

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTH MERCER)	
WATER DISTRICT FOR DEVIATION OF)	CASE NO.
807 KAR 5:006, SECTION 14(B)(1))	2017-00127
RELATING TO OFFICE HOURS)	

ORDER

On March 10, 2017, North Mercer Water District (“North Mercer”) filed an application pursuant to 807 KAR 5:001, Section 22, requesting a deviation from 807 KAR 5:006, Section 14(1)(b)(1), which requires that a utility shall make a designated representative available during the utility’s established working hours not fewer than seven hours per day, five days per week, excluding legal holidays.

North Mercer has requested a deviation allowing it to amend its office hours to Monday through Thursday of each week, from 7:30 a.m. to 5:30 p.m., without closing for a midday meal. The office would still close for legal holidays.

The stated reasons for the deviation are to utilize the efficiencies of a four-day workweek and to provide field workers a longer workday during which to complete projects and work orders. The application also states that customers have expressed the desire for office hours that extend before and after the typical workday to allow for easier access to the North Mercer office and staff.¹ There are no intervenors in this matter.

Commission Staff issued, and North Mercer responded to, two rounds of discovery. Commission Staff requested specific information regarding complaints about the current office hours and requests for a change in office hours North Mercer has

¹ Application at 2.

received from its customers. North Mercer responded that all comments and complaints have been made orally by customers and that it has not kept a count of the number received.² The case now stands submitted for a decision.

807 KAR 5:006, Section 28,³ provides that the Commission may grant a deviation from the rules for good cause shown. Based on the evidence of the record and being otherwise sufficiently advised, the Commission finds that North Mercer should not be allowed to deviate from the requirements of 807 KAR 5:006, Section 14(1)(b)(1).

First, the hours of the field workers are not subject to regulation by the Commission and may be adjusted by North Mercer as it finds appropriate. The hours of office workers do not need to mirror those of the field workers. Therefore, the statement in the application that the amended office hours would be of benefit by providing for longer days in the field for field workers is irrelevant and provides no support for granting deviation.

Second, North Mercer has failed to provide the Commission with any empirical evidence that this change is supported by customer request beyond a vague claim of “many” verbal customer complaints and comments.⁴ If North Mercer wishes to provide the Commission with actual numbers of customers who would support this change, obtained via a survey, and filed with the Commission within 90 days from the date of this order, the Commission would review its decision to deny the request for deviation. North Mercer would be required to provide the Commission with the results of the survey and the method by which the survey was conducted.

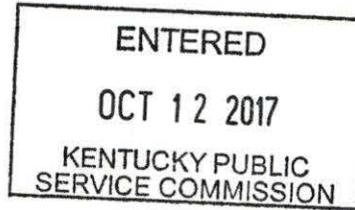
² Responses to Commission Staff’s Second Request for Information to North Mercer Water District, (“Staff’s Second Request”) Item 3.

³ North Mercer incorrectly referenced 807 KAR 5:001, Section 22, in its Application.

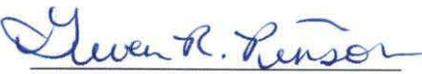
⁴ Staff’s Second Request, Item 3.

IT IS THEREFORE ORDERED that North Mercer's request for a deviation from the office hours requirements of 807 KAR 5:006, Section 14(1)(b)(1), is denied.

By the Commission



ATTEST:


Executive Director

Case No. 2017-00127

*Thomas M Jones
Attorney At Law
138 South Main Street
P. O. Box 178
Lawrenceburg, KENTUCKY 40342

*North Mercer Water District
P. O. Box 79
Salvisa, KY 40372