

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF HYDEN-)	
LESLIE COUNTY WATER DISTRICT TO)	CASE NO.
REMOVE A PROVISION FROM ITS TARIFF)	2021-00409
RELATED TO INDIVIDUAL PRESSURE)	
BOOSTER SYSTEMS)	

ORDER

On October 7, 2021, Hyden-Leslie County Water District (Hyden-Leslie District) filed a tariff revision to remove a provision from its tariff related to the installation of individual pressure booster systems. Hyden-Leslie District proposed an effective date of November 7, 2021. The Commission suspended the proposed tariff revision on November 2, 2021, for five months, up to and including April 6, 2022. On November 30, 2021, the Commission issued an Order holding this proceeding in abeyance until the conclusion of Case No. 2021-00071.¹ The Commission issued its final Order in Case No. 2021-00071 on February 22, 2022. Hyden-Leslie District responded to one request for information on March 9, 2022. This matter now stands submitted for a decision.

LEGAL STANDARD

The Commission has exclusive jurisdiction over the regulation of rates and service of utilities in Kentucky.² Kentucky law provides that a utility may demand, collect and

¹ Case No. 2021-00071, *Electronic Tariff Filing of Hyden-Leslie County Water District* (filed Feb. 4, 2021).

² KRS 278.040(2).

receive fair, just and reasonable rates³ and that the service it provides must be adequate, efficient and reasonable.⁴ Kentucky law also provides that a utility must file with the Commission schedules of all rates and conditions for service established by it and collected or enforced.⁵ KRS 278.190 permits the Commission to investigate any schedule of new rates to determine its reasonableness.

BACKGROUND

Hyden-Leslie District, a water district organized pursuant to KRS Chapter 74, provides water service to approximately 3,728 residential and commercial customers located in Clay, Leslie, and Perry counties, Kentucky.⁶

PROPOSED TARIFF

Hyden-Leslie District's proposed tariff revision would remove a provision from its tariff that permitted an applicant or customer to install an individual pressure booster system with Hyden-Leslie District's approval. Hyden-Leslie District argued that approval of such systems appears to conflict with the Recommended Standards for Water Works (Ten States Standards), which are incorporated by reference into Kentucky Division of Water (DOW) regulations.⁷ Specifically, §6.4.4 of the Ten States Standards states: "Private booster pumps shall not be allowed for any individual residential service from the public water supply main." In addition, §8.11.2 of the Ten States Standards states:

³ KRS 278.030(1).

⁴ KRS 278.030(2).

⁵ KRS 278.160(1).

⁶ *Annual Report of Hyden-Leslie County Water District to the Public Service Commission for the Calendar Year Ended December 31, 2020* at 12 and 49.

⁷ October 7, 2021 Letter to Ms. Linda Bridwell, P.E.

“Individual booster pumps shall not be allowed for any individual residential service from the public water supply mains.”

Hyden-Leslie District indicated that it is not aware of any such individual pressure booster systems currently on its system and that it does not intend to actively search for such systems if the proposed removal of the provision is approved.⁸ Hyden-Leslie District indicated that if hydraulic problems occur within a section of its system that suggest an individual pressure booster system is connected to Hyden-Leslie District’s system and it appears that the individual pressure booster system is causing hydraulic or public health problems, Hyden-Leslie District would conduct a search for such a pump and take appropriate action to eliminate the problem, which could include requesting the customer to cease using the booster pump.⁹ Hyden-Leslie District also stated that it would comply with any order from DOW mandating the removal of such pumps.¹⁰ Hyden-Leslie District indicated that should a customer refuse to cease using an individual pressure booster pump after being requested to cease using it, it would terminate service to the customer, but not before investigating whether adjustments to its distribution system could provide relief to the customer without imposing unreasonable costs on Hyden-Leslie District.¹¹

DISCUSSION

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that the removal of the provision pertaining to individual pressure

⁸ Hyden-Leslie District’s Response to Commission Staff’s First Request for Information (filed Mar. 9, 2022)(Staff’s First Request), Item 1.

⁹ *Id.*, Items 1 and 2.

¹⁰ *Id.*, Item 1.

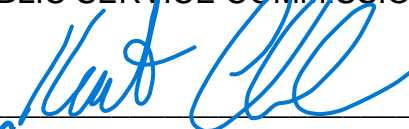
¹¹ *Id.*, Item 2.

booster systems is reasonable and is approved, as the provision appears to conflict with §6.4.4 and §8.11.2 of the Ten States Standards, which are incorporated by reference in DOW regulations.


IT IS HEREBY ORDERED that:

1. Hyden-Leslie District's proposed removal from its tariff of the provision relating to individual pressure booster systems is approved as of the date of this Order.
2. Within 20 days of the date of entry of this Order, Hyden-Leslie District shall file with this Commission, using the Commission's electronic Tariff Filing System, its revised tariff sheet reflecting the removal of the provision relating to individual pressure booster systems and reflecting that the removal was approved pursuant to this Order.
3. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman

Commissioner



ATTEST:



Executive Director

*Gerald E Wuetcher
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Hyden-Leslie County Water District
356 Wendover Road
Hyden, KY 41749

*L.J. Turner
Hyden-Leslie County Water District
356 Wendover Road
Hyden, KY 41749