

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MURRAY WATER DISTRICT NO. 3'S REQUEST)	
FOR DEVIATION FROM ADMINISTRATIVE)	CASE NO. 2005-00190
REGULATION 807 KAR 5:006, SECTION 24(3))	

ORDER

Murray Water District No. 3 ("Murray District") has applied for a deviation from Administrative Regulation 807 KAR 5:006, Section 24(3), which requires a utility to adopt and execute a safety program that instructs "employees who, in the course of their work, are subject to the hazard of electric shock, asphyxiation or drowning, in the accepted methods of artificial respiration." Finding that the requested relief is not necessary, we deny the application.

Murray District is a water district that owns and operates facilities that distribute water to approximately 297 customers in Calloway County, Kentucky. It purchases its total water requirements from the city of Murray, Kentucky. Murray District does not own or operate any pumping stations or other facilities to distribute water or otherwise maintain water pressure. It does not own or operate any storage facilities and does not add any disinfectants to its purchased water.

On September 4, 2003, Commission Staff inspected Murray District's facilities and records. In the report of its inspection, Commission Staff found that Murray District was not in compliance with Administrative Regulation 807 KAR 5:006, Section 24(3), as the utility's safety program did not include a course of instruction in the accepted

methods of artificial respiration. In response to this report, Murray District on June 29, 2004 applied for a deviation from Administrative Regulation 807 KAR 5:006, Section 24(3). In support of its application, Murray District argued that it had only two employees and that neither employee performed his or her employment duties in the presence of the other. Denying the application, we declared:

The purpose of the regulation is to ensure the delivery of safe, reasonable, reliable and adequate utility service. While the protection of utility employees is one component of the regulation, the protection of the general public is another. To the extent that utility employees work in close proximity to utility facilities, they represent the first line of defense against utility-related safety incidents involving the general public and are likely to be the first responders in such incidents. Knowledge of and training in an acceptable method of artificial respiration, therefore, remains critical and cannot be summarily excused.

Murray Water District No. 3, Case No. 2004-00274 (Ky. PSC Nov. 10, 2004) at 1.

Murray District has renewed its efforts for a deviation. In its current application, it states that it has only two employees, that neither employee performs his or her duties in the other's presence, and that neither employee is subject to the hazard of electrical shock, asphyxiation or drowning. It notes its lack of any pumping station or water storage facility and the absence of any chemical processes in its operations.

Having reviewed the current application, the Commission finds that, as no Murray District employee is in the course of his or her work subject to the hazard of electric shock, asphyxiation or drowning, Administrative Regulation 807 KAR 5:006, Section 24(3), does not presently require Murray District to adopt a safety program that includes instruction in accepted methods of artificial respiration and that the requested deviation is therefore unnecessary.

Moreover, we find that the interpretation of Administrative Regulation 807 KAR 5:006, Section 24(3), expressed in Case No. 2004-00274 is overbroad and should be overruled. The regulation requires a safety program instruction in accepted methods of artificial respiration only for those employees who are subject to hazard of electrical shock, asphyxiation or drowning. It was not intended to cover office employees or those employees whose duties would not normally expose them to such hazards. While the Commission encourages utilities to provide artificial respiration training to all employees as means of enhancing public safety and preparedness, Administrative Regulation 807 KAR 5:006, Section 24(3), does not require universal training.

IT IS THEREFORE ORDERED that Murray District's application for a deviation from Administrative Regulation 807 KAR 5:006, Section 24(3), is denied as moot.

Done at Frankfort, Kentucky, this 1st day of July, 2005.

By the Commission

ATTEST:


Executive Director