

COMMONWEALTH OF KENTUCKY
BEFORE THE UTILITY REGULATORY COMMISSION

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In the Matter of

THE COMPLAINT OF CRESCENT)
PAPER TUBE COMPANY, INC.)
AGAINST KENTON COUNTY) CASE NO. 7918
WATER DISTRICT NO. 1)

O R D E R

Preface

On July 14, 1980, Mr. Paul C. Seltman, President of Crescent Paper Tube Company, Inc. (Complainant) filed with this Commission a formal complaint against the Kenton County Water District No. 1 (Defendant-or-Utility) wherein the reasonableness of the Defendant's requirement for the installation of a bypass meter was questioned. Correspondence between the Commission and the Complainant and the Defendant had failed to resolve the matter.

The Commission having considered the correspondence and the arguments in this matter did, on its own motion, order that the matter be set for hearing on August 27, 1980, in the Commission's offices at Frankfort, Kentucky. All parties of interest were notified and were given the opportunity to be heard.

OPINION AND ORDER

The Commission, after a review of the record and being advised, is of the opinion and finds:

1. That Section IX of the Utility's current Rules and Regulations require that all Private Fire Protection connections be in compliance with the Utility's Standard Contract for such connections. Further, that a contract signed by the party served by the connection must be on file with the Utility. Further that as of the date of the hearing (August 27, 1980), approximately fifty (50) contracts ⁽¹⁾ of this type had been executed and were on file at the office of the Utility.

2. That the hearing in this matter provided the Complainant an opportunity to cross-examine Mr. Victor Fender,⁽²⁾ Manager of the

(1) T.E. p. 29.
(2) T.E. p. 28.

Utility and, therefrom, to obtain explicit answers to those questions representative of Complainant's objections to the Utility's requirements for the bypass meter such as the date this requirement was adopted by the Utility and the number of the aforementioned contracts now on file with the Utility.

3. That the requirements of Section IX of the Utility's Rules and Regulations, except for paragraph 4 of the aforementioned contract, are fair, just and reasonable requirements that the Utility is making efforts to enforce uniformly throughout its service area.

4. That the record in this matter does not establish an adequate basis for this Commission to find that a deviation from Section IX of the Utility's Rules and Regulations would be justified in the instant case.

5. The Complainant's objections to certain aspects of paragraph 4 of the aforementioned contract are valid objections in that said paragraph 4 sets forth inspection requirements and charges therefore that are not enforced or enforceable in a fair, just, reasonable and uniform manner throughout the Utility's service area. The Commission, therefore, finds that paragraph 4 of the said contract should be revised so as to clearly set forth the intent and purpose therein. The "Revised Paragraph 4" should not include those aspects of the present paragraph 4 that are either redundant or cannot be reasonably and fairly enforced throughout the Utility's service area. Further, a copy of the new paragraph 4 should be submitted to this Commission for approval thereof within thirty (30) days of the date of this Order.

6. That no Utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions as stated in KRS 278.170 is applicable to the instant case.

IT IS THEREFORE ORDERED that the Complaint of the Crescent Paper Tube Company filed July 14, 1980, against the Kenton County Water District No. 1 be and it is hereby dismissed.

IT IS FURTHER ORDERED that the Utility shall revise paragraph 4 of its fire protection service contract with said revision to be made in accordance with Finding No. 5 of this Order. Further, that the Utility shall, within thirty (30) days of the date of this Order, submit a copy of the "Revised Paragraph 4" for approval by this Commission.

Done at Frankfort, Kentucky, this 9th day of February, 1981.

UTILITY REGULATORY COMMISSION

Chairman

Vice Chairman John S. Hoffman did
not participate in the Opinion and Order.
Vice Chairman

Commissioner

ATTEST:

Secretary