ADDITIONAL RECOMMENDATIONS?**

9 A. Lloydwood subdivision is a working class neighborhood. The 400 houses here
10 are owned or rented by laborers, National Guardsmen, waitresses', truck drivers
11 and secretaries. The deposit fees and late penalty charges Mr. Williams has
12 illegally charged may seem minor to professionals, but the $5.00 late fee
13 represents an hours' labor for someone making minimum wage. The $90.00
14 deposit could be someone's grocery money. I know neighbors who scrimped in
15 order to pay Mr. Williams this deposit and I never heard of any one getting their
16 money back. These things would have probably not happened in a wealthier
17 neighborhood. The only protection we have from this man, who has acted so
18 irresponsibly and who has shown no sign of ever offering any service for his fees,
19 is from the Office of Regulatory Staff and DHEC. I hope the court, this
20 honorable Commission, and any Judge who is making the decision whether PGU
21 needs to continue to provide sewer service to Lloydwood subdivision will keep
22 this in mind. I am asking that our neighborhood have decent sewer service that
23 does not endanger our environment and does not make our neighborhood smell.

1 It seems totally absurd to me to continue sending PGU money for service they
2 have never provided, and will never provide except under court threat.

3 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

4 A. Yes it does.

DIRECT EXHIBITS

OF

MARY SMOAK

2005-110-W/S

Petition of the Office of Regulatory Staff to Request Forfeiture of the Bond and to Request Authority to Petition the Circuit Court for Appointment of a Receiver

Piney Grove Utilities

Lloydwood
P. O. Box 3096
West Columbia, SC 29171

Send ALL questions, in WRITING, to above address

Customer Number
2004-LL

Period Ending
03-31-2005

Page Number
1

Telephone
803 606-9224

RECEIVED
APR 2 0 2005
ORS
T,T,W,W/W

MARY A SMOAK
303 CARTERHILL DRIVE
WEST COLUMBIA SC 29172

To Ensure Proper Credit, Write Your Customer Number on Check or Money Order

Date	Description	Amount
	Service Location: 303 CARTERHILL DRIVE	
	Previous Balance	20.00
03-05-05	Payment - Thank You (Check # 4335)	20.00CR
03-31-05	Sewer Fee for March, 2005	15.00

Total due payment POSTMARKED by 04-15-2005; to avoid LATE fees

Current	Over 30 Days	Over 60 Days	Over 90 Days	Sec Deposit	Pay This Amount
15.00				Zero	15.00