

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WESTERN FLEMING COUNTY	)	
WATER DISTRICT REQUESTING A DEVIATION	)	CASE NO.
FROM REQUIREMENTS OF 807 KAR 5:006,	)	2016-00424
SECTION 4(4)	)	

ORDER

On December 6, 2016, Western Fleming County Water District (“Western Fleming”) filed an application pursuant to 807 KAR 5:066 Section 18, requesting a deviation from 807 KAR 5:066 Section 4(4), which states that, “[t]he minimum storage capacity for systems shall be equal to the average daily consumption.” The application was found deficient and was rejected by letter dated December 7, 2016. On February 3, 2017, Western Fleming submitted additional information which cured the deficiency and the application was considered filed by letter dated February 6, 2017. Commission Staff issued and Western Fleming responded to two rounds of discovery. An informal conference (“IC”) was held on December 19, 2017, and on February 1, 2018, in response to the IC memo, Western Fleming filed responses which included supplemental information. There are no intervenors and the case now stands submitted for a decision.

Western Fleming has requested a deviation that would allow it to base its storage requirements on its average daily retail usage excluding the water it sells to its wholesale customers. In its Response to the IC memo, Western Fleming stated that the deviation

is needed to ensure that the district remain in compliance with the Safe Water Drinking Act.<sup>1</sup>

Western Fleming states that it currently provides wholesale water to Nicholas County Water District (“Nicholas County”) and Buffalo Trail Water Association (“Buffalo Trail”). Each of these systems is required to provide storage for their own average daily consumption. To require Western Fleming to also include this amount of water in its own water storage requirement would result in storage redundancy. This storage redundancy would cause the water to be distributed more slowly which would lead to increased levels of disinfection by-products (“DBP”). If DBP levels became too high, Western Fleming would be out of compliance with the Safe Water Drinking Act.<sup>2</sup>

807 KAR 5:0066, Section 18, provides that the Commission may grant a deviation from the regulations for good cause shown. Based on the evidence of the record and being otherwise sufficiently advised, the Commission finds that Western Fleming should be allowed to deviate from the requirements of 807 KAR 5:066, Section 4(4).

Specifically, the Commission finds that the District currently provides wholesale water to Nicholas County and Buffalo Trail in the amount of 275,000 gallons per day and 345,000 gallons per day, respectively. Both Nicholas County and Buffalo Trail are required to store these amounts themselves under 807 KAR 5:066, Section 4(4). The Commission finds that requiring Western Fleming to store the same amount is unnecessary as this would create redundancy for the systems and can lead to an increase

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<sup>1</sup> Response to IC, Item 1.

<sup>2</sup> *Id.*, Item 2.

in the water age which could result in a buildup of DBPs to a level which would violate the Safe Water Drinking Act.

The Commission also finds that Western Fleming's daily retail sales equal 377,383 gallons per day<sup>3</sup> and that Western Fleming's daily average consumption should be calculated using only the retail sales amount. The District's storage capacity is 600,000 gallons<sup>4</sup> which more than meets the storage requirement for the District's average daily retail consumption.

IT IS THEREFORE ORDERED that Western Fleming County's request for deviation from the water storage requirements of 807 KAR 5:0066, Section 4(4) is granted.

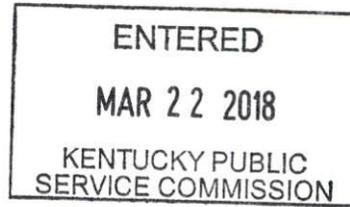
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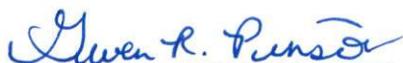
<sup>3</sup> Response to Commission Staff's Second Request for Information, Item 2.

<sup>4</sup> Response to Commission Staff's First Request for Information, Item 3.

By the Commission



ATTEST:

  
Executive Director

Case No. 2016-00424

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