

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NICHOLAS COUNTY WATER DISTRICT)	
REQUEST FOR DEVIATION FROM)	CASE NO.
ADMINISTRATIVE REGULATION 807 KAR 5:006,)	2006-00162
SECTION 24(3))	

ORDER

Nicholas County Water District (“Nicholas 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.

Nicholas District is a water district that owns and operates facilities that distribute water to approximately 1,382 customers in Nicholas County, Kentucky. Nicholas District purchases its total water requirements from the city of Carlisle, Buffalo Trail Water Association, Western Fleming, and the city Of Millersburg, Kentucky.

Nicholas District, on April 20, 2006, applied for a deviation from Administrative Regulation 807 KAR 5:006, Section 24(3). In support of its application, Nicholas District argued that it had only two employees, and that neither employee performed his or her employment duties in the presence of the other, and that neither employee is subject to the hazard of electrical shock, asphyxiation or drowning.

Having reviewed the current application, the Commission finds that, as no Nicholas 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 Nicholas District to adopt a safety program that includes instruction in accepted methods of artificial respiration, and that the requested deviation is, therefore, unnecessary.

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 Nicholas 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 17th day of May, 2006.

By the Commission

ATTEST:


Executive Director