EAST PENDELTON WATER DISTRICT

P.S.C. Ky. No. I

Cancels P.S.C. Ky. No.

EAST PENDLETON WATER DISTRICT

Hwy. 10 R. I Foster, Kentucky 41043

OF

600 Woodson Road, Falmouth, Kentucky 41040

Rates, Rules and Regulations for Furnishing

Water Service

AT

Northeast Portion of Pendleton Co. and Southeastern Campbell Co.

Filed with PUBLIC SERVICE COMMISSION OF KENTUCKY

ISSUED Aug. 16, 1991 EFFECTIVE Aug. 20, 1991

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

AUG 20 1991

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: [signature]
PUBLIC SERVICE COMMISSION MANAGER

ISSUED BY East Pendleton Water Dist.
(Name of Utility)

BY Paul E Hall
Chairman

For Northeast Portion of Pendleton County
Community, Town or City

P.S.C. NO. _____

REVISED ___ SHEET NO. _____

East Pendleton Water District
Name of Issuing Corporation

CANCELLING P.S.C. NO. _____

ORIGINAL ___ SHEET NO. _____

CLASSIFICATION OF SERVICE

	RATE PER UNIT
NON RECURRING CHARGES	
METER CONNECTION	747.91
CUSTOMER METER DEPOSIT	50.00
METER TESTING CHARGE	27.50
RETURNED CHECK CHARGE	15.00
SERVICE RE-CONNECTION	22.50
SERVICE RE-CONNECTION AFTER HOURS	29.50

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 11 1998

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY _____
SECRETARY OF THE COMMISSION

DATE OF ISSUE 9-11-1998 DATE EFFECTIVE 9-11-1998

ISSUED BY Leslie Herbst TITLE Chairman

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 98-372 dated 9-11-1998.

For Northeast Portion of Pendleton County
Community, Town or City

P.S.C. NO. _____

REVISED ___ SHEET NO. _____

East Pendleton Water District
Name of Issuing Corporation

CANCELLING P.S.C. NO. _____

ORIGINAL ___ SHEET NO. _____

CLASSIFICATION OF SERVICE

MONTHLY WATER RATES			RATE PER UNIT
	5/8 - 3/4 INCH METER		
FIRST	1,000 GALLONS	$ 17.60 MINIMUM BILL	
NEXT	99,000 GALLONS	6.36 PER 1,000 GALLONS	
ALL OVER	100,000 GALLONS	5.40 PER 1,000 GALLONS	
	1 1/4 INCH METER		
FIRST	20,000 GALLONS	$ 138.44 MINIMUM BILL	
NEXT	80,000 GALLONS	6.36 PER 1,000 GALLONS	
ALL OVER	100,000 GALLONS	5.40 PER 1,000 GALLONS	
	2 - 3 INCH METER		
FIRST	100,000 GALLONS	$ 647.24 MINIMUM BILL	
ALL OVER	100,000 GALLONS	5.40 PER 1,000 GALLONS	

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUN 28 2001

DATE OF ISSUE 6-28-2001 DATE EFFECTIVE 6-28-2001

ISSUED BY Leslie Herbst TITLE Chairman

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY Stephanie Bell
SECRETARY OF THE COMMISSION

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 2001-171
dated 6-28-2001.

Form for filing Rate Schedules

For NORTHEAST PORTION OF PENDLETON COUNTY
Community, Town, or City

P.S.C. No. 1

REVISED SHEET No. 1

CANCELLING P.S.C. No. 1

ORIGINAL SHEET No. 1

EAST PENDLETON WATER DISTRICT
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

	RATE PER UNIT
RESIDENTIAL CONSUMERS:	
~~FIRST 1,000 GALLONS @ (MINIMUM)~~	~~$10.10~~
NEXT ~~99,000 GALLONS @ PER THOUSAND GALLONS~~	~~3.85~~
OVER ~~100,000 GALLONS @ PER THOUSAND GALLONS~~	~~3.40~~
RATES BASED ON MONTHLY CONSUMPTION	
CONNECTION FEES:	
5/8IN. X 3/4IN. METER I	$374.00

C 8-89

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 1 1988

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: [illegible]
PUBLIC SERVICE COMMISSION MANAGER

DATE OF ISSUE SEPTEMBER 6, 1988

DATE EFFECTIVE SEPTEMBER 1, 1988

ISSUED BY Paul Hall
Name of Officer

TITLE CHAIRMAN

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 10283 dated AUGUST 24, 1988.

FOR Northeast portion of Pendleton County

P.S.C. Ky No. 1

Original SHEET No. 3

CANCELLING P.S.C. Ky No. _____

East Pendleton Water District _____ SHEET No. _____

RULES AND REGULATIONS

This schedule of Rules and Regulations governs the furnishing of water service by East Pendleton Water District hereinafter referred to as the Utility and applies to all service received from the Utility. No employee or individual director of the Utility is permitted to make an exception to Rates, Rules or Regulations. All Rules and Regulations are to be in effect so long as they are not in conflict with Public Service Commission Rules and REgulations. The Utility is further subject to all Rules and Regulations of the Commission even though not contained herein.

REVISIONS

These Rules and Regulations may be revised, amended, supplemented or otherwise changed from time to time subject to approval of the Public Service Commission, and shall have the same force as the present Rules and Regulations.

SERVICE AREA

The Utility furnishes water service to Customers located Northeast Pendleton County, Kentucky.

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

JAN 23 1987

PURSUANT TO 807 KAR 5:011, SECTION 9 (1)

BY: J. Geoghegan

AVAILABILITY

Water Service is available to any domestic, commercial or industrial consumer within the Utility's Area.

WATER FAILURE

The Utility is responsible for water failure only when in control of the Utility's employees. No consumer is paid damages for equipment unless such damages are specifically found to be caused by an act of negligence on the part of the Utility or its employees.

PROTECTION BY CONSUMER

Consumer shall protect the equipment of the Utility on his premises and shall not interfere with Utility's property or permit interference except by duly authorized representatives of the Utility.

DATE OF ISSUE February 20, 1987 DATE EFFECTIVE January 23, 1987

ISSUED BY Paul E. Hall Chairman Route 1, Foster, KY 41043

Name of Officer Title Address

FOR Northeast portion of Pendleton County

P.S.C. Ky No. 1

Original SHEET No. 4

CANCELLING P.S.C. Ky No. _____

East Pendleton Water District

_____ SHEET No. _____

RULES AND REGULATIONS

NOTICE OF TROUBLE

Consumer shall give immediate notice to the Utility of any irregularities or unsatisfactory service and of any defects known to consumer.

MAINTENANCE

The Utility may at any time deemed necessary, suspend water service to any consumer or consumers for the purpose of making repairs, changes or improvements upon any part of its system. The Utility shall give reasonable notice of such suspension of service to the Consumer.

The Utility shall be responsible for the maintenance of that portion of the service line installed by the Utility and the consumer shall be responsible for the maintenance of that portion thereof installed by the consumer.

EXTENSION OF SERVICE

Extension of service shall be in accordance with 807 KAR 5:066E, Section 12.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 23 1987

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: J. Geoghegan

LINE RELOCATIONS

When necessary to move or relocate facilities, the cost will be paid by party or parties requesting such relocation.

BILLING, COLLECTION, PENALTIES

Bills for water service furnished by the water system will be mailed no later that the 5th day of each month and will be due and payable within 10 days. A 10% late payment penalty charge will be applicable after the due date of any account.

DATE OF ISSUE February 20, 1987 DATE EFFECTIVE January 23, 1987

ISSUED BY Paul E. Hall Chairman Route 1, Foster, KY 41043

Name of Officer Title Address

FOR Northeast portion of Pendleton County

P.S.C. Ky No. 1

Original SHEET No. 5

CANCELLING P.S.C. Ky No. _____

East Pendleton Water District _____ SHEET No. _____

RULES AND REGULATIONS

DEPOSITS

The Utility may require from any customer or applicant for service a cash deposit or other guaranty to secure payment of bills not to exceed two-twelfth (2/12) of the estimated annual bill of such customer or applicant where bills are rendered monthly, or three-twelfths (3/12) of the estimated annual bill where bills are rendered bi-monthly, or four-twelfths (4/12) of the estimated annual bill where bills are rendered quarterly. Interest at the rate of six percent (6%) per annum will be paid on deposits so required accuring from the date of deposit.

DISCONTINUANCE OF SERVICE BY UTILITY

The Utility may refuse or discontinue service to an applicant or customer, after proper notice, for failure to comply with its rules and regulations or state and municipal rules and regulations, when a customer or applicant refuses or neglects to provied reasonable access to the premises, for fraudulent or illegal use of service, or for nonpayment of bills. If discontinuance is for non-payment of bills, the cusomer shall be given at least forty-eight (48) hours written notice, separate from the original bill, and cut-off shall be effected not less than twenty (20) days after the mailing date of the original bill unless, prior to discontinuance, a residential customer presents to the utility a written certificate, signed by a physician, registered nurse, or public health officer, that such discontinuance will aggravate an existing illness or infirmity on the affected premises, in which case discontinuance may not be effected until the affected resident can make other living arrangements or until not less than ten (10) days elapse from the date of the Utility's notification. When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 23 1987

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Jim Geoghegan

DATE OF ISSUE February 20, 1987 DATE EFFECTIVE January 23, 1987

ISSUED BY Paul E. Hall Chairman Route 1, Foster, KY 41043

Name of Officer Title Address

FOR Northeast poriton of Pendleton County

P.S.C. Ky No. 1

Original SHEET No. 6

CANCELLING P.S.C. Ky No. _____

East Pendleton Water District

_____ SHEET No. _____

RULES AND REGULATIONS

PURCHASED WATER ADJUSTMENT APPLICABLE TO ALL RATE SCHEDULES

The rate authorized herein are based upon the wholesale cost of water to the Applicant as computed upon rates of its wholesale suppliers then currently in effect under valid contracts or under wholesale tariffs of this Commission. For the purpose of this purchased water adjustment clause, these rates shall be considered as the base rate for purchased water. In the event there is an increase in this base rate the Applicant shall file with this Commission the following information:

(1) A copy of the wholesale supplier tariff or wholesale tariff of this Commission effecting the change in the base rate and a statement relative to the effective date of such proposed change.

(2) A statement setting out the details of water purchased under the provision of the base rate for the previous twelve months showing billing under the base rate and under the proposed revised rate applicable to this service.

(3) A statement setting out the details of water sold for the previous twelve months.

(4) A balance sheet as of the end of the latest twelve month period and a statement of operating expenses and revenues in the same detail as reported to this Commission in the Utility's Annual Report.

(5) Such other information as this Commission may request for a proper determination of the purchased water adjustment.

In the event there is a decrease in purchased water costs or refund, the Applicant shall file the information required in 1, 2, and 4 above.

Upon receipt of this information, this Commission will review the effect of the revised rate on the operation of the Applicant and will issue its order setting out the purchased water adjustment that the Utility shall apply to its rates.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 23 1987

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: J. Geoghegan

DATE OF ISSUE February 20, 1987 DATE EFFECTIVE January 23, 1987

ISSUED BY Paul E. Hall Chairman Route 1, Foster, KY 41043

Name of Officer Title Address

RULES AND REGULATIONS

The maximum amount of the adjustment so prescribed shall not produce revenue adjustments based upon the actual preceding twelve-month period, greater than the difference between the purchased water billed at the then existing rates and the purchased water billed at the revised rate.

On an after the effective date of this rate schedule, if any increase or decrease is made in the rate at which Company's water suppliers sell water to the Company, the unit charges of the aforesaid rate schedule shall be increased or decreased by a Purchased Water Adjustment determined as follows:

(1) Water Purchases will be determined by the Company under suppliers applicable rate schedule during a period of twelve calendar months ending within three months preceding the month of the effective date of the supplier's rate change. Such purchases shall be:

(a) At the Base Supplier Rate

(b) At the New Supplier Rate

(2) The difference between the amounts so determined shall be divided by the number of cubic feet/gallons of water sold by the Company during the said twelve-month period. The unit charged or credit so determined, expressed in cents per cubic feet/gallons, shall be the Purchased Water Adjustment applicable to consumer billings, unless water loss exceeding fifteen (15) percent.

(3) If the water loss exceeds fifteen (15) percent, the actual water sales shall be divided by eighty-five (85) percent yielding the maximum allowable water purchases. The maximum allowable water purchases will then be multiplied by the change in cost per gallons, yielding the total allowable change. The total allowable change shall then be divided by the actual number of gallons sold, yielding the purchased water adjustment expressed in cents per gallon.

(4) The new supplier rate shall become the Base Supplier Rate to be used in measuring the effect of any subsequent supplier rate change. Each such subsequent change shall be treated in the same manner as set forth above establishment of a new Base Supplier Rate.

RECEIVED
Public Service Commission
FEB 08 1982
by B Redmond
RATES AND TARIFFS

Form for filing Rate Schedules

For Northeast Pendleton County
Community, Town, or City

P.S.C. No. 1

1st Revised SHEET No. 8

CANCELLING P.S.C. No. 1

Original SHEET No. 8

East Pendleton Water District
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

	RATE PER UNIT

(1) The "Refundable Amount" shall be the amount received by the Company as a refund. Such refundable amount shall be divided by the number of gallons of water that Company estimated it will sell to its customers during the four-month period commencing with the first day of the month following receipt of the refund, thus determining a "Refund Factor". T

(2) Effective with meter readings taken on and after the first day of the second month following receipt of the refund, the Company will reduce by the Refund Factor so determined and Purchased Water Adjustment that would otherwise be applicable during such period. Provided, however, that the period of reduced Purchased Water Adjustment will be adjusted, if necessary, in order to refund as nearly as possible the Refundable Amount.

(3) In the event of any large or unusual refunds, the Company may apply to the Public Service Commission for the right to depart from the refund procedure herein set forth. T

~~The base rate for purchased water for the future application of this Purchased Water Adjustment Clause is:~~

~~Supplier~~	~~Rate~~
~~City of Falmouth, KY~~	~~$1.47 per 1,000 gallons~~

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
MAY 15 1987
PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: J. Deogheagan

DATE OF ISSUE May 27, 1987

DATE EFFECTIVE May 15, 1987

ISSUED BY Paul E. Hall
Name of Officer

TITLE Chairman

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 9939 dated 6-22-87.

FOR NORTHEAST PORTION OF PENDLETON COUNTY

P.S.C. Ky No. 1

ORIGINAL SHEET No. 9

CANCELLING P.S.C. Ky No.

EAST PENDLETON WATER DISTRICT SHEET No.

RULES AND REGULATIONS

EXTENSIONS OF MAINS TO APPLICANTS FOR SERVICE

1. EXTENSIONS OF 50 FEET OR LESS PER APPLICANT.

AN APPLICANT WITH A POINT OF SERVICE THAT CAN BE REACHED BY A MAIN EXTENSION OF 50 FEET OR LESS WILL BE PROVIDED SERVICE WITHOUT CHARGE FOR THE MAIN EXTENSION ITSELF IF AN AGREEMENT TO USE SERVICE FOR ONE YEAR IS MADE AND A GUARANTEE THEREOF IS PROVIDED. THE UTILITY WILL BEAR THE COST OF THE MAIN EXTENSION. THE APPLICANT'S COST WILL BE IN ACCORDANCE WITH THE UTILITY'S APPROVED TARIFFS FOR METERED SERVICE CONNECTIONS.

IN LIKE MANNER, THE UTILITY WILL BEAR THE COST OF AN EXTENSION OF 100 FEET FOR 2 APPLICANTS, 150 FEET FOR 3 APPLICANTS, 200 FEET FOR 4 APPLICANTS, ETC. THIS MAY BE REFERRED TO AS THE "50 FOOT RULE". THE REGULATION FOR EXTENSIONS OF MORE THAN 50 FEET PER APPLICANT ARE DEFINED UNDER THE REGULATION HEREIN BY THAT TITLE.

2. EXTENSIONS OF MORE THAN 50 FEET PER APPLICANT.

APPLICANTS THAT CANNOT BE REACHED BY 50 FEET OF EXTENSION PER APPLICANT WILL PAY FOR THE EXTENSION FOOTAGE THAT EXCEEDS 50 FEET PER APPLICANT. THEIR COST WILL BE BASED ON THE AVERAGE COST PER FOOT OF THE EXTENSION MULTIPLIED BY THE EXCESS FOOTAGE; WITH EACH APPLICANT BEARING AN EQUAL SHARE OF THIS COST.

APPLICANTS WILL HAVE AN OPPORTUNITY TO RECOVER SOME OF THEIR COST AS NEW APPLICANTS ARE CONNECTED DIRECTLY TO THE EXTENSION: (A) FROM THE 5 YEAR COST SHARING PLAN DESCRIBED HEREIN AND (B) FROM THE 10 YEAR (50 FOOT REFUND) PLAN DESCRIBED BY REGULATIONS OF THE KENTUCKY PUBLIC SERVICE COMMISSION:807KAR 5:066, SECTION 12.2 (B). DURING THE "10-YEAR REFUND PLAN", THE APPLICANTS OF INTEREST IN THE EXTENSION WILL RECEIVE EQUAL SHARES OF THE DOLLAR VALUE OF 50 FEET OF THE EXTENSION FOR EACH NEW APPLICANT CONNECTED DIRECTLY TO THE EXTENSION. DURING THE EFFECTIVE PERIOD OF THE "COST SHARING PLAN", AN EQUAL SHARE OF THE CONTRIBUTION REQUIRED OF NEWLY CONNECTED APPLICANTS WILL BE REFUNDED BY THE DISTRICT TO ALL APPLICANTS OF INTEREST AND EACH NEWLY CONNECTED APPLICANT WILL BECOME AN APPLICANT OF INTEREST IN THE EXTENSION AFTER THEIR CONTRIBUTION IS RECEIVED BY THE DISTRICT. THE CONTRIBUTION FOR EACH NEW APPLICANT WILL BE BASED ON A RECOMPUTATION OF DISTRICT'S SHARE OF COST AND APPLICANT'S SHARE OF COST IN ACCORDANCE WITH THE METHOD SHOWN ON ATTACHMENT NUMBER 1 TO THIS REGULATION.

PUBLIC SERVICE COMMISSION
OF KENTUCKY

DEC 16 1988

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: [signature]
PUBLIC SERVICE COMMISSION MANAGER

DATE OF ISSUE DECEMBER 30, 1988 DATE EFFECTIVE DECEMBER 16, 1988

ISSUED BY Paul E. Hall CHAIRMAN ROUTE 1, FOSTER, KENTUCKY 41043
Name of Officer Title Address

Water Main Extension Agreement
Attachment Number 1

Worksheet For Calculation Of
Customer Contribution For Water Main Extension

Name of Extension: _____
Location - Beginning At: _____
Ending At: _____
Date Placed in Service: _____

1.	Total Cost of Extension (Not Including Meter Connections)	$ _____
2.	Divided By Total Length of Water Main in Feet	+ _____ Ft.
3.	Cost Per Foot of Main	= $ _____ /Ft.
4.	50 Feet Times Cost/Foot	X 50 FT.
5.	District's Portion of Cost Per Customer	= $ _____
6.	Times Number of Applicants Connected to Extension	X _____
7.	District's Total Portion Of Cost	= $ _____
8.	Total Cost of Extension (Line 1)	$ _____
9.	Minus District's Total Portion Of Cost (Line 7)	- _____
10.	Part To Be Paid By Applicant	= _____
11.	Divided By Number of Applicant (Line 6)	+ _____
12.	Each Applicant's Required Contribution For The Water Main Extension Itself (Subject To Refund)	$ _____
13.	Plus The Approved "Tap-On-Fee" (Not Refundable)	+ $ _____
14.	Total Contribution To Be Paid By Each Applicant Connected To The Main Extension As Of This Date _____.	= _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY

DEC 16 1988

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: _____
PUBLIC SERVICE COMMISSION MANAGER

For Northeast Portion of Pendleton County
Community, Town or City

P.S.C. NO. _____

REVISED ___ SHEET NO. _____

CANCELLING P.S.C. NO. _____

ORIGINAL ___ SHEET NO. _____

East Pendleton Water District
Name of Issuing Corporation

EAST PENDLETON COUNTY WATER DISTRICT
P.O. Box 29 • Falmouth, KY 41040 Phone: 606-654-2100

ACCOUNT	
SERVICE AT	

CODE	PRESENT	PREVIOUS	USAGE	CHARGES

CLASS	AMOUNT DUE AFTER DUE DATE	DUE DATE	PAY THIS AMOUNT

RETURN THIS STUB WITH PAYMENT

RETURN SERVICE REQUESTED

FIRST CLASS MAIL
U.S. Postage Paid
Falmouth, KY 41040
PERMIT NO. 109

RATES AVAILABLE UPON REQUEST

ACCOUNT	DUE DATE

AMOUNT DUE AFTER DUE DATE	PENALTY AFTER DUE DATE	PAY THIS AMOUNT

Mail or bring this portion with your Payment To: 600 Woodson Road
P.O. Box 29
Falmouth, KY 41040
Phone: 606-654-2100

CODES

WAT	-	Water Charge
E	-	Estimated Reading
LTF	-	Late Fee
TXS	-	State Sales Tax
TXU	-	Utility Tax
ADJ	-	Adjustment
MSC	-	Miscellaneous

PLEASE RETURN THIS STUB WITH PAYMENT

FAILURE TO RECEIVE BILL DOES NOT EXCUSE PAYMENT

A 10% Penalty is added after 15th of Month Due.

Service will be discontinued 5 days after Due Date.

DATE PAID _____

CHECK NO. _____

KEEP THIS PORTION FOR YOUR RECORDS

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
SEP 01 1999
PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephan O Bell
SECRETARY OF THE COMMISSION

DATE OF ISSUE 7-30-99 DATE EFFECTIVE _____

ISSUED BY Leslie Hulet TITLE Chairman

RECEIVED
JUN - 4 2001
PSC
FINANCIAL ANALYSIS

SUMMARY
OF
ORDINANCE NO. 3405

AN ORDINANCE AUTHORIZING THE COUNTY JUDGE-EXECUTIVE TO ISSUE EXECUTIVE ORDERS TO DEAL WITH DROUGHT CONDITIONS, DESCRIBING LEVELS OF WATER CONSERVATION MEASURES; DEALING WITH RATIONING; AND IMPOSING PENALTIES.

BE IT ORDAINED by the Fiscal Court of County of Pendleton, Commonwealth of Kentucky:

Section 1 describes the purpose of this ordinance being to insure to the extent possible the continued availability of as much water for public use as possible, consistent with prudent planning and conservation measures.

Section 2 the various phases of water use restrictions, including the "advisory phase," "alert phase," "emergency phase," and "water rationing phase."

It also defines Classes 1 through Class 3, also known as "essential, socially or economically important, and non-essential uses.

Section 3 explains the aforementioned phases based upon the availability of water supply.

Section 4 authorizes the Judge-Executive to ban or restrict uses by executive order unless countermanded by vote of six (6) members of Fiscal Court.

Section 5 provides that such orders may provide for a ban on all Class 3 uses, restrictions on Class 2 and 1 uses, and restrictions or ban such uses during certain parts of the day in various parts of the County.

Section 6 provides for immediate reduction of use of 25% during rationing and up to 40% reduction after 10 days.

Section 7 requires all utility operators to develop and present a described rationing plan to the Judge-Executive.

Section 8 states that the ordinance is enacted pursuant to authority granted by KRS 67.083(3)(h), but shall not be deemed to interfere with the minimal rights of land owners under KRS 151.210(1) or with other statutory or common law riparian rights.

Section 9 Any person violating this ordinance or any Executive Order issued or rationing plan implemented pursuant to authority or mandate granted hereunder shall be

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
JUL 04 2001
PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephanie Bell
SECRETARY OF THE COMMISSION

issued a citation by a law enforcement officer and/or may be charged by any other person upon a summons or warrant:

(a) For a first violation the person shall be warned only.

(b) For a second violation and/or each subsequent violation, with each subsequent failure to cease and decist from the violation, regardless of lapse of time between the violations and/or the continued violation potentially giving rise to and constituting multiple violations, the person shall be subject to arrest, a fine of up to Five Hundred ($500.00) Dollars and up to one (1) year in jail.

(c) For violations by a household or a business where the individual operator or user is unknown, the head of such household or in the case of a business the proprietor or an on-site or off-site officer of said business enterprise may be cited or arrested and charged for the offense.

Section 10-12 provides for severability and effective dates and periods.

A full text of the ordinance may be found and is available for public inspection in the office of the Pendleton County Judge-Executive and/or the Pendleton County Clerk's Office, Falmouth, Kentucky.

HENRY W. BERTRAM,
Pendleton County Judge-Executive

ATTEST:

Bonnie S. Monroe - Clerk
BONNIE MONROE, By: Darlene Donnell DC
Pendleton County Clerk

IT IS HEREBY CERTIFIED that the above summary of Pendleton County Ordinance No. 340.5 has been prepared in accordance with Kentucky Revised Statutes by the undersigned, who is an attorney licensed to practice law in the Commonwealth of Kentucky.

C. DONALD WELLS
Pendleton County Attorney
114 West Shelby Street
Falmouth, Kentucky 41040
(606) 654-6330

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUL 04 2001

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephanie Bell
SECRETARY OF THE COMMISSION

ORDINANCE NO. 340.5

AN ORDINANCE AUTHORIZING THE COUNTY JUDGE-EXECUTIVE TO ISSUE EXECUTIVE ORDERS TO DEAL WITH DROUGHT CONDITIONS; DESCRIBING LEVELS OF WATER CONSERVATION MEASURES; DEALING WITH RATIONING; AND IMPOSING PENALTIES.

BE IT ORDAINED by the Fiscal Court of County of Pendleton, Commonwealth of Kentucky:

Section 1: Purpose: The purpose of this ordinance is to insure to the extent possible the continued availability of as much water for public use as possible, consistent with prudent planning and conservation measures.

Section 2: Definitions:

(a) "Advisory Phase," as the term is used in this ordinance, shall mean that designation from time to time assigned to a watershed/water supply by the Division of Water, Cabinet for Natural Resources that indicates the need to:

(1) Issue a water shortage advisory.
(2) Set conservation goals and prepare for decreasing supply.
(3) Inform the public about the potential problem.
(4) Request voluntary conservation.

(b) "Alert Phase," as the term is used in this ordinance, shall mean that designation from time to time assigned to a watershed/water supply by the Division of Water, Cabinet for Natural Resources that indicates the need to:

(1) Issue a water shortage alert.
(2) Set more stringent conservation goals (than for the "advisory phase").
(3) Ban or restrict some or all non-essential (Class 3) uses.
(4) Inform the public about the problem.
(5) Request voluntary conservation for all water use.
(6) Monitor compliance with the ban on non-essential use and enforce when necessary.

(c) "Emergency phase," as the term is used in this ordinance, shall mean that designation from time to time assigned to the watershed/water supply by the Division of Water, Cabinet for Natural Resources that indicates the need to:

(1) Issue a water shortage emergency declaration.
(2) Set more stringent conservation goals (than for the phase").

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
JUL 04 2001
PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephanie Bell
SECRETARY OF THE COMMISSION

(3) Ban all non-essential (Class 3) and restrict socially and economically important (Class 2) water uses.

(4) Inform the public.

(5) Enact conservation water pricing.

(6) Monitor all drought-related activities, especially compliance with the bans and enforce as necessary.

d. "Water rationing phase," as used in this ordinance, shall mean that designation from time to time assigned to the watershed/water supply by the Division of Water, Cabinet for Natural Resources that indicates the need to:

(1) Begin mandatory allocation of water.

(2) Immediately reduce usage by 25 percent.

(3) Inform the public.

(4) Enact conservation pricing.

(5) Set new conservation goals and monitor all shortage-related activities, especially compliance with the allocations, with enforcement as necessary.

e. "Essential uses (of water)," as the term is used in this ordinance, shall mean only those uses of water necessary to sustain life and lives of persons and domestic pets, maintain minimum standards of hygiene and sanitation, and to address the public safety (for example, fire fighting and dispersing chemical spills) and are further called Class 1 uses.

f. "Non-essential uses (of water)," as the term is used in this ordinance shall mean those uses of water that has no direct connection to the public health, safety, or economic or social well-being, such as: using fire hydrants except for emergencies; flushing sewers and hydrants except as needed to ensure public health and safety; serving water in restaurants and other places, except by customer request; failure to repair a controllable leak, increasing water levels in scenic and recreational ponds and lakes, except as necessary to support fish and wildlife; fountains, reflecting pools, and artificial water falls, use of water for dirt control; watering annual or non-woody plants (other than watering vegetable gardens and the irrigation of crops), watering lawns, parks, golf course fairways, playing fields, and other recreational areas; washing sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas; washing down buildings except for fire protection, flushing gutters or permitting water to run or accumulate in any gutter or street, non-commercial washing of vehicles and any obviously wasteful use, and are further called Class 3 uses.

g. "Socially or economically important uses (of water)," also known as Class 2 uses, as the term is used in this ordinance, shall mean all uses other than "Class 1" or "Class 3" uses, and shall include among other things the watering of farm livestock, watering of vegetable gardens, and irrigation of crops.

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h. "Rationing," as the term is used in this ordinance, shall mean procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

Section 3: The aforementioned phases shall be based upon criteria established by the Division of Water, Cabinet for Natural Resources, to wit:

a. Advisory: conditions indicate the potential for serious water supply shortages; with respect to streams where the demand equals 20-40% of the flow at the water intake; and with respect to reservoirs, when the available supply is down to 45-60 days.

b. Alert: when there exist visible or measurable signs that supplies are significantly lower than the seasonal norm and are diminishing; with respect to streams where the demand equals 40-65% of the flow at the water intake; and with respect to reservoirs, when the available supply is down to 21-45 days.

c. Critical (Emergency): when the water utility is experiencing a shortage with respect to streams where the demand equals 65-75% of the flow at the water intake; and with respect to reservoirs, when the available supply is down to 14-21 days.

d Rationing: when the supply of water is clearly inadequate to meet projected demands; with respect to streams where the demand exceeds 75% of the flow at the water intake; and with respect to reservoirs, when the available supply is down to less than 14 days.

Section 4: The County Judge-Executive is hereby granted the authority to implement restrictions on water use, when he or she determines the need to exist, by the issuance of executive orders which shall remain in effect until removed by him or her or countermanded by a vote of at least six (6) members of Fiscal Court at a regular or special meeting called for purpose of such consideration.

Section 5: Any such executive order may refer to the aforementioned and defined terms and call for voluntary conservation, restrictions or bans on Class 3 uses, and/or restrictions on Class 2 and 1 uses in his or her considered discretion, and may further restrict or ban such uses at certain parts of the day in various parts of the county.

Section 6: Any such executive order may order rationing of available supplies where the same are metered, and require that total metered use be immediately curtailed by up to twenty-five (25%) percent and up to forty (40%) percent after a period of ten (10) days.

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Section 7: All water utility operators shall forthwith develop a rationing plan that will equitably distribute critically short water supplies among customers in the event rationing is ordered hereunder, and shall present the same to the County Judge-Executive when requested.

Said plan shall provide for:

(a) An immediate reduction in use of up to 25% normal.

(b) Capability of further reduction as necessary up to 40% of normal.

(c) Equal sacrifice on the part of each customer in a class, although preference shall be for less severe, ultimate restrictions on residential as opposed to commercial uses.

(d) Preservation of sufficient supplies for the needs of public health and sanitation and for fire protection and other emergency service.

Said plan <u>may</u> also provide for:

(e) Temporary service interruptions.

(f) Excess user charges, which shall be placed in a reserve account dedicated to addressing water shortage problems and water conservation initiatives or such other purposes as the Public Service Commission or other governing body may later direct.

(g) Discontinuation of service to any customer who fails to heed a warning.

Section 8: This ordinance is enacted pursuant to authority granted by KRS 67.083(3)(h), but shall not be deemed to interfere with the minimal rights of land owners under KRS 151.210(1) or with other statutory or common law riparian rights.

Section 9. Any person violating this ordinance or any Executive Order issued or rationing plan implemented pursuant to authority or mandate granted hereunder shall be issued a citation by a law enforcement officer and/or may be charged by any other person upon a summons or warrant:

(a) For a first violation the person shall be warned only.

(b) For a second violation and/or each subsequent violation, with each subsequent failure to cease and decist from the violation, regardless of lapse of time between the violations and/or the continued violation potentially giving rise to and constituting multiple violations, the person shall be subject to arrest, a fine of up to Five Hundred ($500.00) Dollars and up to one (1) year in jail.

(c) For violations by a household or a business where the individual operator or user is unknown, the head of such household or in the case of a business the

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proprietor or an on-site or off-site officer of said business enterprise may be cited or arrested and charged for the offense.

Section 10. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 11. Effective Date. This ordinance shall take effect immediately upon adoption or passage by the Fiscal Court and publication.

Section 12. Effective Period. This ordinance will remain in effect until termination by action of the Fiscal Court.

This Ordinance shall be read and published in summary form, the full text being available for public inspection in the office of the County Judge-Executive and/or the County Clerk.

Dated this _____ day of _____, 1999.

_____
HENRY W. BERTRAM,
Pendleton County Judge-Executive

ATTEST:

_____
BONNIE MONROE,
Pendleton County Clerk

First reading: _____

Second reading: _____

Passage: _____

Publication: _____

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