

807 KAR 5:095. Fire protection service for water utilities.

RELATES TO: KRS 278.010, 278.012, 278.015, 278.030, 278.040, 278.170(3), 278.280
STATUTORY AUTHORITY: KRS 278.040(3), 278.280(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.040(3) authorizes the commission to promulgate, pursuant to KRS Chapter 13A, reasonable administrative regulations to implement the provisions of KRS Chapter 278. KRS 278.040(2) grants the commission exclusive jurisdiction over utility rates and services. KRS 278.012 states that water associations are subject to the commission's jurisdiction. KRS 278.015 expressly subjects water districts to commission jurisdiction. KRS 278.030 authorizes utilities to collect fair, just, and reasonable rates for their services. KRS 278.170(3) provides that a utility may provide free or reduced rate water service to any city, county, urban-county, fire protection district or volunteer fire protection district for fighting fires or training firefighters under a tariff that is approved by the commission and that requires the water user to provide water usage reports to the utility on a regular basis. KRS 278.280 authorizes the commission to prescribe rules for the performance of any service or the furnishing of any commodity of the character furnished or supplied by the utility. This administrative regulation governs a utility's provision of water for fire protection service.

Section 1. Definitions. (1) "Private fire protection service" means water service to support the operation of a private fire protection system, including private hydrants, automatic fire sprinkler systems, standpipes, and other appurtenances that a customer installs to assist in extinguishing fires.

(2) "Private fire service line" means a water line that is installed at the customer's expense and that extends from a water main to provide private fire protection service to a single customer, a single multi-unit building or complex, or a single commercial or industrial development.

Section 2. A utility may enter into a special contract with a customer regarding the allocation of costs for system improvements necessary for private fire protection service.

Section 3. A utility shall require a customer requesting private fire protection service to bear the cost of constructing a private fire service line that runs from the water utility's distribution or transmission main through the customer's property. The utility shall own and be responsible for the maintenance, repair, and replacement of the portion of a private fire service line that extends from the utility's distribution or transmission main to the utility's easement. The customer shall own and be responsible for the maintenance, repair, and replacement of the remaining portion of the line.

Section 4. A utility shall permit a customer to connect a private fire protection system to a service line that serves the customer for other purposes, including domestic consumption, if the connection to the service line for the fire suppression system is on the customer's side of the customer's metering point.

Section 5. Rates for Private Fire Protection Services. (1) A utility shall not assess a rate for private fire protection service that includes a component for water usage unless that component is based upon a customer's actual usage.

(2) A utility shall not assess a separate charge or fee for private fire protection service if the customer's private fire protection system is directly connected to a service line that serves the customer for other purposes.

(3) A utility shall assess a rate for service to a fire protection system that is separately connected to the utility's distribution system and that does not receive water service for any other purpose. The rate shall recover, at least, the cost of:

(a) Depreciation and debt service or return on utility investment in the utility facilities that directly connect the utility's main to the fire protection system;

(b) Expenses associated with periodic inspections to ensure against unauthorized use;

(c) Expenses associated with meter reading and billing, if a meter is installed for the fire protection system; and

(d) Expenses for maintenance, repairs, and inspection on the utility facilities that directly connect the utility's main to the fire protection system.

Section 6. A utility shall require a customer who receives private fire service through an un-metered connection to report:

(1) At least annually, his reasonable estimate of water usage for flushing, testing, or other purposes and the basis for his estimate; and

(2) Within one (1) month after the service's use to fight a fire, his estimate of the water usage to fight the fire and the basis for his estimate.

Section 7. (1) As a condition of service, a utility shall require a customer who connects a private fire protection system to the utility's facilities, either directly or indirectly, to install double-acting backflow preventers.

(2) A utility shall have access to a customer's premises at all reasonable hours to inspect the customer's private fire protection system to ensure compliance with subsection (1) of this section.

Section 8. Fire Sprinkler Systems. (1) A utility shall provide service dedicated solely to a fire sprinkler system without the use of metering equipment unless good cause related to the delivery or use of the service exists. If a utility installs a metered service for a fire sprinkler system, it may assess a fee for the cost of its installation that includes the cost for service tap, meter, and meter vault.

(2) A utility may require a customer who connects a fire sprinkler system to its water distribution system to make repairs upon or improvements to his fire sprinkler system to correct any deficiency, defect or problem noted in any report of a test or inspection required by 815 KAR 10:060.

(3) A utility may require a customer who connects a fire sprinkler system to its water distribution system to report:

(a) The location of the fire sprinkler system;

(b) A change in the fire sprinkler system's operating status;

(c) The performance of required maintenance on the fire sprinkler system; and

(d) The results of any test or inspection of the fire sprinkler system required by 815 KAR 10:060.

(4) A utility providing service that complies with 807 KAR 5:066, Section 5(1), shall not be required to increase water pressure levels to support fire sprinkler systems unless the commission finds an increase is reasonable and necessary.

Section 9. A utility that permits a fire department to withdraw water from its water distribution system for fire protection and training purposes at no charge or at reduced rates shall:

(1) Require a fire department to submit quarterly reports demonstrating its water usage for the quarter; and

(2) State in its tariff the penalty to be assessed for failure to submit the reports required by subsection (1) of this section.

Section 10. Deviation. For good cause shown, the commission may permit a deviation from this administrative regulation. (29 Ky.R. 200; 983; eff. 11-13-2002; Crt eff. 3-27-2019.)