

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NORTH MERCER)	
WATER DISTRICT FOR A DEVIATION)	CASE NO. 99-486
FROM 807 KAR 5:066, SECTION 10(2)(b),)	
FIRE PROTECTION)	

O R D E R

North Mercer Water District (“North Mercer”) has requested to deviate from Commission Regulation 807 KAR 5:066, Section 10(2)(b). Commission Regulation 807 KAR 5:066, Section 10(2)(b) states that fire hydrants may be installed by a utility only if a professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute and if the supporting system has the capability of providing the flow for a period of not less than 2 hours plus consumption at the maximum daily rate. To date no intervention requests have been filed with the Commission.

North Mercer states that it surrounds the city of Harrodsburg, Kentucky (“City”) on the north, west, and south and that the City requires all developers to install fire hydrants that can be used directly for fire fighting and protection. North Mercer is making this request for deviation because developers are developing real estate located within the City and within North Mercer’s service territory. North Mercer proposes that fire hydrants be installed by the developers, but that they be used only for flushing purposes, not for direct fire fighting, until such time as a professional engineer can

certify that the system can provide the required flow. In the alternative, North Mercer proposes that it be relieved of the responsibility to provide the minimum fire flow required by 807 KAR 5:066, Section 10(2)(b), if the City obtains ownership and maintenance of the mains and facilities in the subject developments.

Pursuant to an Order by the Commission, an informal conference was held for Commission Staff and North Mercer to meet and discuss the request. North Mercer invited the developer and a representative of the City to attend and participate at the informal conference even though they had not intervened in the action. The developer and North Mercer expressed differing opinions as to whether North Mercer's system can provide the flows required for the installation of fire hydrants.

Administrative Regulation 807 KAR 5:066, Section 18, provides that in special cases, for good cause shown, the Commission may permit deviations from Administrative Regulation 807 KAR 5:066. To determine whether good cause exists for the requested deviation, the Commission ordered North Mercer to provide a hydraulic analysis of its water distribution system in the area where the fire hydrants are planned for installation. The Commission further ordered that North Mercer include in its analysis a certificate signed by a professional engineer stating whether North Mercer's system can provide the minimum fire flow required by 807 KAR 5:066, Section 10(2)(b). North Mercer did not provide the analysis requested; nor did it provide any other evidence to support its request.

The Commission, having considered the request and being otherwise sufficiently advised, finds that North Mercer has not shown the requisite good cause to grant it permission to deviate from Commission Regulation 807 KAR 5:066, Section 10(2)(b).

In addition, the Commission is concerned that the installation of fire hydrants may mislead North Mercer's customers into believing that the water distribution system is capable of providing adequate and reliable volumes of water for fire protection purposes. Therefore, North Mercer's request should be denied.

North Mercer should not construe our action as authority to eliminate fire hydrants from the proposed water main extensions. KRS 74.415(1) permits North Mercer to eliminate fire hydrants from new or extended water lines if it determines that they are not feasible. KRS 74.415(1) establishes the analysis that must be performed for a proper determination on feasibility. North Mercer has not performed such an analysis to allow the elimination of the proposed fire hydrants.

IT IS THEREFORE ORDERED that:

1. North Mercer's request to deviate from 807 KAR 5:066, Section 10(2)(b), is denied.
2. Before eliminating any fire hydrants from new or extended water mains within its service territory, North Mercer shall perform the analysis required by KRS 74.415(1) and determine that hydrants are not feasible.

Done at Frankfort, Kentucky, this 2nd day of March, 2001.

By the Commission

ATTEST:


Executive Director