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March 9, 2022

## PSC STAFF OPINION 2022-004

Tom Edge, Esq.  
General Counsel  
Manager of Legal, Compliance, and Regulatory Affairs  
P.O. Box 18640  
2835 Crescent Springs Road  
Erlanger, Kentucky 41018

Re: Tariff Accessibility

Dear Mr. Edge:

Commission Staff acknowledges receipt of your letter dated February 1, 2022, on behalf of Northern Kentucky Water District (Northern Kentucky District) requesting a staff advisory opinion. Specifically, the letter requests an opinion as to whether a utility may convert (translate) and provide the utility's approved tariff forms including but not limited to the services application in foreign languages such as Spanish for non-English speaking customers.

Neither the Kentucky Revised Statutes nor 807 KAR 5:011 specifically addresses this issue. However, KRS 278.160(1) and 807 KAR 5:011, Section 2(4) address customer accessibility.

KRS 278.160(1) provides as follows:

Under rules prescribed by the commission, each utility shall file with the commission, within such time and in such form as the commission designates, schedules showing all rates and conditions for service established by it and collected or enforced. The utility shall keep copies of its schedules open to public inspection under such rules as the commission prescribes.

Commission Regulation 807 KAR 5:011, Section 2(4) provides as follows:

(4) A utility shall make available a paper or electronic copy of the utility's current tariff for public inspection in the utility's office or place of business.

Providing foreign language versions of tariffs, tariff forms, and services applications filed with the Commission would make them "available for public inspection" to non-English speaking customers, and thus provide customer accessibility to tariffs filed with the Commission. Also, no statute or regulation prohibits providing foreign language versions of tariffs, tariff forms, or services applications. Northern Kentucky District may convert (translate) and provide the utility's approved tariff forms including but not limited to the services application in foreign languages such as Spanish for non-English speaking customers. Northern Kentucky District should take special care to ensure the translation accurately captures the English-version application content.

Northern Kentucky District may translate the tariffs, tariff forms, and services applications as necessary. The translations are not tariffs and should not be filed as tariffs with the Commission. They are merely tools to help try to convey rules and rights, like informational pages on the PSC's or utility's websites. Northern Kentucky District should ensure the translations are treated as aids for better understanding, distinct from the actual tariffs.

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 Andrew Bowker at (502) 782-2580.

Sincerely,



Nancy J. Vinsel  
General Counsel