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Kentucky Public Service Commission  
RE: 2021-00422  
Madison County Utilities District

To whom it may concern:

Madison County Utilities District (MCUD) was approached by Madison County Fiscal Court (The County) to consider allowing fiber optic cable to run within the water lines of MCUD. The County represented to MCUD that the fiber optic cable will not affect water quality or have any meaningful affect on hydraulic pressure. The County further represented that one of the benefits of fiber optic cable within the water lines is the addition of sensing technology that can detect and pinpoint water line leaks.

The Kentucky Public Service Commission has raised the issue of whether existing easements are broad enough to allow for the installation of fiber optic lines and requested a copy of any legal opinion provided to MCUD. While MCUD has not formally requested a legal opinion regarding the use of easements, I have researched the issue and informed the Board of MCUD that I believe the easements as written as well as any easements by prescription would allow for the implementation of fiber optic cable.

The standard language of easements used by MCUD allow for all appurtenances “connected with” the water line. The possibility of adding sensing technology that would detect leaks meets the definition of “connected with” the water line. Additionally, expansion of the use of an easement is generally allowed where the expansion is reasonable and does not create a burden on the servient owner. The fiber optic cable being proposed is for the purpose of protecting Madison Countians from a chemical munitions leak and is not only reasonable but necessary. Further, based upon the information provided, the presence of the fiber optic cable will have no appreciable effect on MCUD customers nor on the land of the servient owners.

I have also informed the MCUD Board that it may consider requiring new easements specifically allowing the presence of the fiber optic cable. New easements would eliminate any possibility of legal liability. No decision has been made at this stage.

This correspondence is not meant as a formal legal opinion and is provided as a matter of good faith in response to the inquiry of the Kentucky Public Service Commission.

Very truly yours,

*Jud Patterson*

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