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July 27, 2021

## PSC STAFF OPINION 2021-003

Hon. Tom Edge  
General Counsel  
Northern Kentucky Water District  
2835 Crescent Springs Road  
P.O. Box 18640  
Erlanger, KY 41018

Re: Request for a Staff Opinion – Interpretation of 807 KAR 5:066(5)

Mr. Edge:

Commission Staff acknowledges receipt on June 11, 2021, of your electronically filed letter sent on behalf of Northern Kentucky Water District (NKWD), in which you request an opinion as to whether the temporary reduction of water pressure associated with the shut off of the Ripple Creek Pump Station is a violation of 807 KAR 5:066(5) and necessitates the denial of new water service requests.

Your letter presents the following facts: NKWD has a water main on Wesley Chapel Road in southern Campbell County. This main operates between 37 and 59 psig. However, the utility experiences reductions in psig when the Ripple Creek Pump Station, which is closest to the main, is shut off. This shut off occurs once per day and reduces the psig to an average of 32 psig (plus or minus 5 psig). This reduction in psig is only a few seconds in duration and water pressure quickly returns to the 37 to 59 psig range. NKWD is also in the process of designing and developing plans to remedy the momentary fluctuations.

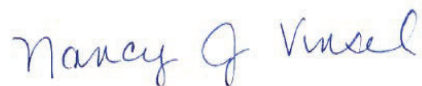
Commission Staff notes 807 KAR 5:066(5) states “[i]n no event, however, shall the pressure at the customer’s service pipe under normal conditions fall below thirty (30) psig nor shall the static pressure exceed 150 psig.” The Commission has generally disfavored pressures below 30 psig, finding “[w]ater distribution system pressures below 30 psig do not conform to good standard engineering practice and pose a potential public health

threat.”<sup>1</sup> However, the Commission’s prior 807 KAR 5:066(5) decisions involve either requests for deviation from the 30 psig requirement or conditions where water pressure is chronically below 30 psig. The facts above present the question whether a momentary reduction in water pressure falls within the standard of a “normal condition” and thus requires NKWD to reject new service requests to avoid violating 807 KAR 5:066(5).

Commission Staff is of the opinion that, under the facts presented, the momentary reduction in water pressure described above is not a normal condition contemplated by 807 KAR 5:066(5) because the occurrence is intermittent and duration *de minimus*. The average reduced pressure is 32 psig and the reduction only lasts for a period of seconds before pressure returns to the normal average of 37 to 59 psig. Further, NKWD stated that it is prioritizing the design and development of plans that remedy the intermittent issue. Based on this opinion, Commission staff does not believe NKWD is required to reject new service requests.

This letter represents Commission Staff’s interpretation of the law as applied to the facts presented. This opinion is advisory in nature and not binding on the Commission should the issues herein be formally presented for Commission resolution. Questions concerning this opinion should be directed to Jesse Fries (502) 564-0801.

Sincerely,



Nancy Vinsel,  
General Counsel

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<sup>1</sup> See The Application of South Shore Water Works Company for a Deviation Pursuant to 807 KAR 5:066, Section 6(1), Regarding Standard Pressure (Ky. PSC) Final Order entered May 26, 1992.