

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

THE APPLICATION OF ATMOS ENERGY)	
CORPORATION FOR AUTHORITY TO)	CASE NO.
DEVIATE FROM THE REQUIREMENTS OF)	2017-00169
807 KAR 5:006, SECTION 26(5)(A)1.C. AND)	
(5)(C))	

ORDER

On April 17, 2017, Atmos Energy Corporation (“Atmos”), filed an application requesting a deviation from 807 KAR 5:006, Section 26(5)(a)1.c., and (5)(c), which requires that a utility inspect the accessibility of its curb boxes and valves on service lines at intervals not to exceed 15 months, but at least once each calendar year, and inspect the operable condition of its curb boxes and valves on service lines at intervals not to exceed the periodic meter test intervals.

Atmos has requested a deviation allowing it to inspect both the accessibility and operable condition of its curb boxes and valves on service lines at least once every 36 months. Atmos has stated that the requested deviation would result in significant cost savings for ratepayers, with no corresponding increase in safety-related concerns or incidents.

Commission Staff issued and Atmos responded to two rounds of discovery. There are no intervenors in this matter and the case now stands submitted for a decision.

Atmos has 3,360 curb boxes installed in Kentucky. It currently inspects each curb box for accessibility and operable condition on a 12-month cycle, at an annual estimated

cost of \$161,280.¹ Atmos requests to implement a 36-month inspection cycle, with one-third of all curb boxes and valves to be inspected in any given year.² Atmos states that these savings can be achieved without creation of any new or additional risk to public safety.³

807 KAR 5:006, Section 28, provides that the Commission may grant a deviation from the rules for good cause shown. The Commission has previously granted deviations from the inspection requirements for curb boxes and valves on service lines. In granting those deviations, the Commission has considered whether a utility can demonstrate that, in lieu of the curb box, another means exists (such as a service tee with a positive shut-off device) to terminate service in an emergency when the meter is inaccessible.⁴ The Commission has further provided deviations for inspection periods based on a designation of two separate classes of curb boxes.⁵ Class One curb boxes have been defined as:

- 1) All curb boxes required to be installed under 807 KAR 5:022, Section 9(17)(a)1.;
- 2) All curb boxes connected to service lines with indoor meters;
- 3) All curb boxes connected to service lines that serve designated buildings.

Designated buildings are defined as:

¹ Application at 4.

² *Id.*

³ *Id.* See also Atmos's Affidavit of compliance, filed Sep. 21, 2017.

⁴ See Case No. 9607, *Louisville Gas and Electric Company's Failure to Comply with Curb Box Accessibility Requirements* (Ky. PSC May 21, 1987).

⁵ See Case No. 9907, *The Application of Columbia Gas of Kentucky, Inc. for an Order Authorizing Deviation from 807 KAR 5:006, Section 23(4)(a)(3)* (Ky. PSC Jan. 25, 1989).

a. Any school, hospital, rest or nursing home, shopping center, government building, or recognized day-care center.

b. Any building in a business district.

c. Any building of public assembly that is occupied by 20 or more persons during normal use. Normal use is defined as occupancy on at least five days a week for ten weeks in any 12-month period (days and weeks need not be consecutive.).

Class Two curb boxes have been defined as those not classified as Class One as defined above, i.e., the curb box is not; connected to a service line required to be installed under 807 KAR 5:022, Section 9(17)(a)1; connected to an indoor meter; or connected to a designated building.⁶ The Commission has required annual accessibility inspections for Class One curb boxes, and granted extended periods for inspections of Class Two curb boxes.⁷

Atmos has stated that if a curb box is not accessible, the meter assembly has a valve, and there are also section valves within geographical areas, that can be used to turn off service.⁸ Despite this reassurance, the Commission finds that, in the interest of public safety, the above designations of curb box classes should be implemented and Atmos should be required to perform annual accessibility inspections for curb boxes and valves on service lines that are designated as Class One.

⁶ *Id.*

⁷ *Id.*

⁸ PSC Informal Conference Memorandum, Sep. 19, 2017.

Based on the evidence of record and being otherwise sufficiently advised, the Commission finds that Atmos should be allowed to deviate from the requirements of 807 KAR 5:006, Section 26(5)(a)1.c., and (5)(c), to inspect the accessibility and operable condition of its curb boxes and valves on service lines at least once every 36 months only for those designated as Class Two. Atmos should be required to perform annual accessibility inspections for curb boxes and valves on service lines that are designated as Class One.

IT IS THEREFORE ORDERED that:

1. Atmos's deviation from the inspection requirements of 807 KAR 5:006, Section 26(5)(a)1.c. and (5)(c), is approved for its curb boxes and valves designated as Class Two.

2. Atmos shall perform annual accessibility inspections for curb boxes and valves on service lines that are designated as Class One, which includes:

a. All curb boxes required to be installed under 807 KAR 5:022, Section 9(17)(a)1.;

b. All curb boxes connected to service lines with indoor meters;

c. All curb boxes connected to service lines that serve designated buildings.

d. Designated buildings are defined as:

i. Any school, hospital, rest or nursing home, shopping center, government building, or recognized day-care center.

ii. Any building in a business district.

iii. Any building of public assembly that is occupied by 20 or more persons during normal use. Normal use is defined as occupancy on at least five days a week for ten weeks in any 12-month period (days and weeks need not be consecutive).

3. Within 30 days of the issuance of this Order, Atmos shall provide to the Commission information regarding how many of its curb boxes will fall into each class and what the anticipated savings will be under the deviation, as ordered.

By the Commission



ATTEST:


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