



Paul E. Patton, Governor

**Janie A. Miller, Secretary
Public Protection and
Regulation Cabinet**

**Thomas M. Dorman
Executive Director
Public Service Commission**

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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Chairman**

**Gary W. Gillis
Vice Chairman**

**Robert E. Spurlin
Commissioner**

February 13, 2003

**Mr. William Ballard
East Clark County Water District
Post Office Box 112
Winchester, Kentucky 40392-0112**

Re: Access Points for Fire Department Use

Dear Mr. Ballard:

I have received your letter of February 5, 2003 concerning the provision of access points to the Clark County Fire Department for the purpose of refilling fire tanker trucks.

Your letter presents the following issue: Under what circumstances will the Public Service Commission's regulations permit a water utility to allow fire department access points for the purpose of refilling fire tanker trucks? For purposes of this letter, Commission Staff assumes your reference to "access points" refers to fire hydrants.

Administrative Regulation 807 KAR 5:066, Section 10(2)(b)¹ provides that a utility may install fire hydrants only if "a professional engineer with a Kentucky registration has

¹ Fire protection.

1. On or after the effective date of this administrative regulation, fire hydrants may be installed by a utility only if:
 - a. A professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute; and
 - b. The system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate.
2. The location, installation, and the responsibility for maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and if owned by the utility shall be subject to any conditions the commission may impose, based upon the compensation received for this service.



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certified that the system can provide a minimum fire flow of 250 gallons per minute” and “[t]he system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate.”

Commission Staff is of the opinion that any water main less than six inches in diameter generally cannot provide the minimum flow that Administrative Regulation 807 KAR 5:066, Section 10(2)(b) requires and therefore should not serve a fire hydrant. Several leading authorities endorse this position. See, e.g., Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers, Recommended Standards for Water Works §8.3.3 (1997) (“The minimum size of water main for providing fire protection and serving fire hydrants shall be six-inch diameter.”)

While Commission regulations prohibit the placement of a fire hydrant on any water main less than six inches in diameter, they permit flushing or blowoff assemblies to be placed on such water mains. If appropriate measures are taken to guard against cross-contamination and negative pressures, flushing or blowoff assemblies may be used for the limited purpose that you propose in your letter. Because such assemblies closely resemble fire hydrants, Commission Staff is of the opinion that the water utility and local fire departments should take reasonable measures to inform the public and the insurance community of the limitations of these assemblies. Without such measures, the public and the insurance community are likely to be lulled into a false sense of security by the presence of these assemblies.

Commission Staff further directs your attention to the recommendations contained in Section 8.11 of Recommended Standards for Water Works that governs water loading stations. Among these recommendations is that the piping arrangement for such loading station from the flushing hydrant or blow-off valve should be designed with an air gap to prevent any cross connection, back flow or contamination to the public water system.

Commission Staff also reminds East Clark County Water District that KRS 278.270(3) permits a water utility to provide free water service for fire fighting or fire training purposes only if it has received Commission approval of that practice and sets forth the provisions governing that practice in its filed rate schedules. These provisions must require “the water user to maintain estimates of the amount of water used for fire protection and training, and to report this water usage to the utility on a regular basis. Such provisions are currently not contained in East Clark County Water District’s filed rate schedules.

This letter represents Commission Staff’s interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issues herein be formally presented for Commission resolution. Questions concerning this opinion should be directed to George W. Wakim, Manager, Water and

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Sewer Branch, at (502) 564-3940, Extension 409, or Gerald Wuetcher, Assistant
General Counsel, at (502) 564-3940, Extension 259.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Dorman", with a stylized flourish at the end.

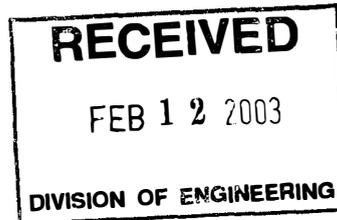
Thomas M. Dorman
Executive Director

EAST CLARK COUNTY
WATER DISTRICT

P.O. Box 112
Winchester, KY 40392-0112
(859) 745-1458

February 5, 2003

Public Service Commission
Executive Director Thomas Dorman
211 Sower Boulevard
Post Office Box 615
Frankfort, KY 40602-0615



RE: Water access for Fire Department

Dear Mr. Dorman:

The East Clark County Water District (ECCWD) has been requested to provide points of access for Clark County Fire Department to fill tank trucks. ECCWD is aware of Public Service Commission regulation that a fire hydrant must provide a minimum of 250 gallons per minute for a period of not less than two hours plus consumption at a maximum daily rate.

ECCWD is requesting an opinion as to vulnerability for the system if these access points are made available and also what penalties to the water district.

If you should have any questions please contact me at (859) 745-1458.

Sincerely,

A handwritten signature in cursive script that reads "William Ballard".

William Ballard-Manager
East Clark County Water District