

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WEST	)	
DAVISS COUNTY WATER DISTRICT FOR A	)	CASE NO.
DEVIATION FROM METER TESTING	)	2020-00137
REQUIREMENTS	)	

ORDER

On June 8, 2020, West Daviess County Water District (West Daviess District) filed an application, pursuant to 807 KAR 5:001, Section 14, and 807 KAR 5:066, Section 18, with the Commission seeking a deviation from the meter testing requirements of 807 KAR 5:066, Section 16(1), regarding the frequency of testing its 5/8-inch x 3/4-inch Sensus SRII meters.<sup>1</sup> West Daviess District responded to two rounds of discovery,<sup>2</sup> and amended its application on August 6, 2020, to reflect more accurate cost savings than those estimated in the original application.<sup>3</sup> No party sought intervention in this proceeding and on August 31, 2020, West Daviess District filed a request that the Commission issue a decision on the existing record without a hearing.<sup>4</sup> The record is complete and the matter stands ready for decision.

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<sup>1</sup> Application at 1.

<sup>2</sup> Response to Staff's First Request (filed July 24, 2020); Response to Staff's Second Request (filed Aug. 28, 2020).

<sup>3</sup> Amended Application at 1.

<sup>4</sup> Statement for a Decision on the Record (filed Aug. 31, 2020).

## BACKGROUND

West Daviess District seeks the Commission's approval for a sample meter testing plan (Sample Testing Plan) regarding its 5/8-inch x 3/4-inch Sensus SRII meters. West Daviess District proposes to allow its 5/8-inch x 3/4-inch Sensus SRII meters to remain in service for 15 years without individually testing the meters, as required by 807 KAR 5:066, Section 16(1). West Daviess District instead proposes to test only a randomly selected sample of these meters after they have been in service for ten years, and to continue testing the same randomly selected sample of each group of meters for five years.<sup>5</sup> For example, in 2020 West Daviess District tested a randomly selected sample of 35<sup>6</sup> of the 824<sup>7</sup> 5/8-inch x 3/4-inch Sensus SSRII meters West Daviess District originally placed into service in 2010.<sup>8</sup> West Daviess District estimates it will save \$109,104 in labor and testing costs over six years, from 2020 through 2025, by sample testing its 5/8-inch x 3/4-inch Sensus SRII meters rather than individually testing them.<sup>9</sup>

If the Commission approves the Sample Testing Plan, West Daviess District will test the same sample of meters again in 2021 and will also randomly select a sample of the meters it originally placed into service in 2011 and test that sample as well. This process of randomly selecting a sample of meters placed into service in a given year, and testing those meters, along with the samples selected in prior years, will continue through

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<sup>5</sup> Application, Exhibit 1. Sample Meter Testing Plan for West Daviess County Water District 5/8-inch x 3/4-inch Sensus Meters at 1–7.

<sup>6</sup> Sample Testing Plan, Appendix B.

<sup>7</sup> Sample Testing Plan, Section 3.0.

<sup>8</sup> Application at 4–5.

<sup>9</sup> Amended Application, Appendix B at B-2.

2025. West Daviess District will annually file the sample test results with the Commission.<sup>10</sup> After the first group of sample-tested meters reaches 15 years of age, West Daviess District indicates that it will evaluate the data from the sample testing and request that the Commission (1) extend the Sample Testing Plan; (2) allow West Daviess District to replace meters on a 15-year cycle; or (3) approve another appropriate course of action.<sup>11</sup>

West Daviess District's Sample Testing Plan is based, in part, on the sample-testing procedures set forth by the American National Standard Institute, *ANSI/ASQ Z1.9-2003 (2013) (ANSI/ASQ Standards)*.<sup>12</sup> West Daviess District indicates that it is only requesting a deviation from periodic testing for its 5/8-inch x 3/4-inch Sensus SR11 meters,<sup>13</sup> which make up the bulk of its 5/8-inch x 3/4-inch meters.<sup>14</sup> As discussed above, under the Sample Testing Plan, West Daviess District would assign those meters to lots based on the year they were placed in service and would test samples from each lot in the meters' tenth through fifteenth years of service to assess the performance of the lots as a whole in each year.<sup>15</sup> West Daviess District will use "an Excel spreadsheet, its billing system, or another computerized process to randomly select meters for testing" from each lot.<sup>16</sup> The sample size for each lot will be established pursuant to the ANSI/ASQ

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<sup>10</sup> Application at 5.

<sup>11</sup> Application at 5–6.

<sup>12</sup> Sample Testing Plan, Section 3.0.

<sup>13</sup> *Id.*, Application at 1.

<sup>14</sup> Response to Staff's First Request (filed July 24, 2020), Item 7.

<sup>15</sup> Sample Testing Plan, Section 3.0.

<sup>16</sup> *Id.*

Standards based on the method of inspection used, the Acceptance Quality Limit (AQL), and the Inspection Level (as those terms are used in that standard).<sup>17</sup>

In its Sample Testing Plan, West Daviess District proposes testing the maximum and intermediate flow rates of its meters using the Double Specification Limit Variability Unknown-Standard Deviation Method (DSL Method) set forth in the ANSI/ASQ Standards with an AQL of 2.5 and Inspection Level II.<sup>18</sup> It proposes testing the low flow rate of West Daviess District's meters using the Single Specification Limit Variability Unknown Standard Deviation Method (SSL Method) with an AQL of 10 and Inspection Level I.<sup>19</sup>

West Daviess District asserts that the DSL Method it proposes using to test the high and intermediate flow rate is not the appropriate method to test the low flow rate, because 807 KAR 5:066, Section 15(2), provides for both upper and lower accuracy limits for maximum and intermediate flow rates, while the single lower accuracy limit for minimum flow rates necessitates the use of the SSL Method.<sup>20</sup> However, as West Daviess District notes in its Sample Testing Plan, Section 2.0, Rules and Regulations, 807 KAR 5:066, Section 15(2)(a), provides for both upper and lower accuracy limits at minimum flow rate for both new and rebuilt meters.<sup>21</sup> The accuracy limit West Daviess District proposes to use at minimum flows in its Sample Testing Plan is the accuracy limit

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<sup>17</sup> *Id.*

<sup>18</sup> Sample Testing Plan, Section 3.0.

<sup>19</sup> *Id.*

<sup>20</sup> Response to Staff's Second Request (filed Aug. 28, 2020), Item 11. Sample Testing Plan, Section 3.0.

<sup>21</sup> 807 KAR 5:066, Section 15(2)(a), specifies that the accuracy limits for new and rebuilt 5/8- x 3/4-Inch meters are 95 percent (lower limit) and 101 percent (upper limit).

for repaired meters.<sup>22</sup> West Daviess District acknowledges the meters it plans to subject to sample testing were new when they were installed.<sup>23</sup> Further, West Daviess District acknowledges it does not repair meters and place them back into service.<sup>24</sup> Therefore, West Daviess District has no meters in its system for which the 90 percent accuracy limit at minimum flow is appropriate under 807 KAR 5:066, Section 15(2)(a).

West Daviess District also states that a lower level of scrutiny is appropriate for testing the accuracy of meters at a low flow rate because very small amounts of water are used at low flow rates.<sup>25</sup> West Daviess District relies on the Commission's decisions in other proceedings<sup>26</sup> in which the Commission has approved extending the testing periods of meters based on test results that judged minimum flow rates at an accuracy limit of 90 percent as evidence that the accuracy limit of 90 percent is appropriate when testing a 5/8-inch x 3/4-inch meter at minimum flow.<sup>27</sup> As stated above a 90 percent accuracy limit is appropriate for *repaired* 5/8-inch x 3/4-inch meters under 807 KAR 5:066,

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<sup>22</sup> 807 KAR 5:066, Section 15(2)(a), specifies that the accuracy limit for a repaired 5/8- x 3/4-Inch meter is 90 percent.

<sup>23</sup> Response to Staff's Second Request (filed Aug. 28, 2020), Item 10.

<sup>24</sup> Response to Staff's Second Request (filed Aug. 28, 2020), Item 7.

<sup>25</sup> Sample Testing Plan, Section 3.0.

<sup>26</sup> Sample Testing Plan, Section 2.0, citing: Case No. 2016-00432, *Electronic Application of Hardin County Water District No. 2 for a Declaratory Order That Sample Testing Satisfies the Testing Requirements of 807 KAR 5:066, Section 16(1) or, in the Alternative, for an Order Granting a Deviation from 807 KAR 5:066, Section 16(1)* (Ky. PSC Mar. 22, 2018); Case No. 2011-00220, *Joint Application of Warren County Water District, Simpson County Water District, and Butler County Water System, Inc., for a Deviation from Approved Meter Testing Program* (filed June 28, 2011) Application at Appendix A, *overruled on other grounds by Warren County Water District, et al. v. Commonwealth of Kentucky, Public Service Commission*, Civil Action No. 13-CI-401 (Ky. Franklin Cir. Ct. 2014); Case No. 2009-00253, *In the Matter of: Kentucky-American Water Company's Request for Permission to Deviate from 807 KAR 5:066, Section 16(1)* (Ky. PSC Oct. 5, 2011) at 6.

<sup>27</sup> *Id.*, Response to Staff's First Request (filed July 24, 2020), Items 10j and 10k.

Section 15(2)(a). A 90 percent accuracy limit is also prescribed for repaired 5/8-inch x 3/4-inch meters by the American Water Works Association (AWWA).<sup>28</sup> The AWWA meter accuracy standards for 5/8-inch x 3/4-inch meters are currently identical to the accuracy standards in Commission regulations.<sup>29</sup> When testing meters at the maximum and intermediate flow rates, the AWWA and 807 KAR 5:066, Section 15(2)(a), both prescribe the same accuracy limits for all meters (new, repaired, and rebuilt), it is only when testing a repaired meter at minimum flow rates that the AWWA and 807 KAR 5:066, Section 15(2)(a), prescribe the 90 percent accuracy limit.<sup>30</sup>

The Commission notes that the meters for which West Daviess District proposes sample testing are warranted to meet the AWWA standards for **repaired** meters for 15 years or until registering 1,500,000 gallons whichever occurs first.<sup>31</sup> Because, as stated above, West Daviess District has no repaired meters in the group of meters it proposes to sample test, the deviation sought by West Daviess District is a deviation from mandatory testing for all 5/8-inch x 3/4-inch SRII meters after ten years of service,<sup>32</sup> and a deviation from the accuracy limit for West Daviess District's SRII meters, which were new when placed into service, when testing at minimum flow.<sup>33</sup> West Daviess District's

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<sup>28</sup> See Response to Staff's First Request (filed July 24, 2020), Item 3, and Exhibit 3-1 at 4.

<sup>29</sup> See Response to Staff's First Request (filed July 24, 2020), Exhibit 3-1 at 4 (a table displaying the AWWA standard); 807 KAR 5:066, Section 15(2)(a) (incorporating a table that is identical to the AWWA standard in relevant part).

<sup>30</sup> Response to Staff's First Request (filed July 24, 2020), Exhibit 3-1 at 4.

<sup>31</sup> Application at 7 and Exhibit 3; Sample Meter Testing Plan, Section 4.0.

<sup>32</sup> 807 KAR 5:066, Section 16(1).

<sup>33</sup> 807 KAR 5:066, Section 15(2)(a).

request is essentially to sample test their 5/8-inch x 3/4-inch SRII meters, and to apply the accuracy standards to which the meters are warranted.

### DISCUSSION

Pursuant to 807 KAR 5:066, Section 16(1), a utility is required to periodically test all 5/8-inch x 3/4-inch meters such that no meter shall remain in service without a test for more than ten years. The Commission may grant a deviation from the periodic testing requirements pursuant to 807 KAR 5:066, Section 18, which states that “for good cause shown, the commission may permit deviations from this administrative regulation.” The party requesting the deviation bears the burden of proving that good cause exists for granting a deviation.<sup>34</sup> West Daviess District maintains that good cause exists for a deviation as requested for the following reasons:

1. In 2020, West Daviess District sample tested its ten-year-old 5/8-inch x 3/4-inch SRII meters installed in 2010. West Daviess District maintains that the results of these tests show that the meters of this age group remain remarkably accurate after ten years of service.<sup>35</sup>

2. The use of sample testing in West Daviess District results in significant cost savings for West Daviess District.<sup>36</sup> West Daviess District argues granting the requested

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<sup>34</sup> *Energy Regulatory Comm’n v. Kentucky Power Co.*, 605 S.W.2d 46, 50 (Ky. App. 1980) (“Applicants before an administrative agency have the burden of proof.”).

<sup>35</sup> Application at 6; See also Sample Testing Plan, Appendix A (test results of sample meters placed into service in 2010 reveal that all of the meters tested in 2020 performed at the accuracy levels for new or rebuilt meters for all flow levels, including minimum flow).

<sup>36</sup> Application at 6; See also Amended Application, Appendix B (West Daviess District estimates that it will save \$109,104 during the period of 2020 through 2025 if sample testing is implemented as proposed.) (\$136,464 cost to test all ten year-old meters in 2020 through 2025, \$27,360 cost to sample test meters according to West Daviess Sample Testing Plan \$136,464 - \$27,360 = \$109,104).

deviation will ensure that West Davies District immediately receives the cost benefits associated with sample meter testing.

3. West Daviess District's Sample Testing Plan calls for West Daviess District to annually update the Commission with the results of the sample testing, therefore, West Daviess District argues granting a deviation will not erode any protection for West Daviess District's customers or limit the Commission's ability to ensure accurate billing for utility service.<sup>37</sup>

4. The manufacturer's warranty of the 5/8-inch x 3/4-inch Sensus SR11 meters is strong evidence that the meters will remain accurate for at least 15 years.<sup>38</sup> Under the Sample Testing Plan the meters will not remain in service longer than 15 years without Commission approval.

5. West Daviess District maintains its Sample Testing Plan is consistent with the plans the Commission reviewed in Case Nos. 2019-00115 and 2016-00432 and incorporates the modifications the Commission made in those cases.<sup>39</sup>

6. West Daviess District argues its plan ensures the Commission's ability to more closely monitor the accuracy of West Daviess District's meters than the Commission would be able to do under the regulation.<sup>40</sup>

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<sup>37</sup> Application at 6. See also Sample Meter Testing Plan, Section 4.0.

<sup>38</sup> Application at 7. See also Application, Exhibit 3.

<sup>39</sup> Application at 8.

<sup>40</sup> Application at 8. (West Daviess District notes that under the regulation meters are individually tested after ten years in service, and, if accurate upon such testing, are then returned to service without being subject to further testing for another ten years.)



Based on the information currently in the record, the Commission does find that West Daviess District's claims of cost saving are credible.<sup>41</sup> Specifically, West Daviess District will experience, on average, an annual cost savings of \$18,184 based on labor and other costs associated with meter testing.<sup>42</sup> Thus, the Commission finds that West Daviess District's plan is likely to result in cost savings. However, cost savings, while important, are not dispositive of whether West Daviess District has shown good cause for the deviation requested because the inspection obligation in 807 KAR 5:066, Section 16(1), is intended, among other things, to protect customers from being overcharged by inaccurate meters and to ensure that customers are charged fairly.<sup>43</sup> In response to those concerns, West Daviess District argues that its proposed deviation provides adequate assurances as to the accuracy of meters because all of its 5/8-inch x 3/4-inch Sensus SR11 meters have a 15-year warranty as to their accuracy, the Commission has previously granted similar deviations, and the accuracy of the meters will be monitored, at least in part, pursuant to the Sample Testing Plan.<sup>44</sup>

The Commission notes that in applying for its deviation, West Daviess District did not address the potential effects on revenue of keeping the meters in place for 15 as opposed to ten years without individual testing. Potential revenue losses from keeping

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<sup>41</sup> Unlike the utility in Case No. 2019-00115, West Daviess District makes no argument that it will save money by virtue of delaying the replacement of its meters.

<sup>42</sup> \$109,104 total savings divided by 6 years of the Sample Testing Plan.

<sup>43</sup> See Case No. 2011-00220, *Joint Application of Warren County Water District, Simpson County Water District, and Butler County Water System, Inc. for a Deviation from Approved Meter Testing Program* (Ky. PSC Mar. 5, 2013), Order at 7 (Warren County Water Sample Testing Order, Case No. 2011-00220) (noting the various reasons for sample testing, including the need to accurately charge customers). See also KRS 278.210(4) (which allows a utility to obtain a deviation if sample testing reveals costs savings and that "no statistically significant number of its meters over-register").

<sup>44</sup> Application at 6–8. See Application, Exhibit 3 (providing meter warranties).

older meters in service are important, particularly in matters involving a nonprofit utility because a decrease in revenue from water loss through defective meters or otherwise is ultimately borne by the consumer in the form of higher rates. West Daviess District's unaccounted for water loss has now returned to an acceptable range after having steadily increased since 2015.<sup>45</sup> Moreover, West Daviess District's sample testing plan, as discussed in more detail herein, should allow it and the Commission to monitor meter accuracy and, therefore, any potential revenue loss as the meters age. Nevertheless, in the event West Daviess District later seeks a deviation pursuant to KRS 278.210, or any further extension of the meters' service life it should be prepared to discuss any revenue loss, and as discussed below, justify the use of the lower 90 percent accuracy limit when testing its meters at minimum flow.

West Daviess District did provide evidence that its 5/8-inch x 3/4-inch Sensus SR11 meters are warranted to meet AWWA meter accuracy standards for repaired meters for 15 years from the date of shipment or the registration of 1,500,000 gallons whichever occurs first.<sup>46</sup> As discussed above, AWWA meter accuracy standards for 5/8-inch x 3/4-inch meters are currently identical to the accuracy standards in Commission regulations.<sup>47</sup> Both standards impose an accuracy limit of 98.5 to 101.5 percent for all 5/8-inch x 3/4-

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<sup>45</sup> *Annual Report of West Daviess County Water District for the Year ended December 31, 2016*, at 56 (water loss percentage of 14.3); *Annual Report of West Daviess County Water District for the Year ended December 31, 2017*, at 56 (water loss percentage 15.9); *Annual Report of West Daviess County Water District for the Year ended December 31, 2018*, at 57 (water loss percentage 16.7); *Annual Report of West Daviess County Water District for the Year ended December 31, 2019*, at 57 (water loss percentage 17.5); Application, Exhibit 4 (reporting a water loss percentage of 13.39 from Oct. 2019 through Apr. 2020); Response to Staff's Second Request (filed Aug. 28. 2020), Exhibit 5 (reporting a water loss percentage of 11.59 for Jan. 2020 through July 2020).

<sup>46</sup> Application, Exhibit 3.

<sup>47</sup> See 807 KAR 5:066, Section 15(2)(a) (incorporating a table that is identical to the AWWA standard in relevant part).

inch meters at the maximum and intermediate flow rates; an accuracy limit of 95 to 101 percent for new and rebuilt 5/8-inch x 3/4-inch meters at the minimum flow rate; and an accuracy limit of 90 percent for repaired 5/8-inch x 3/4-inch meters at the minimum flow rate.<sup>48</sup> Thus, West Daviess District's 5/8-inch x 3/4-inch meters are warranted to meet the Commission's accuracy standards for all meters at maximum and intermediate flows and for repaired meters at low flow for approximately 15 years. Although none of the meters West Daviess District proposes to subject to sample testing would be considered a "repaired meter" as that term is defined in 807 KAR 5:066, Section 15(2)(a), the Commission notes that the accuracy limit of 90 percent for 5/8-inch x 3/4-inch meters at minimum flow was used by Kentucky-American Water Company (Kentucky-American) in conducting its pilot study for sample testing meters older than ten years as approved in Case No.1996-00569,<sup>49</sup> and has been the standard adopted,<sup>49</sup> in other sample testing plans authorized by the Commission for several years.<sup>50</sup> However, the Commission, although it approved Kentucky-American's and similar sample testing plans, has made no finding that applying a 90 percent accuracy limit when testing meters at minimum flow ensures that West Daviess District's or the other utilities with similar sample testing plans,

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<sup>48</sup> 807 KAR 5:066, Section 15(2)(a); Response to Staff's First Request (filed July 24, 2020), Exhibit 3-1 at 4.

<sup>49</sup> Case No. 1996-00569, *The Application of Kentucky-American Water Company for Permission to Deviate from the Requirements of 807 KAR 5:066, Section 16(1) of the Commission's Rules*. (Ky. PSC Sept. 30, 1997).

<sup>50</sup> Case No. 2016-00432, *Electronic Application of Hardin County Water District No. 2 for a Declaratory Order That Sample Testing Satisfies the Testing Requirements of 807 KAR 5:066, Section 16(1) or, in the Alternative, for an Order Granting a Deviation from 807 KAR 5:066, Section 16(1)*, (Ky. PSC Mar. 22, 2018); Case No. 2019-00115, *Electronic Application of Grayson County Water District for a Deviation from Meter Testing Requirements of 807 KAR 5:066, Section 16(1)*, (Ky. PSC Apr. 28, 2020); Case No. 2009-00253, *In the Matter of: Kentucky-American Water Company's Request for Permission to Deviate from 807 KAR 5:066, Section 16(1)* (Ky. PSC Oct. 5, 2011).

customers are charged fairly or identify under-registering meters adequately enough to prevent revenue loss caused by unaccounted for water loss. Therefore, as stated above, the Commission expects West Daviess District and any other similarly situated utility to address the issue of revenue loss and to justify the use of a 90 percent accuracy limit for low flow testing in any future filing seeking an extension of the meters' service life or a deviation pursuant to KRS 278.210.

West Daviess District's requested deviation is further supported, in part, by sample tests performed by Warren County Water District, Simpson County Water District, Butler County Water System, Inc., and Kentucky-American. The Commission granted those utilities a deviation from 807 KAR 5:066, Section 16(1), allowing them to keep their 5/8-inch x 3/4-inch meters or 5/8-inch meters, depending on the utility, in place for 15 years without any testing based on sample tests showing that the meters remained accurate for that period.<sup>51</sup> While those tests are not conclusive as to the performance of West Daviess District's meters, because they involved different systems and meters manufactured at an earlier time than the meters West Daviess District seeks to subject to sample testing, they do provide some general evidence as to the accuracy of modern 5/8-inch x 3/4-inch meters after 15 years of service. Thus, those tests provide some support for the position that West Daviess District's meters can be expected to perform within the accuracy

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<sup>51</sup> See Case No. 2011-00220, *Joint Application of Warren County Water District, Simpson County Water District, and Butler County Water System, Inc. for a Deviation from Approved Meter Testing Program*, (Ky. PSC Mar. 5, 2013) (allowing meters to remain in place without periodic testing for 15 years as opposed to the 21 years requested, in part, because sample testing showed "that a significant number of the meters sampled begin to fall below the repaired meter accuracy requirements after 15 years of service"); Case No. 2009-00253, *Kentucky-American Water Company's Request for Permission to Deviate from 807 KAR 5:066, Section 16(1)* (Ky. PSC Oct. 5, 2011).

standards established by 807 KAR 5:066, Section 15(2)(a), for 15 years, but they do not establish that West Daviess District's specific meters will remain accurate on its system.

West Daviess District proposed the Sample Testing Plan to provide further assurance that its 5/8-inch x 3/4-inch Sensus SR11 meters will perform within the accuracy standards. While there are some potential issues with West Daviess District's Sample Testing Plan as discussed below, the Commission does find that it will provide some basis for monitoring the performance of the meters for which a deviation is being granted. Further, if an inspection lot fails a sample test, West Daviess District proposes to remove the lot from service unless a subgroup can be identified within the lot in which case the subgroup will be removed from service.<sup>52</sup> Thus, the Commission finds that granting West Daviess District a deviation from 807 KAR 5:066, Section 16(1), to allow it to keep its Sensus SR11 meters in-service for 15 years with sample testing, using the accuracy limits West Daviess District proposes, and implementing the annual reporting procedures as provided in the Sample Testing Plan, is likely to provide West Daviess District with valuable information concerning the useful service life of its Sensus SR11 meters and to provide sufficient safeguards against undetected meter failures. Therefore, the Commission finds that West Daviess District's request for a deviation should be granted.

The Commission notes that its decision to grant the deviation requested is based on all of the facts and circumstances in this case. The Commission is making no determination regarding whether West Daviess District's Sample Testing Plan is "based on established scientific, engineering, and economic methods" necessary to justify a deviation pursuant to KRS 278.210(4). In fact, there are some questions as to whether

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<sup>52</sup> Sample Testing Plan, Section 3.0.

the Sample Testing Plan would satisfy the requirements for obtaining a deviation pursuant to KRS 278.210(4).<sup>53</sup>

The ANSI/ASQ Standards at section A7.2 require that all samples from a particular lot be selected “without regard to their quality.”<sup>54</sup> West Daviess District stated that it would satisfy this requirement by using a random, computerized process to select the meters to be tested from a particular lot beginning when that lot reached ten years in service. West Daviess District then stated that:

If a randomly selected meter has been vandalized or tampered with, that meter will be replaced by another random selection. Similarly, if a randomly selected meter has suffered a mechanical or other failure that is not equally likely to occur at the same or a similar rate in the lot as a whole, it will be removed and replaced by another random selection. In its annual meter testing reports to the Commission, West Daviess District will report any vandalized, tampered, or failed meter that was replaced and explain why it was not used to determine the acceptability of the sample. . . .

If the sample is not accepted under the ANSI Standard and a poorly performing sub-group can be identified for separation from the original control group, the deviate sub-group will be removed from service within 6 months. If, by removal of a specific sub-group of meters, West Daviess District can demonstrate that the original control group of meters now

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<sup>53</sup> West Daviess District relies on its use of the ANSI/ASQ Standard and the Commission’s previous approval of plans using the standard to demonstrate the effectiveness of the Sample Testing Plan. However, the ANSI/ASQ Standard does not address every situation. For instance, the ANSI/ASQ Standard does not anticipate sample testing the same lot multiple times over several years. See Response to Staff’s First Request (filed July 23, 2020), Item 10d. As discussed in more detail below, doing so raises the possibility that meters would be selected from a lot based on performance. Further, the ANSI/ASQ Standard does not assign an AQL, which generally represents the average number of a lot that may fail to meet a particular specification, but rather indicates that the AQL should be specified by the parties because the standard was designed to measure quality in a production setting and, therefore, anticipated that there would be a manufacturer and a purchaser to establish an AQL. See ANSI/ASQ Standard A1.1-A2.6. West Daviess District did not present testimony that the manner in which it handled or will handle issues not addressed by the ANSI/ASQ Standard would result in statistically accurate results.

<sup>54</sup> Pursuant to ANSI/ASQ Standard, A5.1.1 a lot “shall, as far as is practicable, consist of units of product of a single type, grade, class, size, or composition manufactured under essentially the same conditions.” Here, a “lot” is the total number of Sensus SR11 meters placed into service by West Daviess District in a given year.

meets the applicability standard, the remaining meters in the original control group shall remain in service.<sup>55</sup>

The Commission observes that the exclusion of meters from a sample group or from a lot simply because, upon testing, they were found to have suffered a failure or been damaged will result in the selection of meters based on quality. For instance, if West Daviess District were to replace a meter in a sample group for testing in 2021 after sample testing in 2020 revealed that it was not measuring properly, then the results would be skewed in favor of finding that meters remain accurate because a meter that had tested as inaccurate would be replaced by a randomly selected meter that may or may not be accurate.<sup>56</sup> Similarly, although the effect would not be as great, if West Daviess District randomly selected sample groups from a lot each year, but removed meters that failed to meet the accuracy standards upon testing, as it would be required to do, then the percentage of meters in the lot that would fail the test would be reduced such that when the sample group was selected the following year the chance that failing meters would be selected would be artificially reduced, unless West Daviess District continued to account for the meter that was removed in a statistically appropriate manner. Thus, the Commission finds that a meter randomly selected for testing should not be excluded from

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<sup>55</sup> Sample Testing Plan, Section 3.0.

<sup>56</sup> As an example, if 33% of meters fail to register accurately after ten years of service, then one would expect 10 out of 30 meters to test as inaccurate if you tested the meters after ten years of service. If those ten meters were then removed from the sample group and replaced with ten randomly selected meters from the lot, then about three (33%) of those replacement meters would test as inaccurate on average, which would change the tested rate of inaccuracy to about 10% despite an actual rate of inaccuracy of 33%. If those three meters were then removed from the sample group and replaced with three randomly selected meters, then one of those meters (again 33%) on average would test as inaccurate, which would change the tested rate of inaccuracy to about 3% despite an actual rate of inaccuracy at 33%. While this is an example that does not account for numerous variables, it illustrates how replacing samples that fail to measure accurately from a lot will artificially inflate the tested accuracy of the meters overtime because it results in selection based on quality.

a sample group or the inspection lot as proposed by West Daviess District and should be accounted for in a statistically appropriate manner even if removed from service unless West Daviess District can establish that the damage or failure was or would have been identified within a reasonable period in the ordinary course of business even if the meter had not been selected for sample testing.

The Commission also notes that based on the AQL and inspection level proposed by West Daviess District for testing meters that the ANSI/ASQ Standard would require West Daviess District to test substantially fewer meters at low flow than at high and intermediate flow. For instance, in 2020 West Daviess District had 854 Sensus SR11 meters in a lot. Applying the ANSI/ASQ Standard as it proposes to apply it in its Sample Testing Plan, West Daviess District was required to test 35 meters at high and intermediate flow, but would only be required to test seven meters at low flow.<sup>57</sup> West Daviess District estimates that it will take one additional hour to test every meter pulled for high and intermediate flow tests at low flow as well.<sup>58</sup> In addition, West Daviess District estimates testing all meters pulled for high and intermediate flow at low flow as well will require 30 additional gallons of water.<sup>59</sup> The Commission finds that obtaining the additional information regarding the performance of the meters at such minimal expense would be cost beneficial for evaluating the performance of the meters. Thus, the Commission finds that West Daviess District should test all meters pulled for high and intermediate testing at low flow.

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<sup>57</sup> Sample Testing Plan, Section 3.0.

<sup>58</sup> Response to Staff's Second Request (filed Aug. 28, 2020), Item 12 (indicating this will cost approximately \$31 in additional labor costs).

<sup>59</sup> *Id.*



The Commission expects West Daviess District to submit an annual report to the Commission each year, as indicated in its plan, detailing the test results for each year, including details regarding each meter tested and the relevant data necessary for the Commission to perform the calculations detailed in ANSI/ASQ Standards, an explanation of whether each sample was accepted at each flow rate using the relevant ANSI/ASQ Standards, and an explanation of any abnormal meter results that were not used in determining the acceptability of the sample. The Commission further expects that a meter randomly selected for testing will not be excluded from a sample group or the inspection lot after suffering a testing failure or damage and will be accounted for in a statistically appropriate manner even if removed from service unless West Daviess District can establish that the damage or failure was or would have been identified within a reasonable period in the ordinary course of business even if the meter had not been selected for sample testing. Finally, the Commission expects that if a particular meter is excluded from or replaced in a lot or sample group for any reason, West Daviess District will provide a detailed explanation of the basis for removing or excluding the meter from the lot or sample group.<sup>60</sup>

IT IS THEREFORE ORDERED that:

1. West Daviess District's application for a deviation from 807 KAR 5:066, Section 16(1), is granted.

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<sup>60</sup> The level of detail necessary would depend on the explanation for the exclusion from or replacement of the meter in the sample group. For instance, if a vandal were to cause significant and apparent damage to a meter that would have been identified regardless of whether it was individually tested, then West Daviess District may easily explain why such failure is not representative of the lot as a whole.

2. West Daviess District shall not be required to test its 5/8-inch x 3/4-inch Sensus SR11 meters pursuant to 807 KAR 5:066, Section 16(1), subject to the conditions set forth herein.

3. West Daviess District shall sample test its 5/8-inch x 3/4-inch meters for which a deviation was granted herein, pursuant to its Sample Testing Plan, as modified by the Commission herein.

4. West Daviess District shall submit annual reports of its sample testing detailing the results of the sample testing for that year, including:

a. The serial number, manufacturer, and model/form/type of each meter tested;

b. The date that each meter was tested;

c. The total water flow through the meter from the date it was placed in service through the date of sample testing as recorded at the time of testing;

d. An Excel spreadsheet, with formulas intact, containing the raw data collected from each meter tested and showing the calculations detailed in the ANSI/ASQ Standards on which West Daviess District relied on when conducting and analyzing its sample testing;

e. The results of West Daviess District's calculations and an explanation of whether each sample was passed at each flow rate using the relevant ANSI/ASQ Standards;

f. An explanation of any abnormal meter results that were excluded or otherwise not used in determining whether a sample passed;

g. A detailed explanation, as discussed above, of the basis for excluding a meter or group of meters from a sample group or replacing them, including the test results at each flow level for the excluded meter;

h. The total number of meters in a particular lot in service at the time West Daviess District performed the sample testing; and

i. Any other information West Daviess District has deemed relevant and necessary to review the accuracy of the meters tested.

5. Documents filed pursuant to paragraph 4 of this Order shall contain a reference to this case number and shall be stored in the post-case correspondence of this case.

6. West Daviess District shall replace every meter in a lot after 15 years of service, but not before sample testing is completed for the lot that year.

7. West Daviess District may abandon its Sample Testing Plan and return to periodic testing of meters as prescribed by 807 KAR 5:066, Section 16(1), at its discretion, but if it does so, it must notify the Commission in writing.

8. West Daviess District shall continue sample-testing meter lots pursuant to the Sample Testing Plan as approved herein for meters in their tenth through fifteenth year of service until the Commission orders otherwise, unless West Daviess District chooses to abandon the sample-testing plan altogether, or for a particular lot, and returns to periodic testing of meters as prescribed by 807 KAR 5:066, Section 16(1). If West Daviess District contends a change in the Sample Testing Plan or deviation granted herein is justified, it shall request and obtain the approval of the Commission before

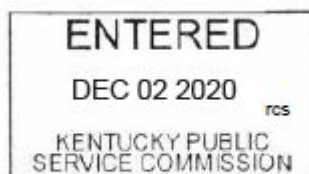
implementing that or any other change, unless it returns to periodic testing as described above.

9. West Daviess District shall continue to comply with any other relevant regulations pertaining to its meters, including the quarterly reporting requirements in 807 KAR 5:006, subject to any deviation previously granted by the Commission.

10. This matter is closed and removed from the Commission's docket.

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By the Commission



ATTEST:



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