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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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Title		Chapter		Regulation
806	KAR	50	:	155
Cabinet Department, Board or Agency		Bureau, Division or Major Function		Specific Area of Regulation

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 9 a.m. EDT June 4, 1979, in the 24th Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky on the following regulations:

401 KAR 5:026. Classification of waters. [5 Ky.R. 825]
401 KAR 5:029. General provisions. [5 Ky.R. 827]
401 KAR 5:031. Surface water standards. [5 Ky.R. 829]
401 KAR 5:035. Treatment requirements; compliance [5 Ky.R. 812]

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-312
April 3, 1979

EMERGENCY REGULATION
Public Protection and Regulation Cabinet
Utility Regulatory Commission

WHEREAS, the 1978 Legislature amended KRS Chapter 278, abolishing the Public Service Commission effective April 1, 1979; and

WHEREAS, the said amendments provide that commencing April 1, 1979, "The Utility Regulatory Commission shall regulate non-energy utilities as defined in KRS 278.010(5) and enforce the provisions of this chapter with respect to such non-energy utilities"; and

WHEREAS, KRS 278.040(3), as amended in 1978, provides that the Commission may adopt reasonable regulations to implement the provisions of KRS Chapter 278; and

WHEREAS, the Utility Regulatory Commission has determined that an emergency exists and that there is an immediate need to adopt regulations to carry out the Commission's statutory duties beginning April 1, 1979; and

WHEREAS, the Secretary of the Cabinet for Public Protection and Regulation, in conjunction with the Utility Regulatory Commission, pursuant to KRS 13.082 and KRS 278.040, has promulgated the regulations hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Utility Regulatory Commission within the Cabinet for Public Protection and Regulation that an emergency exists and direct that the attached regulations become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:010E. Rules of procedure.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.310(2)
EFFECTIVE: April 4,1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Utility Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the

record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

(1) Amount and kinds of stock authorized.

(2) Amount and kinds of stock issued and outstanding.

(3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.

(4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.

(5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.

(7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(8) Rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.

(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.

(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:

(a) A copy of its articles of incorporation. (See Section 7(3).)

(b) The name of the governmental agency offering the franchise.

(c) The type of franchise offered.

(d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.

(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:

(a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.

(b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.

(c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.

(d) Three (3) maps to suitable scale (preferably not more

than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.

(e) The manner in detail in which it is proposed to finance the new construction or extension.

(f) An estimated cost of operation after the proposed facilities are completed.

(g) All other information necessary to afford the commission a complete understanding of the situation.

(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

Section 9. Application or Notice for Authority to Adjust Rates. (1) When the utility seeks to adjust any rate, toll, charge, or rental, so as to alter any classification, contract, practice, rule or regulation as to result in any change in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:

(a) Financial exhibit. (See Section 6.)

(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.

(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.

(d) A statement in full of the reason why the adjustment is required.

(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.

(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:

(a) Total amount of interest charged to construction.

(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.

(c) Details of any apportionment used.

(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said application, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Utility Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or persom complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

(a) Formal complaint.

(b) Answer.

(c) Application.

(d) Notice of adjustment of rates.

(2) Forms of Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of complainant))
Complainant)
) No. _____
vs.) (To be inserted by
) the secretary of
) the commission)
(Insert name of each defendant))
Defendant)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complaint asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19___.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of each complainant) Complainant	)	
vs.	)	No. _____ (To be inserted by the secretary of the commission)
(Insert name of each defendant) Defendant	)	

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

(a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

_____
(Name of defendant)

_____
(Name and address of attorney, if any)

(4) Form of Application.

Before the Utility Regulatory Commission

In the matter of the application of (here insert name of each applicant) for (here insert desired order, authorization, permission or certificate, thus: "Order authorizing issue of stocks and bonds")	)	No. _____ (To be inserted by the secretary of the commission)

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

(a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).

(b) That the post office address of each applicant is _____.

(c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Utility Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, Kentucky, this ____ day of _____, 19___.

_____
(Name of applicant)

_____
(Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Utility Regulatory Commission

In the matter of adjustment of rates of the (state name of corporation).	)	No. _____ (To be inserted by the secretary of the commission).

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the ____ day of _____, 19___, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

_____
(Name and address of company)

_____
(Name and address of attorney)

Section 15. Pursuant to 1978 Amendments to KRS Chapter 278, 807 KAR 2:035 is hereby repealed.

RICHARD S. TAYLOR, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:020E. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to water, sewer and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Utility Regulatory Commission.

(2) "Utility" means a non-energy utility as defined in KRS 278.010(5) with the exception of a combined energy-nonenergy utility as provided in KRS 278.010(2).

(3) "Customer" means any person, firm, corporation or body politic supplied service by any water, sewer or telephone utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may

be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by water utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half (½) of the time elapsed since the last pervious test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On_____, 19____, the meter bearing identification No._____installed in your building located at_____
(Street and Number)
in_____was tested
(City)
at_____and found to
(On premises or elsewhere)
register_____.
(Percent fast or slow)
The meter was tested on_____
(Periodic, Request, Complaint)
test.

Based upon this we herewith_____
(Charge or Credit)
you with the sum of $_____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least ten (10) days'written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before thirty (30) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office, or to its employee empowered to discontinue service, payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. The written notice for any discontinuance of service shall advise the customer of his rights under paragraph (a) herein and of his right to dispute the reasons for such discontinuance.

(b) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has

diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued upon forty-eight (48) hours' written notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All water utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 25:055.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Utility Regulatory Commission Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each water utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Water:

Size	Fee
Outlet 1 inch or less	$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (½) of the cost of transportation of the commission's representative between the office of the commission and the point of test.

(b) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Utility Regulatory Commission rules. These procedures shall be filed with the commission.

(2) (a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards, damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Report of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:030E. Tariffs.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.160(1)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.160(1) provides that the commission shall prescribe rules under which each utility shall file schedules showing all rates and conditions established by it and collected or enforced.

Section 1. General. All utilities under the jurisdiction of the Utility Regulatory Commission shall file with the secretary of the commission two (2) cover letters and four (4) complete copies of a tariff containing schedules of all its rates, charges, tolls and maps or plats of the area in which it offers service and all its rules and regulations and shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160, in substantially the form and manner hereinafter set out. If a utility furnishes more than one (1) kind of service (water and electricity for example), a separate tariff must be filed for each kind of service. For the purpose of the commission's rules and regulations, the utilities office or place of business shall be deemed a location at which the utility regularly employs and stations one (1) or more employees and is open to the public.

Section 2. Form and Size of Tariffs. (1) All tariffs must be printed from type not smaller than six (6) point or typewritten, mimeographed or produced by similar process, on hard calendared paper of good quality.

(2) The pages of a tariff shall be eight and one-half by eleven (8½ by 11) inches in size.

(3) Utilities shall publish tariffs in loose-leaf form using one side of the paper only, with not more than one (1) schedule to the page.

(4) The front cover page of a tariff shall contain the following:

(a) Name of the utility and location of principal office.

(b) Statement of kind of service offered.

(c) General statement of territory served.

(d) Date of issue and date tariff is to become effective.

(e) Signature of the officer of the utility authorized to issue tariffs.

(f) Identifying designation in the upper right-hand corner as required by Section 4.

(5) The second and succeeding pages shall contain:

(a) All the rules and regulations of the utility.

(b) Rate schedules showing all rates and charges for the several classes of service.

(c) Signature of the officer of the utility authorized to issue tariffs.

(d) Date of issue and date tariff is to become effective.

(e) Identifying designation in upper right-hand corner as required by Section 4.

(6) In that portion of the tariff dealing with rates, the desired information shall be shown under the following captions in the order listed:

(a) Applicable: Show territory covered by tariff.

(b) Availability of service: Show classes of customers affected, such as domestic, commercial, etc.

(c) Rates: List all rates covered by tariff.

(d) Minimum charge: State amount of charge and quantity allowed.

(e) Delayed payment charge: State if penalty or discount.

(f) Term: If contracts are made for certain periods, give length of term.

(g) Special rules: If any special rules and regulations are in effect covering this tariff, list same hereunder.

(7) The secretary of the commission will furnish standard forms of tariffs on request.

Section 3. Contents of Schedules. (1) Each rate schedule in addition to a clear statement of all rates thereunder must state the city, town, village or district in which rates are applicable; provided, however, that schedules applicable in a large number of communities must be accompanied by an accurate index by which each community in which the rates are applicable may be readily ascertained, in which case the applicability of a schedule may be indicated by reference to the index sheet. (Example: Applicable within the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

(2) Each rate schedule must state that class of service available under the rates stated therein.

(3) For a tariff in which a number of schedules are shown available for various uses, each schedule shall be identified by a number or by a group of letters, and if by a group of letters, the designation shall be indicative of the class of service for which the schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating that the schedule states domestic utility rates.)

(4) (a) Each page of the tariff shall bear the U.R.C. Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.

(b) In the case of a change in the text of any page as hereinafter provided the further designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.

(c) Tariffs may be further divided into sections, and so designated if required by their size and contents.

(5) All schedules shall state whether a minimum charge is made, and if so, they shall set out all such charges, and further state whether such minimum charge is subject to prompt payment discount or delayed payment penalty.

Section 4. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the U.R.C. number thereof. Subsequent tariffs filed as provided by Sections 5 through 8, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the U.R.C. number of the tariff cancelled, changed or modified by it.

Section 5. Change or Withdrawal of Rate Schedules or Regulations. (1) No tariff, or any provision thereof, may be changed, cancelled or withdrawn except upon such terms and conditions as the commission may impose and in compliance with KRS 278.180 and Sections 5 through 8.

(2) (a) All revisions in tariff sheets shall contain a symbol in the margin indicating the change made. These symbols are as follows:

(C) To signify changed regulation.
(D) To signify discontinued rate, regulation or test.
(I) To signify increase.
(N) To signify new rate and/or new test.
(R) To signify reduction.
(T) To signify a change in text.

(b) In the case of a change in the text of any tariff sheet where the rate remains the same, the effective date shall remain the same as that on the amended sheet. The issued date of the change shall be the date the filing is made with the commission.

(c) All tariff filings which involve the furnishing of equipment or services to the customer by the utility shall be accompanied by a description of the equipment or service involved in the filing and a cost of service study justifying the proposed charges.

(3) New tariffs stating changes in any provision of any effective tariff may be issued and put into effect by either of the two (2) following methods:

(a) By order of the commission upon formal application by the utility, and after hearing, as provided by Section 6.

(b) By issuing and filing on at least twenty (20) days notice to the commission and the public a complete new tariff (or revised sheet of an existing tariff) stating all the provisions and schedules proposed to become effective as provided by Sections 7 and 8.

(4) The provisions or rates stated on any sheet or page of a tariff may be modified or changed by the filing of a revision of such sheet or page in accordance with the provisions of this regulation. Such revisions must be identified as required herein.

Section 6. Adjustment of Rates on Application. Upon the granting of authority for a change in rates, the utility shall file a tariff setting out the rate, classification, charge, or rule and regulation authorized by the commission to become effective the order may direct, and each page of the tariff so filed shall state that it is "Issued by authority of an order of the Utility Regulatory Commission in Case No. _____ dated _____, 19_____."

Section 7. Notice to the Public. (1) Notice to the public of a change of rates and charges or rules and regulations shall be given by the utility in the following manner:

(a) The tariff or revised sheet stating the proposed rates, rules, regulations, etc., shall be exhibited at the offices and places of business of the utility in the territory affected for a least twenty (20) days prior to the proposed effective date of such tariff or revised sheet. If after review of said tariff or revision the commission deems it necessary to hold a public hearing in order to determine the reasonableness of the proposed revision, notice of such hearing shall be served on the utility. The tariff or revised sheets shall be exhibited as set out above the twenty (20) days prior to the date of hearing.

(b) If the proposed change will result in an increase of rates or charges to any customer, typewritten notice of the proposed rates or charges shall be mailed by the utility to each customer to be so affected at least twenty (20) days prior to the effective date of the proposed rates or charges, or where a hearing on the proposed increase has been set by the commission, at least twenty (20) days prior to the date of hearing; provided, however, that when more than twenty (20) patrons will be so affected by the proposed change, it will be sufficient within the meaning of this rule if such notice is published once a week for three (3) consecutive weeks prior to the effective date of such proposed rates or charges or when a hearing has been scheduled, for three (3) consecutive weeks prior to the date of hearing, in some newspaper of general circulation in the community or communities in which the customers to be affected reside, and provided further, that the commission, upon requst of the utility, may modify the requirements as to notice other than by posting in any case in which it appears proper to do

so. Notice provided for in this section shall contain the proposed rates, and when applicable, the date, time and place of hearing.

(2) The agent or representative of the utility in charge of an office or place of business shall give information regarding its tariffs (present and proposed) requested of him by any consumer or prospective consumer or his agent, and shall accord said persons, or their agents, opportunity to examine any of the tariffs of the utility at any reasonable time.

Section 8. Statutory Notice to the Commission. (1) When a new tariff has been so issued and notice thereof given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and regulations therein be deferred by an order of the commission pending a hearing concerning the propriety of the proposed rates and regulations under KRS 278.190.

(2) All information and notice required by these rules shall be furnished to the commission at the time of the filing of any proposed revisions in rates or regulations, and the twenty (20) days statutory notice to the commission will not commence to run and will not be computed until such information and notice is filed.

Section 9. Change of Ownership; Adoption Notice. (1) In case of change of ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company (unless authorized to change by the commission), and shall issue, file and post an adoption notice, on a form furnished by the commission, adopting, ratifying and making its own all rates, rules, classifications and regulations of the former operating utility, on file with the commission and effective at the time of such change of ownership or control.

(2) Adoption notices must likewise be filed by receivers and trustees assuming possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(3) Adoption notices filed with the commission by each utility shall be in consecutive numerical order, beginning with U.R.C. Adoption Notice No. 1.

(4) Within ten (10) days after the filing of an adoption notice as aforesaid by a public utility which then had no tariffs on file with the commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof in the form prescribed in Sections 1 through 4 with proper identifying designation. (Example: U.R.C. No. 1 cancels U.R.C. Adoption Notice No. 1.)

(5) Within ten (10) days after the filing of an adoption notice, as required by subsection (2) of this section, by a public utility which then had other tariffs on file with the commission, said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these rules with proper identifying designation. (Example: First Revision of Original Sheet No. 2A, U.R.C. No. 11, cancels Original Sheet No. 2A, also cancels U.R.C. Adoption Notice No. 6; or U.R.C. No. 12 cancels U.R.C. No. 11, also cancels U.R.C. Adoption Notice No. 6.)

(6) When a tariff or revision is issued by a utility in compliance with these rules which states the rates, rules and regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the effect of the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject to Sections 7 and 8.

Section 10. Posting Tariffs, Regulations and Statutes. Every utility shall provide a suitable table or desk in its office and place of business, on which shall be available to the public at all times the following:

(1) A copy of all effective tariffs and supplements setting out its rates, classifications, charges, rules and regulations, together with forms of contracts and applications applicable to the territory served from that office or place of business.

(2) Copies of the Kentucky Revised Statutes applicable to the utility.

(3) A copy of the regulations governing such utility adopted by the Utility Regulatory Commission.

(4) A suitable placard, in large type, giving information to the public that said tariffs, rules and regulations and statutes are kept there for public inspection.

Section 11. Special Contracts. Every utility shall file true copies of all special contracts entered into governing utility service which set out rates, charges or conditions of service not included in its general tariff. The provisions of this regulation applicable to tariffs containing rates, rules and regulations, and general agreements, shall also apply to the rates and schedules set out in said special contracts, so far as practicable.

Section 12. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

Section 13. Forms. In submitting to the commission information required by these rules the following forms shall be followed where applicable:

(1) Form of cover sheet for tariffs.
(2) Form for filing rules and regulations.
(3) Form for filing rate schedules.
(4) Form of certificate of notice to the public of change in tariff where no increase of charges results.
(5) Form of certificate of notice to the public of change in tariff which results in increased charges.
(6) Form of adoption notice.

(Continued on next page)

FORM OF COVER SHEET FOR TARIFFS

_____

U.R.C. NO._____

CANCELS U.R.C. NO._____

_____
(NAME OF COMPANY)

of

_____
(LOCATION OF COMPANY)

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED)

at

_____
(LOCATION SERVED)

_____

_____

FILED WITH UTILITY REGULATORY COMMISSION
OF KENTUCKY

_____

Issued_____, 19___Effective_____, 19___

_____

Issued by_____
(Name of Utility)

By_____

_____

FORM FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For_____
Community, Town or City

U.R.C. NO._____

____(Original) Sheet No._____
____(Revised)

_____
Name of Issuing Corporation

Canceling U.R.C. No._____

____(Original) Sheet No._____
____(Revised)

_____
CLASSIFICATION OF SERVICE

APPLICABLE: (Show territory covered by tariff.)

AVAILABILITY OF SERVICE: (Show classes of customers affected, such as domestic, commercial, etc.)

RATES: (List all rates covered by tariff.)

MINIMUM CHARGE: (State if penalty or discount.)

_____

DATE OF ISSUE_____
Month Day Year

DATE EFFECTIVE_____
Month Day Year

ISSUED BY_____
Name of Officer Title Address

ISSUED BY AUTHORITY OF U.R.C.

ORDER NO._____

FORM FOR FILING RULES & REGULATIONS

(Page 2 of Tariff)

_____

_____

_____

_____
Name of Utility

RULES & REGULATIONS

_____

_____

Date of Issue Effective Date

_____

Issued By

_____
Name Title

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC
OF CHANGE IN TARIFF WHERE NO
INCREASE OF CHARGES RESULTS

(2 Copies Required)

To the UTILITY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective_____), I hereby certify that I am_____of the (Name of Utility) _____a utility furnishing (Kind of Service)_____service within the Commonwealth of Kentucky, which on the____day of_____, 19___, issued* Tariff U.R.C. No._____, canceling Tariff U.R.C. No._____, to become effective_____, 19___, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the____day of_____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted)_____ _____and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 7 of said Regulation.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges of any customer.

Given under my hand this____day of_____, 19___.

Address_____

_____

* If a revised sheet, or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as_____Revision of Original Sheet No._____U.R.C. No._____, canceling_____Original Sheet No._____, U.R.C. No._____, canceling U.R.C. Adoption Notice No._____.

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC
OF CHANGE IN TARIFF WHICH RESULTS
IN INCREASED RATES

(2 Copies Required)

To the UTILITY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective_____,) I hereby certify that I am (Title of Officer)_____of the (Name of Utility)_____a utility furnishing_____service within the Commonwealth of Kentucky, which on____day of_____, 19___, issued its *Tariff U.R.C. No._____canceling Tariff U.R.C. No._____to become effective_____, 19___, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the_____day of_____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted)_____and that the same will be kept open to public inspection at said office and places of business in conformity with the requirements of Section 7 of said Regulation.

**On the____day of_____, 19___, typewritten or printed notice of the proposed rates or regulations was mailed to each of the_____customers of the company whose rates or charges will be increased thereby, a copy of said notice being attached thereto.

Given under my hand this_____day of_____, 19___.

Address_____

* If a revised sheet or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as Revision of Original Sheet No._____U.R.C. No._____, or Original Sheet No._____U.R.C. No._____canceling U.R.C. Adoption Notice No._____.

** If Notice is given by publication as provided by Section 7, use the following:

That more than 20 customers will be affected by said change by way of an increase in their rates or charges, and on the____ day of_____, 19___, there was delivered to the_____, a newspaper of general circulation in the community in which the customers affected reside, for publication therein once a week for three consecutive weeks prior to the effective date of said change, a notice of the proposed rates or regulations, a copy of said notice being attached hereto. A certificate of the publication of said notice will be furnished the Utility Regulatory Commission upon the completion of the same in accordance with Section 8(2), of said Regulation.

FORM OF ADOPTION NOTICE
U.R.C. Adoption Notice No._____
ADOPTION NOTICE

The undersigned (Name of Utility)_____of _____hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing (Nature of Service) _____service at_____in the Commonwealth of Kentucky, filed with the Utility Regulatory Commission by (Name of Predecessor)_____of_____, and in effect on the____day of _____, 19___, the date on which the public service business of the said (Name of Predecessor)_____was taken over by it.

This notice is issued on the___day of_____, 19___, in conformity with Section 9 of URC Tariff Regulations adopted by the Utility Regulatory Commission.

By_____

RICHARD S. TAYLOR, Chairman
APPROVED: DONALD N. RHODY, Secretary
ADOPTED: March 29, 1979
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:040E. Telephone.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishings of any commodity by the utility. This regulation establishes general rules which apply to telephone utilities.

Section 1. General Provisions. This regulation governs the furnishing of intrastate telephone service and facilities to the public by telephone utilities subject to the jurisdiction of the commission. The purpose of these rules is to set forth reasonable service standards and procedures to the end that adequate and satisfactory service will be rendered to the public.

Section 2. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use the applicable provisions in the following publications as standards of accepted good engineering practice for the construction and maintenance plant and facilities, herein incorporated by reference:

(1) National Electric Safety Code; ASA C-2 1977 Edition;

(2) National Electrical Code; NFPA 70 or ANSI C-1, 1978 Edition.

Section 3. Definitions. In the interpretation of this regulation, the following definitions shall be used:

(1) "Commission" means the Utility Regulatory Commission.

(2) "Telephone utility" means any person, firm, partnership, cooperative, organization or corporation engaged in furnishing of telephone service to the public under the jurisdiction of the commission.

(3) "Customer or subscriber" means any person, firm, partnership, corporation, municipality, cooperative, organization or governmental agency provided with telephone service by any telephone utility.

(4) "Exchange" means a geographical area established by a telephone utility for the administration of telephone service. It usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

(5) "Central office" means a unit of a telephone utility, including the switching equipment and appurtenant facilities used to establish connections between customer lines or between customer's lines and trunk or toll lines to other central offices within the same or at other exchanges.

(6) "Outside plant" means the telephone equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customer's location or between central offices.

(7) "Subscriber line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

(8) "Class of service" means the various categories of telephone service generally available to customers, such as business or residence.

(9) "Grade of service" means the number of parties served on a telephone line such as one-party, two-party, four-party, etc.

(10) "Service line" means those facilities owned and maintained by a customer or group of customers which lines are connected with the facilities of a telephone utility at an agreed point for communication service.

(11) "Farmer line" (see service line).

(12) "Message" means a completed customer telephone call.

(13) "Calls" means customer's telephone messages attempted.

(14) "Customer trouble report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or difficulty with the operation of telephone facilities. One (1) report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one (1) customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(15) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications, regulations and rules, adopted and filed by a public utility in accordance with the laws governing the provisions of public utility service.

(16) "Base rate area" means the developed portion or portions within each exchange service area as set forth in the telephone utility's tariffs, maps or descriptions. Main station service within this area is furnished at uniform rates without mileage charges.

(17) "Average busy season; busy hour traffic" means the average traffic volume for the busy season, busy hours.

(18) "Busy hour" means the two (2) consecutive half-hours during which the greatest volume of traffic is handled in the office.

(19) "Busy season" means that period of the year during which the greatest volume of traffic is handled in the office.

(20) "Switching service" means switching performed for service lines.

(21) "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

(22) "Toll station" means a telephone and associated equipment connected to a toll line or directly to a toll board.

(23) "Direct distance dialing (DDD)" means customer dialing over the nationwide intertoll telephone network of calls to which toll charges are applicable. No operator assistance is required for DDD calls.

(24) "Regular or 'basic' service" includes all one (1), two (2), four (4) and multiparty primary and extension service.

(25) "Special service" means unusual and complex services such as data terminals, teletypewriter, full period circuits, wide area telephone service (WATS), or other items that require special engineering, installation or manufacturing to provide the service.

(26) "Extended area service (EAS)" means extension of a major exchange area to include other surrounding exchange areas. Toll-free dialing is permitted within the extended area in return for metropolitan area rates.

(27) "Intercept service" means a service arrangement provided by the utility whereby calls placed to a disconnected, discontinued, or improper listed telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, discontinued, changed, etc., or that calls are being received by another telephone. This may be accomplished by recording or by operator.

(28) "Regrade" means an application for a different class and/or grade of service.

(29) "Traffic" means telephone call volume, based on number and duration of messages.

(30) "Service objectives," as construed in these regulations, service objective shall mean a designated number or percentage, applicable to the various service measures, the maintenance of which shall indicate a minimum satisfactory level of service.

(31) "Surveillance level" means a designated number or percentage, applicable to the various service measures. Performance by the utility below this level indicates the necessity for investigation or corrective action, and if such measures exist for two (2) consecutive months, this shall require the submission to the commission by the utility of a report by exchange setting forth the unsatisfactory service levels and the action taken or contemplated for their correction.

Section 4. Switching Service. Telephone companies shall not provide switching service to service lines except to dangerous, inaccessible, restricted or remote areas. In such cases the service lines shall meet appropriate technical criteria so as not to impair or interfere with the service of others, or adversely affect the facilities of the telephone company.

Section 5. Basic Utility Obligations. (1) Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this regulation.

(2) Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.

(3) Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review, and such records shall be made available for inspection by the commission upon request.

(4) Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

Section 6. Directories. (1) Telephone directories shall be published at least yearly for each exchange listing the name, address and telephone numbers of all customers, except public telephones and numbers unlisted at a customer's request, who can be called within the service area without a long distance charge.

(2) Upon issuance, a copy of each directory shall be distributed by each utility to all its customers served by that directory, and a copy of each directory shall be furnished the commission.

(3) The name of the telephone utility, the area included in the directory and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(4) The directory shall contain such instructions concer-

ning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices as may be appropriate to the area served by the directory. Rates between frequently called points may also be included.

(5) (a) Information operators shall have access to records which include all listed telephone numbers (except public telephones and numbers that are nonpublished at the customer's request) in the area for which they are responsible for furnishing information service.

(b) Intercept operators shall have access to records which indicate the status of all telephone numbers in the area for which they are responsible for furnishing intercept service.

(6) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a ninety (90) day period of time provided the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party either upon request or interception.

(7) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a ninety (90) day period of time, and give the calling party the new number if the customer so desires.

(8) When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

Section 7. Exchange Maps. (1) Each telephone utility shall file exchange maps with the commission showing the exchange service area for each telephone exchange operated, and the maps shall be in sufficient detail to reasonably permit locating the exchange service area boundaries in the field. A copy of such map shall be included in the utility's tariff, in accordance with the requirements of 807 KAR 25:030.

(2) With every revised map, the telephone utility so filing shall submit proof of notice of the proposed revision to each telephone utility whose exchange area adjoins the exchange area boundary lines or is located reasonably near the territory which would be changed by such revisions. This shall include provision for the signature of an official of each telephone utility concerned on the copy of the exchange maps filed with the commission.

Section 8. Tariffs. Each telephone utility shall file with its tariff the various exchange areas, base rate areas, the conditions and circumstances under which service will be furnished and a definition of the classes and grades of service available to customers, in accordance with 807 KAR 25:030.

Section 9. Extensions of Service. (1) The utility shall extend service to applicants within the base rate area without a construction charge except in cases of special requirements.

(2) Each telephone utility shall make an extension of 750 feet or less, free of charge, from existing plant facilities to provide multiparty service to applicants who shall apply for and contract to use the service for one (1) year or more and provide a guarantee for such service. Not more than 250 feet of the extension shall be over private property. However, when the extension over private property will be used to serve customers in general or the private property routing is selected by the utility, such construction shall be treated as being on public property and the full extension if required shall be made.

(3) Other extensions:

(a) 1. When an extension to serve an applicant or a group of applicants amounts to more than 750 feet per applicant, the utility may, if not inconsistent with their filed tariff, require the total cost of the excessive footage over 750 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

2. Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of 750 feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(b) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 750 feet of the extension installed for each additional customer connected during the year, but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(5) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 750 feet upon a finding by the commission that such extension is reasonable.

(6) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by order of the commission.

Section 10. Grade of Service. (1) Within the base rate area, no telephone utility shall place more than four (4) customers on any local exchange line. Within the service area no telephone utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.

(2) On rural lines where multiparty service is provided no more than eight (8) customers shall be connected to any one (1) circuit. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provisions of this rule.

Section 11. Provision of Service. (1) It shall be the service objective of all utilities to fulfill ninety (90) percent of requests for regular service within five (5) working days of the receipt of the request unless the applicant specifically requests a later date. The surveillance level shall be eighty (80) percent.

(2) The service objective for regular regrades shall be to fulfill ninety (90) percent of requests within thirty (30) days

unless the applicant specifically requests a later date. The surveillance level shall be eighty (80) percent.

(3) Applications for special service shall be filed in as expeditious manner as equipment and facilities will permit.

(4) All applications which are not filled within five (5) working days for initial regular service and within thirty (30) days for regular regrades shall be considered as held applications.

(5) When because of circumstances beyond the control of the utility it is not possible to provide service within the time limits specified above, the utility shall promptly notify the applicant of the reason for the delay and give him a commitment date based upon the best available information. Utility personnel shall refrain from making unwarranted commitments without first having ascertained that they can reasonably be met.

(6) It shall be the service objective of all utilities to meet ninety-four (94) percent of all commitments made, except for customer caused delays and Acts of God. The surveillance level shall be eight-eight (88) percent.

(7) In those instances where commitments cannot be met, the applicant shall be notified at the earliest possible time.

(8) Additionally, the utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new or regrade service to the applicant.

(9) When, because of shortage of facilities, a utility is unable to supply telephone service on dates requested by applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

Section 12. Public Telephone Service. In each exchange, the telephone utility shall supply at least one (1) coin telephone that will be available to the public on a twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility shall also establish other public telephone service at locations where the public convenience will be served.

Section 13. Discontinuance of Service. (1) When a telephone utility, subject to the jurisdiction of this commission, is notified in writing by this commission or by a federal or state law enforcement agency, or by the Attorney General of Kentucky or by a commonwealth attorney or by a county attorney acting within its or his apparent jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber. But no damages, penalty or forfeiture, civil or criminal, shall be recovered from any telephone utility for any act done in compliance with any notice received from the commission or law enforcement agency.

(2) Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate judicial determination that such facility should not be discontinued or removed, or should be restored.

(3) As provided by KRS 278.230, any telephone utility subject to the jurisdiction of this commission shall furnish to the commission on its demand any records or information in the possession of such telephone utility that may assist the commission in the enforcement of this rule.

(4) Nothing herein shall be construed to prevent the transmission of information for use in legitimate news reporting of sporting events or contests by recognized news media.

Section 14. Customer Billing. Bills to customers shall be rendered regularly and shall contain clear listings of all charges. The utility shall comply with reasonable customer requests for an itemized statement of charges. All toll charges shall be itemized separately.

Section 15. Adequacy of Service. (1) Each utility shall employ recognized engineering and administrative procedures to determine the adequacy of service being provided to the customer.

(2) Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided at all times including the busy hour, busy season.

(3) Each telephone utility shall provide operator assistance on a twenty-four (24) hour per day basis for both local and long distance service.

(4) Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

Section 16. Dial Service Requirements. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements at all times including busy season-busy hour:

(1) Dial tone within three (3) seconds on at least ninety-five (95) percent of telephone calls.

(2) Complete dialing of called numbers on at least ninety-five (95) percent of telephone calls without encountering an equipment or all-trunk busy condition within the local dialing area.

(3) Each utility shall employ appropriate procedures to determine the adequacy of central office equipment and local inter-office and EAS trunks.

Section 17. Grounded Circuits. No telephone lines shall be construed as single wire with ground return. Any existing ground return telephone lines shall be converted to metallic or equivalent circuits.

Section 18. Metallic Circuits. Telephone utilities shall provide full metallic telephone circuits or equivalent for all customers.

Section 19. Toll Connecting Trunks. Sufficient toll connecting or inter-exchange trunks shall be provided so that at least ninety-seven (97) percent of telephone calls offered to the group will not encounter an all trunks busy condition. The surveillance level shall be ninety-two (92) percent.

Section 20. Transmission Requirements. Telephone utilities shall furnish and maintain adequate plant equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

Section 21. Minimum Transmission Objectives. (1) The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a forty-eight (48) volt dial central office and measured at a frequency of 1,000 cycles.

(2) Subscriber lines shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment.

(3) Telephone utilities shall have as their objective the design of subscriber loops having a transmission loss of no more than eight and five-tenths (8.5) decibels.

(4) The overall transmission loss, including terminating equipment, on local interoffice trunks shall be no more than seven (7) decibels.

(5) Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and terminating links shall be no more than five (5) decibels. Because these trunks may be only one of several connected links, on some toll routes it may be necessary to provide better facilities of high grade in order to keep overall net circuit losses within reasonable limits and to provide satisfactory message transmission.

Section 22. Provisions for Testing. Each telephone utility shall provide test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

Section 23. Selective Ringing. Each telephone utility shall provide full selective ringing to all subscribers.

Section 24. Traffic Rules. (1) Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and agreeable service to the customers.

(2) Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

(3) All operator-handled calls shall be carefully supervised and disconnects made promptly.

(4) When an operator is notified by a customer that he has reached a wrong number on a direct dialed call, the customer shall be given credit on his bill when the claim has been substantiated.

Section 25. Answering Time. (1) Adequate forces shall be provided for toll and for operator assistance calls to meet the service objective so that ninety (90) percent of the calls will be answered within ten (10) seconds. The surveillance level shall be eighty-five (85) percent.

(2) The service objective for calls to the business office, and repair service shall be ninety (90) percent within twenty (20) seconds. The surveillance level shall be eighty-five (85) percent.

(3) The service objective for operator number identification (ONI) on toll calls where ANI is not available shall be ninety (90) percent within five (5) seconds. The surveillance level shall be eighty-five (85) percent.

(4) The utility shall use sufficient quantities of measuring devices to accurately monitor the above service indices.

Section 26. Maintenance of Plant and Equipment. (1) Each telephone utility shall adopt and pursue a preventative maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(2) Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive maintenance not to be in operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

(3) The utility shall maintain records descriptive of its preventative maintenance program indicating work accomplished and planned, which is carried out on a routine periodic basis, for the various categories of equipment and plant.

(4) Work performed in response to trouble is not considered preventative maintenance.

Section 27. Emergency Operations. (1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increase in traffic, illness of operators, or from fire, storm, or Acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

(2) It is essential that all central offices and toll centers have adequate provision for emergency power. Each central and/or toll office shall have a minimum of four (4) hours of battery reserve. In exchanges exceeding 5,000 lines and in toll offices, a permanent auxiliary power unit shall be installed. In offices without installed emergency power facilities there shall be a mobile power unit available of suitable capacity which can be delivered and connected wihin two (2) hours, or one-half (½) the battery reserve time, whichever is greater.

Section 28. Service Interruption. (1) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay, regardless of weekends or holidays.

(2) Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at night, as well as during regular working hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(3) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer, of service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request, and shall be retained for a minimum time of one (1) year.

(4) The service objective shall be to clear ninety-five (95) percent of out-of-service troubles, not requiring unusual repair such as cable failures, within twenty-four (24) hours of the report received by the utility, unless the customer specifically requests a later time.

(5) Non-out-of-service maintenance items reported by customers such as frayed cords, etc., not affecting the

utilization of the telephone equipment may be scheduled for correction within a reasonable time so as to achieve economies in the dispatching of service personnel.

(6) The surveillance level for out-of-service troubles shall be ninety-two (92) percent.

(7) All commitments to customers shall be kept, unless customers are timely notified of unavoidable delays. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(8) It shall be the service objective to so maintain the service that the average rate of customer trouble reports in an exchange is no greater than eight (8) per 100 telephones per month.

(9) The surveilance level for customer trouble reports shall be ten (10) per 100 telephones per month.

(10) When a customer's telephone is reported or found to be out of order. It shall be restored to service as promptly as possible, but in the event it remains out of order in excess of twenty-four (24) consecutive hours, after the utility has notice thereof, the utility shall refund to the customer upon request the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

Section 29. Construction Work near Utility Facilities. Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, and other equipment in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

Section 30. Customer Service. A customer may be required to take service of a different type or insufficient quantity if the use of service interferes unreasonably with the necessary service of other customers.

Section 31. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:050E. Water.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to water utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of water utilities operating under the jurisdiction of the Utility Regulatory Commission.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.

(2) Transmission main. The transmission main is used for conveying water to the distribution system, reservoirs, tanks or stand pipes, and has generally no service connections with customers.

(3) Distribution main. The distribution main is one from which service connections with customers are taken at frequent intervals.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) Department for Natural Resources. The term "Department for Natural Resources" means the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Sanitary Engineering.

Section 3. Information Available to Customers. (1) Characteristics of water. A description in writing of the treated water as to chemical constituents and bacteriological standards.

(2) Rates. A schedule of rates for water service applicable to the service to be rendered to the customer.

(3) Reading meters. Information about method of reading meters.

(4) Bill analysis. A statement of the past readings of a customer's meter for a period of two (2) years.

Section 4. Quality of Water. (1) General. Any utility furnishing water service for human consumption or for domestic uses shall provide water that is wholesome, potable, free from objectionable odors and taste, and not harmful or dangerous to public health.

(2) Compliance with Department for Natural Resources. Any utility furnishing water service for human consumption or domestic use shall conform to all legal requirements of the Department for Natural Resources for construction and operation of its water system as pertains to sanitation and potability of the water.

(3) Water supply. In absence of comparable requirements of the Department for Natural Resources, water supplied by any utility shall be:

(a) Adequately protected by artificial treatment to include continuous disinfection throughout the distribution system.

(b) Free from objectionable color, turbidity, taste, and odor.

(c) From a source reasonably adequate to provide a continuous supply of water.

(d) Of such quality at all times as to meet the "Public Health Service Drinking Water Standards," Revised 1962

edition, Publication No. 956, U. S. Government Printing Office, Washington, D. C. 20402; herein filed by reference.

(4) Operation of supply system:

(a) The water supply system, including wells, reservoirs, pumping equipment, treatment works, mains, and service pipes shall be free from sanitary defects.

(b) No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted, unless such other water supply maintains a safe sanitary quality in accordance with this regulation and the inter-connections of the supplies are approved by the commission.

(c) The growth of algae in the water at the source of supply, in reservoirs or other basins, and in the water mains, shall be controlled by proper treatment.

(d) Utilities obtaining water supplies from driven or drilled wells must maintain the tightness of well casings and provide protection at the surface of the ground to prevent the infiltration of water other than that from the strata tapped by such wells and 300 feet from any source of pollution.

(5) Testing of water:

(a) Test. Each utility shall have representative samples of water supplied by it examined by the state or local Department for Natural Resources or by a competent chemist and bacteriologist skilled in the sanitary examination of water, under methods approved by the State Department for Natural Resources, at intervals sufficient to insure a safe water supply.

(b) Report to the commission. In the event that the above prescribed tests show that the water furnished by the utility is contaminated or otherwise unsafe for human consumption, the utility shall forward a report of such test to the commission or other state agency having correctional jurisdiction without delay, and shall take immediate steps to correct the condition.

Section 5. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Where an emergency interruption of service affects the service to any public fire protection device, the utility shall immediately notify the fire chief or other public official responsible for the fire protection.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption, stating the time and anticipated duration of the interruption. Whenever possible, scheduled interrruptions shall be made at such hours as will provide least inconvenience to the customers. Where public fire protection is provided by the mains affected by the interruptions, the utility shall notify the fire chief or other officials responsible for fire protection, of the interruption, stating the time and anticipated duration. The fire chief or other official responsible for fire protection shall be notified immediately upon restoration of service.

(3) Standby equipment. When the system pressure is maintained by mechanical means, emergency standby pumping equipment shall be provided to maintain a reasonable pressure in the main in the event of failure of the primary pumping facilities.

(4) Storage. Each utility shall provide water storage to insure a minimum of one (1) days supply of its average daily water usage or such minimum amount deemed adequate by the commission.

(5) Record of interruptions. Each utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. This record shall show the cause of interruption, date, time, duration, remedy and steps taken to prevent recurrence.

Section 6. Pressures. (1) Standard pressure. Each utility shall, subject to the approval of the commission, adopt and maintain a standard pressure in its distribution system at locations to be designated as the point or points of "standard pressure." The selection of such points shall be confined to locations fairly representative of average conditions. In selecting points for fixed standard pressure a utility may divide its distribution system into districts, when division is necessary, due to differences of elevation or loss of pressure because of friction, or due to both of said causes; and may adopt a standard pressure for each such division, or it may establish a single standard pressure for its distribution system as a whole. In no case shall the constant difference between the highest and lowest pressures in a district for which a standard has been adopted exceed fifty percent (50%) of such standard. In the interpretation of this rule it shall be understood that in districts of widely varying elevations or low customer density a utility may undertake to furnish a service which does not comply with the foregoing specifications if the customer is fully advised of the conditions under which average service may be expected. It shall be understood that nothing shall prevent the commission from requiring improvements when, upon investigation, it appears right and proper that such betterments should be made. In no event, however, shall the pressure at the customer's service pipe under normal conditions fall below thirty (30) p.s.i.g. nor shall the static pressure exceed 150 p.s.i.g.

(2) Pressure gauges. Each utility shall provide itself with one (1) or more recording pressure gauges for the purpose of making pressure surveys as required by these rules. These gauges shall be suitable to record the pressure experienced on the utility's system and shall be able to record a continuous twenty-four (24) hour test. One (1) of these recording pressure gauges shall be maintained in continuous service at some representative point on the utility's mains.

(3) Pressure surveys. At least once annually, each utility shall make a survey of pressures in its distribution system of sufficient magnitude to indicate the quality of service being rendered at representative points in its system. The pressure charts for these surveys shall show the date and time of beginning and end of the test and the location at which the test was made. Records of these pressure surveys shall be maintained at the utility's principal office in the state and shall be made available to the commission upon request.

Section 7. Water Supply Measurement. (1) Measuring devices. Each utility shall install a suitable measuring device at each source of supply in order that a record may be maintained of the quantity of water produced by each source.

(2) Records. At least once each month, the quantity produced from each source of supply shall be determined. Twelve (12) month totals by sources shall be recorded and transmitted to the commission in the utility's annual report to the commission.

Section 8. Standards of Construction. The design and construction of the utility's water plant shall conform to good standard engineering practice. The plans and specifications for water supplies shall be prepared by an engineer registered in the State of Kentucky, with the submitted plans bearing the engineer's seal. The plant shall be designed and operated so as to provide adequate and safe service to its consumers and shall conform to the requirements of the Department for Natural Resources with reference to sanitation and potability of water.

Section 9. Distribution Mains. (1) Depth of mains. Water mains shall be placed a minimum of twenty-four (24) inches below ground level and shall be protected sufficiently to prevent freezing during the coldest weather normally experienced in the community in which laid, and to prevent damage by traffic.

(2) Dead ends. Insofar as practicable, the utility shall design its distribution system so as to avoid dead ends in its mains. Where dead ends are necessary, the utility shall provide hydrants or valves for the purpose of flushing the mains. Mains with dead ends shall be flushed as often as necessary to maintain the quality of the water; but in any event they shall be flushed at least once each year.

(3) Segmentation of system. Valves or stopcocks shall be provided at reasonable intervals in the mains so that repairs may be affected with interruptions to the service of as few customers as is practicable.

(4) Disinfection of water mains. All new mains shall be thoroughly disinfected before being connected to the system. The method of disinfecting shall be in compliance with the Department of Natural Resources.

(5) Grid systems. Wherever feasible the distribution system shall be laid out in a grid so that in case of breaks or repairs the interruptions of service to the customers will be at a minimum.

Section 10. Service Lines. (1) Size of service line. The size, design and material and installation of the service line shall conform to such reasonable requirements of the utility as may be incorporated in its rules and regulations, provided, however, that the minimum size of the line shall not be less than three-fourths (3/4) inch nominal size except under unusual circumstances which shall be clearly defined.

(2) Depth of service line. All service lines shall be laid at a depth sufficient to prevent freezing during the coldest weather normally experienced except where services are not intended for use during freezing weather and are actually drained during such periods.

(3) Inspection of service line. In the installation of a service line, the customer shall leave the trench open and pipe uncovered until it is inspected by the utility and shown to be free from any tee, branch connection, irregularity or defect.

Section 11. Construction Requirements. (1) The system shall be adequate to deliver all reasonable water requirements of its customers and meet the requirements of Section 6(1) except under emergency conditions.

(2) Distribution system:

(a) Minimum pipe sizes. The distribution system shall be of adequate size and so designed in conjunction with related facilities to maintain the minimum pressures required by Section 6(1). The maximum length of any individual small pipe line shall be as follows:

	Circulating	Non-Circulating
1 inch nominal size	150 feet	100 feet
1½ inch nominal size	300 feet	200 feet
2 inch nominal size	500 feet	250 feet

In the case of rural water lines, where hydraulic studies indicate they can comply with Section 6(1) and can provide adequate flow of water to serve the peak requirements of customers, the above maximum extension lengths may be extended with approval of the commission.

(b) Fire protection. Specifications, location, installation, and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and when owned by the utility shall be subject to such conditions as the commission may impose, based upon the compensation received for this service.

(3) Transmission systems. The transmission pipe lines from sources of supply shall be designed to deliver in combination with related storage facilities and to the limits of the capacity of those sources of supply the maximum requirements of that portion of the system which is dependent upon such transmission pipe lines.

(4) Water supply requirements. The quantity of water delivered to the utility's distribution system from all source facilities shall be sufficient to supply adequately, dependably and safely the total reasonable requirements of its customers under maximum consumption, and shall be determined so as to maintain the specified pressures as required by Section 6(1).

(5) Materials. Metallic and non-metallic materials may be used separately and in combination to construct component parts of a water system including, but not limited to, conduits, pipes, couplings, caulking materials, protective linings and coatings, services, valves, hydrants, pumps, tanks and reservoirs, provided:

(a) The material shall have a reasonable useful service life.

(b) The material shall be capable of withstanding with ample safety factors the internal and external forces to which it may be subjected in service.

(c) The material shall not cause the deterioration of the potability of the water supply.

(d) Materials and equipment shall be so selected as to mitigate corrosion, electrolysis and deterioration.

Section 12. Extension of Service. (1) Normal extension. An extension of fity (50) feet or less shall be made by a utility to its existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides a guarantee for such service.

(2) Other extensions:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the pur-

pose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of fifty (50) feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the commission that such extension is reasonable.

Section 13. Service Connections. (1) Ownership of service:

(a) Utility's responsiblity. In urban areas with well-defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service line from its main to and including the curb box, if curb box is used, otherwise to the curb stop. The curb stop may be installed at a convenient place between the property line and the curb. All services shall include a curb stop.

(b) Customer's responsiblity. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

Section 14. Measurement of Service. (1) Metering. All water sold by a utility shall be upon the basis of metered volume sales except that the utility may at its option provide flat rate or estimated service for the following:

(a) Temporary service where the water used can be readily estimated.

(b) Public and private fire protection service.

(c) Water used for street sprinkling and sewer flushing, when provided for in a contract between the utility and a municipality or other local governmental authority.

(2) Registration of meter. All meters used for metered sales shall have registration devices indicating the volume of water measured in either cubic feet or U.S. gallons. Where a constant or multiplier is necessary to convert the meter reading to cubic feet or gallons, the constant shall be indicated upon the face of the meter.

(3) Charge for service line and meter installation:

(a) No utility shall charge for the installation or the use of its portion of the service line or of any devices for metering service to a customer, except for temporary service where the utility may charge its actual cost of installation and removal of service lines and metering devices.

(b) A water district, organized under KRS Chapter 74, may, subject to the approval of the commission, make a charge or "tapping fee" for installing service to its customers. Said "tapping fee" shall include a service tap, meter, meter vault, and installation thereof.

(4) Standard method of meter and service line installation. Each utility shall adopt a standard method of installing meters and service lines and shall file with the commission a written description and/or drawings in sufficient detail that the requirements are clearly understandable. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of placing pipe for water utilization. All meters shall be set in place by the utility.

Section 15. Meter Test Facilities and Equipment. (1) Test facilities. Each utility furnishing metered water service shall provide the necessary standard facilities, instruments and other equipment for testing its meters in compliance with this regulation.

(2) Shop equipment. The utility's meter test shop shall, insofar as practicable, simulate the actual service conditions of temperature, inlet pressure, and outlet pressure. It shall be provided with the necessary fittings, including a quick acting valve for controlling the starting and stopping of the test and a device for regulating the flow of water through the meter under test within the requirements of this regulation. The overall accuracy of the test equipment and test procedures shall be sufficient to enable test of service meters within the requirements of this regulation. In any event the inherent overall accuracy of the equipment shall permit tests with an overall error not to exceed three-tenths of one percent (.3 of 1%).

(3) Test measurement standards:

(a) Basic standard. Measuring devices for testing meters shall consist of a calibrated tank for volumetric measurement or a tank mounted upon scales for weight measurement. If a volumetric standard is used, it shall be certificated as to its accuracy by the Utility Regulatory Commission within the preceding twenty-four (24) months. If a weight standard is used, the scales shall be tested and calibrated at least once a year and certified as to accuracy by the Utility Regulatory Commission.

(b) Size of basic standards. When meters are tested by weight method, it is required that utilities whose measure of quantity is the cubic foot use test equipment capable of holding not less than two (2) cubic feet of water. Utilities whose measure of quantity is the U.S. gallon shall use equipment holding not less than twenty (20) U.S. gallons.

(c) Standard meter. By special permission of the commission, a standard meter may be provided and used by any utility for the purpose of testing meters in place. This standard meter shall be tested and calibrated periodically to insure its accuracy within the limits required by this regulation. In any event, such test shall be made at least once each week while the standard meter is in use and a record of such tests shall be kept by the utility.

Section 16. Accuracy Requirements of Water Meters. (1) General. All meters used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure.

(2) New or repaired meters. All new meters, and all meters removed from service for repairs or test in accordance with this regulation, shall be tested as specified herein prior to being placed in service.

(a) Test flows. The test flow and normal test flow limits, for the various types of cold water meters, are as follows:

DISPLACEMENT TYPE

Nominal Meter Size Inches	Minimum Test Flow Gallons per Minute	Normal Test Flow Gallons per Minute
5/8	1/4	1 to 20
3/4	1/2	2 to 30
1	3/4	3 to 50
1 1/2	1 1/2	5 to 100
2	2	8 to 160
3	4	16 to 300
4	7	28 to 500
6	12	48 to 1000

CURRENT TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	7	12 to 100
2	10	16 to 160
3	15	24 to 350
4	20	40 to 600
6	30	80 to 1400
8	50	144 to 2500
10	75	224 to 3800
12	100	320 to 5800
16	150	400 to 11500

COMPOUND TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	½	2 to 100
2	½	2 to 160
3	1	4 to 320
4	1½	6 to 500
6	3	10 to 1000
8	4	16 to 1600
10	8	32 to 2300
12	14	32 to 3100

FIRE SERVICE TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
3	2	8 to 400
4	2	8 to 700
6	4	16 to 1600
8	7	28 to 2800
10	12	48 to 4400
12	12	48 to 6400

PROPELLER-DRIVEN CURRENT TYPE

Meter Size Inches	Gallons per Minute
2	15 to 80
3	30 to 200
4	45 to 400
5	75 to 600
6	90 to 900
8	100 to 1200
10	125 to 1500
12	150 to 2000
14	250 to 2500
16	275 to 3500
18	400 to 4500
20	475 to 5500
24	700 to 8000
30	1200 to 12000
36	1500 to 16000

(b) Determination of accuracy. Meters shall be tested at the minimum test flow and at least two (2) test flows in the normal test flow limits, one (1) of which shall be not less than seventy-five percent (75%) of the rated maximum capacity of the meter and the other shall be at approximately twenty-five percent (25%) of the rated maximum capacity. No new meter shall be placed in service if it registers less than ninety-five percent (95%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above. No repaired or reconditioned meter shall be placed in service if it registers less than eighty percent (80%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above.

(3) As found tests. All meters tested in accordance with the rules for periodic, request or complaint tests, shall be tested in the condition as found in the customer's service prior to any alteration or adjustment in order to determine the average meter error. This test shall consist of two (2) rates of flow in the normal test flow range for that type of meter as set out in subsection (2)(a) above and the average meter error shall be the algebraic average of the errors of the two (2) tests. (For example, a meter testing one percent (1%) fast at one (1) rate of flow and three percent (3%) slow at the other would have an average meter error of one percent (1%) slow.)

(4) Determination of meter error for bill adjustment purposes. When upon periodic, request or complaint test, a meter is found to be in error in excess of the limits allowed by the commission's regulations, three (3) additional tests shall be made, one (1) at seventy-five percent (75%) of rated maximum capacity; one (1) at fifty percent (50%) of rated maximum capacity; one at twenty-five percent (25%) of the rated maximum capacity. The average meter error shall be the algebraic average of the errors of the three (3) tests.

Section 17. Periodic Tests. (1) Each utility shall test periodically all water meters so that no meter will remain in service without test for a period longer than specified in the following table:

Size of Meter Inches	Interval Between Tests Years
5/8	5
3/4	5
1	5
1 1/4	4
1 1/2	4
2	4
3	2
4 and larger	1

(2) "Periodic test periods" for testing meters in the systems of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the commission from time to time.

(3) Meters of the current and compound type shall be cleaned at least once each year. When filtered or exceptionally clear water is delivered, the interval between cleaning may, upon application to the commission and upon receipt of authority therefor, be made longer.

(4) Whenever the number of meters of any type which register in error beyond the limits specified in this regulation is found by the commission to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

RICHARD S. TAYLOR, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-313
April 3, 1979

EMERGENCY REGULATION
Public Protection and Regulation Cabinet
Energy Regulatory Commission

WHEREAS, the 1978 Legislature amended KRS Chapter 278, abolishing the Public Service Commission effective April 1, 1979; and

WHEREAS, the said amendments provide that commencing April 1, 1979, "The Energy Regulatory Commission shall regulate energy utilities as defined in KRS 278.010(4) and enforce the provisions of this chapter with respect to such energy utilities"; and

WHEREAS, KRS 278.040(3), as amended in 1978, provides that the Commission may adopt reasonable regulations to implement the provisions of KRS Chapter 278; and

WHEREAS, the Energy Regulatory Commission has determined that an emergency exists and that there is an immediate need to adopt regulations to carry out the Commission's statutory duties beginning April 1, 1979; and

WHEREAS, the Secretary of the Cabinet for Public Protection and Regulation, in conjunction with the Energy Regulatory Commission, pursuant to KRS 13.082 and KRS 278.040, has promulgated the regulations hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Energy Regulatory Commission within the Cabinet for Public Protection and Regulation that an emergency exists and direct that the attached regulations become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:005E. Rules of procedure.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.310(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Energy Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications

filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

(1) Amount and kinds of stock authorized.

(2) Amount and kinds of stock issued and outstanding.

(3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.

(4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.

(5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.

(7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(8) Rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.

(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.

(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:

(a) A copy of its articles of incorporation. (See Section 7(3).)

(b) The name of the governmental agency offering the franchise.

(c) The type of franchise offered.

(d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.

(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:

(a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.

(b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.

(c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.

(d) Three (3) maps to suitable scale (preferably not more than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.

(e) The manner in detail in which it is proposed to finance the new construction or extension.

(f) An estimated cost of operation after the proposed facilities are completed.

(g) All other information necessary to afford the commission a complete understanding of the situation.

(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

Section 9. Application or Notice for Authority to Adjust Rates. (1) When the utility seeks to adjust any rate, toll, charge, or rental, so as to alter any classification, contract, practice, rule or regulation as to result in any change in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:

(a) Financial exhibit. (See Section 6.)

(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.

(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.

(d) A statement in full of the reason why the adjustment is required.

(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.

(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:

(a) Total amount of interest charged to construction.

(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.

(c) Details of any apportionment used.

(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said application, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Energy Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or persom complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the public utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

(a) Formal complaint.
(b) Answer.
(c) Application.
(d) Notice of adjustment of rates.

(2) Forms of Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of complainant) Complainant)
vs.)
(Insert name of each defendant) Defendant)
No. _____ (To be inserted by the secretary of the commission)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19 ___.

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of each complainant) Complainant)
vs.)
(Insert name of each defendant) Defendant)
No. _____ (To be inserted by the secretary of the commission)

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

(a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defence. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

(4) Form of Application.

Before the Energy Regulatory Commission

In the matter of the application of (here insert name of each applicant) for (here insert desired order, authorization, permission or certificate, thus: "Order authorizing issue of stocks and bonds")	)	No. _____ (To be inserted by the secretary of the commission)

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

(a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).

(b) That the post office address of each applicant is _____.

(c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Energy Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, Kentucky, this ____ day of _____, 19 ___.

_____
(Name of applicant)

_____
(Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Energy Regulatory Commission

In the matter of adjustment of rates of the (state name of corporation).	)	No. _____ (To be inserted by the secretary of the commission).

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the ____ day of _____, 19 ____, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

_____
(Name and address of company)

_____
(Name and address of attorney)

Section 15. Pursuant to 1978 Amendments to KRS Chapter 278, 807 KAR 1:010, 807 KAR 2:010, 807 KAR 2:020, 807 KAR 2:025, 807 KAR 2:030, 807 KAR 2:040, 807 KAR 2:050, 807 KAR 2:055 and 807 KAR 2:010E are hereby repealed.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:015E. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, gas and combined energy-non-energy utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Energy Regulatory Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(4) or combined energy-non-energy utility as provided in KRS 278.040(2).

(3) "Combined energy-non-energy utility" means a utility which is an energy utility that also renders service as a non-energy utility as provided in KRS 278.040(2).

(4) "Customer" means any person, firm, corporation or body politic supplied service by any electric, gas or combined energy-non-energy utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such

information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by gas, electric and combined energy-non-energy utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half (½) of the time elapsed since the last pervious test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make

the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On_____, 19____, the meter bearing identification No._____installed in your building located at_____
(Street and Number)
in_____was tested
(City)
at_____and found to
(On premises or elsewhere)
register_____.
(Percent fast or slow)
The meter was tested on_____
(Periodic, Request, Complaint)
test.

Based upon this we herewith_____
(Charge or Credit)
you with the sum of $_____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least ten (10) days' written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before thirty (30) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office, or to its employee empowered to discontinue service, payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Service shall not be discontinued where the customer and the utility have reached agreement on a partial payment plan pursuant to paragraph (b) herein. The written notice for any discontinuance of service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance.

(b) Every gas and electric utility subject to the jurisdiction of the Energy Regulatory Commission shall have an employee available during regular working hours to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by

the customer for a partial payment plan and retention of service. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibilty of the utility to disseminate information to its customers regarding the availability of such budget payment plans. If the commission finds, upon application, a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

(c) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued upon forty-eight (48) hours' written notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and combined energy-non-energy utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 50:035, 807 KAR 50:055, 807 KAR 50:065.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Energy Regulatory Commission Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and combined energy-non-energy utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and under	$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1,000 cu. ft. per hour and under	$ 4
Over 1,000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Energy Regulatory Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Productions facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater; examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors, and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).

(d) Other facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.

2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of this system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended by the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for: certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified; and certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.

3. The curb box on service shall be inspected for accessibility.

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: Individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) At intervals of meter change: The curb box on service shall be inspected for operable condition.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and ac-

tion taken to correct such deficiencies.

(5) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Report of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:025E. Tariffs.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.160(1)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.160(1) provides that the commission shall prescribe rules under which each utility shall file schedules showing all rates and conditions established by it and collected or enforced.

Section 1. General. All utilities under the jurisdiction of the Energy Regulatory Commission shall file with the secretary of the commission two (2) cover letters and four (4) complete copies of a tariff containing schedules of all its rates, charges, tolls and maps or plats of the area in which it offers service and all its rules and regulations and shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160, in substantially the form and manner hereinafter set out. If a utility furnishes more than one (1) kind of service (water and electricity for example), a separate tariff must be filed for each kind of service. For the purpose of the commission's rules and regulations, the utilities office or place of business shall be deemed a location at which the utility regularly employs and stations one (1) or more employees and is open to the public.

Section 2. Form and Size of Tariffs. (1) All tariffs must be printed from type not smaller than six (6) point or typewritten, mimeographed or produced by similar process, on hard calendared paper of good quality.

(2) The pages of a tariff shall be eight and one-half by eleven (8½ by 11) inches in size.

(3) Utilities shall publish tariffs in loose-leaf form using one side of the paper only, with not more than one (1) schedule to the page.

(4) The front cover page of a tariff shall contain the following:

(a) Name of the utility and location of principal office.

(b) Statement of kind of service offered.

(c) General statement of territory served.

(d) Date of issue and date tariff is to become effective.

(e) Signature of the officer of the utility authorized to issue tariffs.

(f) Identifying designation in the upper right-hand corner as required by Section 4.

(5) The second and succeeding pages shall contain:

(a) All the rules and regulations of the utility.

(b) Rate schedules showing all rates and charges for the several classes of service.

(c) Signature of the officer of the utility authorized to issue tariffs.

(d) Date of issue and date tariff is to become effective.

(e) Identifying designation in upper right-hand corner as required by Section 4.

(6) In that portion of the tariff dealing with rates, the desired information shall be shown under the following captions in the order listed:

(a) Applicable: Show territory covered by tariff.

(b) Availability of service: Show classes of customers affected, such as domestic, commercial, etc.

(c) Rates: List all rates covered by tariff.

(d) Minimum charge: State amount of charge and quantity allowed.

(e) Delayed payment charge: State if penalty or discount.

(f) Term: If contracts are made for certain periods, give length of term.

(g) Special rules: If any special rules and regulations are in effect covering this tariff, list same hereunder.

(7) The secretary of the commission will furnish standard forms of tariffs on request.

Section 3. Contents of Schedules. (1) Each rate schedule in addition to a clear statement of all rates thereunder must state the city, town, village or district in which rates are applicable; provided, however, that schedules applicable in a large number of communities must be accompanied by an

accurate index by which each community in which the rates are applicable may be readily ascertained, in which case the applicability of a schedule may be indicated by reference to the index sheet. (Example: Applicable within the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

(2) Each rate schedule must state that class of service available under the rates stated therein. (Example: Available for domestic lighting, or available for all purposes, etc.)

(3) For a tariff in which a number of schedules are shown available for various uses, each schedule shall be identified by a number or by a group of letters, and if by a group of letters, the designation shall be indicative of the class of service for which the schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating that the schedule states domestic utility rates.)

(4) (a) Each page of the tariff shall bear the Energy Regulatory Commission Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.

(b) In the case of a change in the text of any page as hereinafter provided the further designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.

(c) Tariffs may be further divided into sections, and so designated if required by their size and contents.

(5) All schedules shall state whether a minimum charge is made, and if so, they shall set out all such charges, and further state whether such minimum charge is subject to prompt payment discount or delayed payment penalty.

Section 4. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the Energy Regulatory Commission number thereof. Subsequent tariffs filed as provided by Sections 5 through 8, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the Energy Regulatory Commission number of the tariff cancelled, changed or modified by it.

Section 5. Change or Withdrawal of Rate Schedules or Regulations. (1) No tariff, or any provision thereof, may be changed, cancelled or withdrawn except upon such terms and conditions as the commission may impose and in compliance with KRS 278.180 and Sections 5 through 8.

(2) (a) All revisions in tariff sheets shall contain a symbol in the margin indicating the change made. These symbols are as follows:

(C) To signify changed regulation.
(D) To signify discontinued rate, regulation or test.
(I) To signify increase.
(N) To signify new rate and/or new test.
(R) To signify reduction.
(T) To signify a change in text.

(b) In the case of a change in the text of any tariff sheet where the rate remains the same, the effective date shall remain the same as that on the amended sheet. The issued date of the change shall be the date the filing is made with the commission.

(c) All tariff filings which involve the furnishing of equipment or services to the customer by the utility shall be accompanied by a description of the equipment or service involved in the filing and a cost of service study justifying the proposed charges.

(3) New tariffs stating changes in any provision of any effective tariff may be issued and put into effect by either of the two (2) following methods:

(a) By order of the commission upon formal application by the utility, and after hearing, as provided by Section 6.

(b) By issuing and filing on at least twenty (20) days notice to the commission and the public a complete new tariff (or revised sheet of an existing tariff) stating all the provisions and schedules proposed to become effective as provided by Sections 7 and 8.

(4) The provisions or rates stated on any sheet or page of a tariff may be modified or changed by the filing of a revision of such sheet or page in accordance with the provisions of this regulation. Such revisions must be identified as required herein.

Section 6. Adjustment of Rates on Application. Upon the granting of authority for a change in rates, the utility shall file a tariff setting out the rate, classification, charge, or rule and regulation authorized by the commission to become effective the order may direct, and each page of the tariff so filed shall state that it is "Issued by authority of an order of the Energy Regulatory Commission in Case No. _____ dated _____, 19_____."

Section 7. Notice to the Public. (1) Notice to the public of a change of rates and charges or rules and regulations shall be given by the utility in the following manner:

(a) The tariff or revised sheet stating the proposed rates, rules, regulations, etc., shall be exhibited at the offices and places of business of the utility in the territory affected for a least twenty (20) days prior to the proposed effective date of such tariff or revised sheet. If after review of said tariff or revision the commission deems it necessary to hold a public hearing in order to determine the reasonableness of the proposed revision, notice of such hearing shall be served on the utility. The tariff or revised sheets shall be exhibited as set out above the twenty (20) days prior to the date of hearing.

(b) If the proposed change will result in an increase of rates or charges to any customer, typewritten notice of the proposed rates or charges shall be mailed by the utility to each customer to be so affected at least twenty (20) days prior to the effective date of the proposed rates or charges, or where a hearing on the proposed increase has been set by the commission, at least twenty (20) days prior to the date of hearing; provided, however, that when more than twenty (20) patrons will be so affected by the proposed change, it will be sufficient within the meaning of this rule if such notice is published once a week for three (3) consecutive weeks prior to the effective date of such proposed rates or charges or when a hearing has been scheduled, for three (3) consecutive weeks prior to the date of hearing, in some newspaper of general circulation in the community or communities in which the customers to be affected reside, and provided further, that the commission, upon requst of the utility, may modify the requirements as to notice other than by posting in any case in which it appears proper to do so. Notice provided for in this section shall contain the proposed rates, and when applicable, the date, time and place of hearing.

(2) The agent or representative of the utility in charge of an office or place of business shall give information regarding its tariffs (present and proposed) requested of him by any consumer or prospective consumer or his agent, and shall accord said persons, or their agents, opportunity to examine any of the tariffs of the utility at any reasonable time.

Section 8. Statutory Notice to the Commission. (1) When a new tariff has been so issued and notice thereof given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and regulations therein be deferred by an order of the commission pending a hearing concerning the propriety of the proposed rates and regulations under KRS 278.190.

(2) All information and notice required by these rules shall be furnished to the commission at the time of the filing of any proposed revisions in rates or regulations, and the twenty (20) days statutory notice to the commission will not commence to run and will not be computed until such information and notice is filed.

Section 9. Change of Ownership; Adoption Notice. (1) In case of change of ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company (unless authorized to change by the commission), and shall issue, file and post an adoption notice, on a form furnished by the commission, adopting, ratifying and making its own all rates, rules, classifications and regulations of the former operating utility, on file with the commission and effective at the time of such change of ownership or control.

(2) Adoption notices must likewise be filed by receivers and trustees assuming possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(3) Adoption notices filed with the commission by each utility shall be in consecutive numerical order, beginning with Energy Regulatory Commission Adoption Notice No. 1.

(4) Within ten (10) days after the filing of an adoption notice as aforesaid by a public utility which then had no tariffs on file with the commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof in the form prescribed in Sections 1 through 4 with proper identifying designation. (Example: Energy Regulatory Commission No. 1 cancels Energy Regulatory Commission Adoption Notice No. 1.)

(5) Within ten (10) days after the filing of an adoption notice, as required by subsection (2) of this section, by a public utility which then had other tariffs on file with the commission, said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these rules with proper identifying designation. (Example: First Revision of Original Sheet No. 2A, Energy Regulatory Commission No. 11, cancels Original Sheet No. 2A, also cancels Energy Regulatory Commission Adoption Notice No. 6; or Energy Regulatory Commission No. 12 cancels Energy Regulatory Commission No. 11, also cancels Energy Regulatory Commission Adoption Notice No. 6.)

(6) When a tariff or revision is issued by a utility in compliance with these rules which states the rates, rules and regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the effect of the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject to Sections 7 and 8.

Section 10. Posting Tariffs, Regulations and Statutes. Every utility shall provide a suitable table or desk in its office and place of business, on which shall be available to the public at all times the following:

(1) A copy of all effective tariffs and supplements setting out its rates, classifications, charges, rules and regulations, together with forms of contracts and applications applicable to the territory served from that office or place of business.

(2) Copies of the Kentucky Revised Statutes applicable to the utility.

(3) A copy of the regulations governing such utility adopted by the Energy Regulatory Commission.

(4) A suitable placard, in large type, giving information to the public that said tariffs, rules and regulations and statutes are kept there for public inspection.

Section 11. Special Contracts. Every utility shall file true copies of all special contracts entered into governing utility service which set out rates, charges or conditions of service not included in its general tariff. The provisions of this regulation applicable to tariffs containing rates, rules and regulations, and general agreements, shall also apply to the rates and schedules set out in said special contracts, so far as practicable.

Section 12. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

Section 13. Forms. In submitting to the commission information required by these rules the following forms shall be followed where applicable:

(1) Form of cover sheet for tariffs.

(2) Form for filing rules and regulations.

(3) Form for filing rate schedules.

(4) Form of certificate of notice to the public of change in tariff where no increase of charges results.

(5) Form of certificate of notice to the public of change in tariff which results in increased charges.

(6) Form of adoption notice.

FORM OF COVER SHEET FOR TARIFFS

E.R.C. KY. NO._____

CANCELS E.R.C. KY. NO._____

(NAME OF COMPANY)

of

(LOCATION OF COMPANY)

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED)

at

(LOCATION SERVED)

FILED WITH ENERGY REGULATORY COMMISSION

Issued_____, 19___ Effective _____, 19__

Issued by _____
(Name of Utility)

By_____

FORM FOR FILING RULES & REGULATIONS

(Page 2 of Tariff)

Name of Utility

RULES & REGULATIONS

Date of Issue Effective Date

Issued By

Name Title

FORM FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For_____
Community, Town or City

E.R.C. NO._____

_____(Original) Sheet No._____
(Revised)

Name of Issuing Corporation

Canceling E.R.C. No._____

_____(Original) Sheet No. _____
(Revised)

CLASSIFICATION OF SERVICE

APPLICABLE: (Show territory covered by tariff.)

AVAILABILITY OF SERVICE: (Show classes of customers affected, such as domestic, commercial, etc.)

RATES: (List all rates covered by tariff.)

MINIMUM CHARGE: (State if penalty or discount.)

DATE OF ISSUE_____
Month Day Year

DATE EFFECTIVE_____
Month Day Year

ISSUED BY_____
Name of Officer Title Address

ISSUED BY AUTHORITY OF E.R.C.
ORDER NO. _____

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC OF CHANGE IN TARIFF WHERE NO INCREASE OF CHARGES RESULTS

(2 Copies Required)

To the ENERGY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am _____ of the (Name of Utility) _____ a utility furnishing (Kind of service) _____ service within the Commonwealth of Kentucky, which on the _____ day of _____, 19_____, issued *Tariff E.R.C. No. _____, canceling Tariff E.R.C. No. _____, to become effective _____ 19_____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the _____ day of _____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to-wit, at the following places: (Give location of offices where rates are posted) _____ and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 7 of said Regulation.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges of any customer.

Given under my hand this _____ day of _____, 19_____.

Address_____

* If a revised sheet, or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as _____ Revision of Original Sheet No. _____E.R.C. No._____, canceling _____Original Sheet No. _____; E.R.C. No._____, canceling E.R.C. Adoption Notice No. _____.

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC
OF CHANGE IN TARIFF WHICH RESULTS
IN INCREASED CHARGES

(2 Copies Required)

To the ENERGY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am (Title of Officer) _____ of the (Name of Utility) _____ a utility furnishing _____ service within the Commonwealth of Kentucky, which on _____ day of _____, 19____, issued its *Tariff E.R.C. No. _____ canceling Tariff E.R.C. No. _____ to become effective _____, _____, 19____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the _____ day of _____, 19____, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the folloiwng places: (Give location of offices where rates are posted) _____ and that the same will be kept open to public inspection at said office and places of business in conformity with the requirements of Section 7 of said Regulation.

**On the _____ day of _____, 19____, a typewritten or printed notice of the proposed rates or regulations was mailed to each of the _____ customers of the company whose rates or charges will be increased thereby, a copy of said notice being attached thereto.

Given under my hand this _____ day of _____, 19____.

Address_____

_____

* If a revised sheet or additional sheet of a loose-lead tariff is used to state changes in rates or regulations, the filing should be described as Revision of Original Sheet No._____, E.R.C. No._____, or Original Sheet No. _____ E.R.C. No. _____canceling E.R.C. Adoption Notice No. _____.

** If Notice is given by publication as provided by Section 7, use the following:
That more than 20 customers will be affected by said change by way of an increase in their rates or charges, and on the _____ day of _____, 19____, there was delivered to the _____, a newspaper of general circulation in the community in which the customers affected reside, for publication therein once a week for three consecutive weeks prior to the effective date of said change, a notice of the proposed rates or regulations, a copy of said notice being attached hereto. A certificate of the publication of said notice will be furnished the ENERGY REGULATORY COMMISSION upon the completion of the same n accordance with Section 8(2), of said Regulation.

FORM OF ADOPTION NOTICE
E.R.C. Adoption Notice No. _____
ADOPTION NOTICE

The undersigned (Name of Utility) _____ of _____ (hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing (Nature of Service) _____ service at _____ in the Commonwealth of Kentucky, filed with the ENERGY REGULATORY COMMISSION by (Name of Predecessor)_____ of _____, and in effect on the _____ day of _____, 19____, the date on which the public service business of the said (Name of Predecessor) _____ was taken over by it.

The notice is issued on the _____ day of _____, 19____, in conformity with Section 9 of ERC Tariff Regulations adopted by the ENERGY REGULATORY COMMISSION.

_____

By _____

PERRY WHITE, Chairman
APPROVED: DONALD N. RHODY, Secretary
ADOPTED: March 29, 1979
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:035E. Gas.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to gas utilities.

Section 1. General. (1) The purpose of this regulation is to provide standard rules governing the service of gas utilities operating under the jurisdiction of the Energy Regulatory Commission.

(2) Utilities serving customers under KRS 278.485 or other retail customers, under the jurisdiction of this commission, directly from transmission or gathering lines are exempt from Sections 6, 7, 8, 9, 10, 12, 14, 15, 16, and 17 insofar as they apply to these customers.

(3) Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Planned interruptions shall always be preceded by adequate notice to all affected customers.

(4) (a)Every utility transmitting gas by any pipeline intended to be subjected to pressures in excess of 100 psig shall:

1. Within ninety (90) days from the date of the effective date of this regulation file with the Energy Regulatory Commission a report setting forth the respects in which such pipeline and its appurtenances conform or do not conform, as the case may be, to the standards, requirements and safeguards enumerated in these rules. Such statement shall be based upon records of the utility, including records of tests, specifications or other available data, and upon current investigations and surveys, nor requiring excavation or interruption of service.

2. In each instance where any gas corporation required by subparagraph 1. to file a report claims that it is not possible or practicable to obtain the necessary data to prepare the same, a report setting forth such claim shall nevertheless be filed within the period required by subparagraph 1., and the basis for such claim shall be set forth in such verified statement.

3. In each instance in which the report required to be filed by this section states that any portion of such pipeline or its appurtenances does not conform to the standards, requirements and safeguards enumerated in these rules or that it is not possible or practicable to obtain the necessary data to prepare such a statement, the report shall state whether or not in the opinion of the person preparing the report, such portion of pipeline and its appurtenances is in safe operating condition.

(b) In each instance where it is stated that such pipeline or its appurtenances or any portion thereof is in safe operating condition, the basis for such statement shall be set forth including the operating conditions under which the opinion is expressed, and such report may be accompanied by an application of the gas corporation to the Energy Regulatory Commission for an exemption from the application of the rules herein enumerated.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of gas delivered by a utility to a customer.

(2) Transmission line. "Transmission line" means a pipeline other than a gathering line that:

(a) Transports gas from a gathering line or storage facility;

(b) Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

(c) Transports gas within a storage field.

(3) Distribution line. "Distribution line" means a pipeline other than a gathering line or transmission line.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) The term "cubic foot of gas" as used in these rules shall have the following meanings:

(a) In cases where gas is supplied and metered to customers at the standard distribution pressure, a cubic foot of gas shall be defined to be the volume of gas which, at the temperature and pressure existing in the meter, occupies one (1) cubic foot.

(b) In cases where gas is supplied to customers through orifice or positive displacement meters at other than standard distribution pressure a cubic foot of gas shall be defined to be that volume of gas which, at sixty (60) degrees Fahrenheit and at absolute pressure of 14.73 pounds per square inch, (thirty (30) inches of mercury), occupies one (1) cubic foot; except that in cases where different bases that are considered by the commission to be fair and reasonable are provided for in gas sales contracts or in rules or practices of a utility, such different bases shall be effective.

(c) The standard cubic foot of gas for testing the gas itself for heating value, shall be that volume of gas which, when saturated with water vapor and at a temperature of sixty (60) degrees Fahrenheit, and under a pressure equivalent to that of thirty (30) inches of mercury (mercury at thirty-two (32) degrees Fahrenheit, and under standard gravity) occupies one (1) cubic foot.

(7) The term "British thermal unit" shall mean the quantity of heat required to raise the temperature of one (1) pound of water one (1) degree Fahrenheit.

(8) The term "therm" shall mean a unit of heating value equivalent to 100,000 British thermal units.

Section 3. Construction Standards. (1) The following publications and codes are hereby adopted, and filed by reference, as standards of accepted good practice to be followed by all utilities under the jurisdiction of the Energy Regulatory Commission except when such codes or publications conflict with the regulations of this commission.

(a) The commission being certified and financed by the Office of Pipeline Safety Operations, U. S. Department of Transportation, hereby adopts the "Minimum Federal Safety Standards, Title 49 CFR Part 192," as published in the Federal Register on August 19, 1970, (35 F.R. 13247) and subsequent amendments as Minimum Gas Safety Standards for the Energy Regulatory Commission. The said federal minimum standards shall apply except where the rules adopted by this commission are more stringent than and not inconsistent with the federal standards. Nothing contained in these standards, however, shall prevent the commission from adopting, after due notice and hearing, additional or more stringent standards for intrastate gas facilities now under the commission's jurisdiction, provided that such standards are not inconsistent with the federal standards.

(b) National Fire Protection Association Standard No. 54, "National Fuel Gas Code" 1974 edition as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210.

(c) National Fire Protection Association Standard No. 59, "LP Gases At Utility Gas Plants" 1974 edition as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

(d) "Standard Methods of Gas Testing," Circular No. 48, National Bureau of Standards, 1916.

(e) "Testing Large Capacity Rotary Gas Meters," Research Paper No. 1741, National Bureau of Standards Journal of Research, September 1946.

(f) "Standard Method Test for Calorific Value of Gaseous Fuels by the Water-flow Calorimeter," American Society for Testing Materials, Standand D 900-55, 1964 edition as published by the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania.

(2) Reports and records of proposed construction:

(a) At least thirty (30) days prior to the construction or major reconstruction of any gas pipeline intended to be subjected to pressure in excess of 100 psig, or twenty percent (20%) of minimum yield strength, whichever is lower, a report shall be filed with the Energy Regulatory Commission setting forth the specifications for such pipeline and the maximum allowable operating pressure.

(b) Every gas utility shall, on the 15th day of each month, submit a report to the Energy Regulatory Commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.

(c) Before any gas pipeline or main is placed in operation intended to be subjected to pressures in excess of 100 psig, or twenty percent (20%) of minimum yield strength, whichever is lower, a report shall be filed with the Energy Regulatory Commission certifying the maximum pressure to which the line is intended to be subject and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed, and a further report shall be filed within sixty (60) days thereafter including the results of all tests made pursuant thereto. No gas pipeline or main shall be operated at pressures in excess of the pressure for which it was certified to the Energy Regulatory Commission.

(d) The responsibility for the maintenance of necessary records to establish that compliance with the rules and regulations has been accomplished rests with the utility. Such records shall be available for inspection at all times by the commission or the commission's staff.

(3) The Minimum Federal Safety Standards, Title 49 CFR Part 192, as published in the Federal Register on August 19, 1970, (35 F.R. 13247) and subsequent amendments being the presently effective code the commission hereby adopts the following modifications and changes thereto:

(a) To 192.163 add: (The following is numbered in accordance with Title 49 CFR Part 192.):

"(f) Air Piping System:

"(1) All air piping within gas compressing stations shall be constructed in accordance with Section 2 of the USAS B31.1 Code for Pressure Piping.

"(2) The starting air pressure, storage volume, and size of connecting piping shall be adequate to rotate the engine at the cranking speed and for the number of revolutions necessary to purge the fuel gas from the power cylinder and muffler. The recommendations of the engine manufacturer may be used as a guide in determining these factors. Consideration should be given to the number of engines installed and to the possibility of having to start several of these engines within a short period of time.

"(3) A check valve shall be installed in the starting air line near each engine to prevent backflow from the engine into the air piping system. A check valve shall also be placed in the main air line on the immediate outlet side of the air tank or tanks. It is recommended that equipment for cooling the air and removing the moisture and entrained oil be installed between the starting air compressor and the air storage tanks.

"(4) Suitable provision shall be made to prevent starting air from entering the power cylinders of an engine and activating moving parts while work is in progress on the engine or on equipment driven by the engines. Acceptable means of accomplishing this are installation of a blind flange, removal of a portion of the air supply piping or locking closed a stop valve and locking open a vent downstream from it.

"(g) Air receivers. Air receivers or air storage bottles, for use in compressor stations, shall be constructed and equipped in accordance with Section VIII, Unfired Pressure Vessels, of the ASME Boiler and Pressure Vessel Code.

"(h) Lubricating oil piping. All lubricating oil piping with gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B31.3.

"(i) Water and steam piping. All water and steam piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Power Piping, USAS B31.1.0

"(j) Hydraulic piping. All Hydraulic power piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B31.3."

(b) To 192.167 add: "(d) All emergency valves and controls shall be identified by signs. All important gas pressure piping shall be identified by signs or color codes as to their function."

(c) To 192.171 add: "(f) All fuel gas lines within a compressor station, serving the various buildings and residential areas, shall be provided with master shutoff valves located outside of any building or residential area."

(d) To 192.183 add: "(d) Vault or pit openings shall be locaed so as to minimuze the hazards of tools or other objects falling upon the regulator, piping or other equipment. The control piping and the operating parts of the equipment installed shall not be located under a vault or pit opening where workmen can step on them when entering or leaving the vault or pit, unless such parts are suitably protected. "(e) Whenever a vault or pit opening is to be located above equipment which could be damaged by a falling cover, a circular cover should be installed or other suitable precautions taken."

(e) To 192.279 add: "Copper pipe shall be joined by using either a compression type coupling or a brazed or soldered lap joint. The fillet material used for brazing, shall be a copper-phosphorous alloy or silver base alloy. Butt welds are not permissible for joining copper pipe or tubing. Connections using a copper or cast bronze service line tee or extension fitting sweat-brazed to the copper main, are recommended for service line connections to copper mains."

(f) To 192.305 add: "The inspector shall have authority to order the removal and replacement of any section that fails to meet the standards of this code."

(g) To 192.307 add: "Plastic pipe and tubing shall be adequately supported during storage and thermoplastic pipe, tubing and fittings shall be protected from long term exposure to direct sunlight."

(h) To 192.321 add to (a): " . . . and shall conform to the applicable provisions of 192.327 except that plastic pipelines and mains shall be installed with a minimum cover of twenty-four (24) inches at all stress levels" unless encased or otherwise protected.

(i) To 192.357(b) delete and add: "(b) The use of standard weight close (all thread) nipples is prohibited."

(j) To 192.361 add: "(g) Joining of Service Lines. All underground steel service lines shall be joined by threaded and coupled joints, compression type fittings, or by qualified welding procedures and operators.

"(h) When coated steel pipe is to be installed as a service line in a bore, care shall be exercised to prevent damage to the coating during installation. For all installations to be made by boring, driving, or similar methods or in a rocky type soil, the following practices or their equivalents are recommended.

"(1) The coated pipe should not be used as the bore pipe or drive pipe and left in the ground as part of the service line. It is preferable to make such installations by first making an average bore, removing the pipe used for boring and then inserting the coated pipe.

"(2) Coated steel pipe preferably should not be inserted through a bore in exceptionally rocky soil when there is a likelihood of damage to the coating resulting from the insertion.

"(3) The recommendations in 1 and 2 do not apply where coated pipe is installed under conditions where the coating is not likely to be damaged, such as in sandy soil."

(k) To 192.467(f) add: "A study must be made in collaboration with the electric company on the common problems of corrosion and electrolysis taking the following factors into consideration:

"(1) The possibility of the pipeline carrying either unbalanced line currents or fault currents.

"(2) The possibility of lightning or fault currents inducing voltages sufficient to puncture pipe coatings or pipe.

"(3) Cathodic protection of the pipeline, including location of ground beds, especially if the electric line is carried on steel towers.

"(4) Bonding connections between the pipeline and either the steel tower footings or the buried ground facilities or the ground-wire of the overhead electric system."

(l) To 192.503 delete (c) and add: "(c) Except as provided in 192.505(a), if air is used as the test medium, the following maximum hoop stress limitations apply:

Maximum Hoop Stress Permissible During Test

	Percent of Specified Minimum Yield			
Location Class	1	2	3	4
Test Medium Air	75	75	50	40

(m) To 192.505 delete entirely and add: "192.505 Strength test requirements for steel pipeline to operate at a hoop stress of thirty (30) percent or more of SMYS:

"(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of thirty (30) percent of more of SMYS must be strength tested in accordance with this section to substantiate the proposed maximum allowable operating pressure. In Class 1 locations, pipelines shall be tested to 1.25 times the maximum operating pressure and in Class 2 locations pipelines shall be tested to 1.50 times the maximum operating pressure. The test medium may be either air, water or inert gas except that if there is a building intended for human occupancy within 300 feet of the pipeline water must be used as the test media while the hoop stress exceeds fifty (50) percent of SMYS unless the buildings are evacuated during the test. Pipelines and mains in Class 3 and 4 locations shall be tested hydrostatically to a pressure not less than 1.50 times the maximum operating pressure.

"(b) In a Class 1 or Class 2 location, each compressor station, regulator station, and measuring station, must be tested to at least Class 3 location test pressure requirements.

"(c) Test pressure shall be maintained until the pressure has stabilized as far as possible in all portions of the test sections giving due consideration to changes in ambient temperatures. In no event shall the duration of the test be less than twenty-four (24) hours following such stabilization except that, in the case of a length of pipeline, main or piping which has not been backfilled prior to the test where, throughout its entire length, its entire circumference can be readily examined visually for the detection of leakage, the duration of the test shall be not less than four (4) hours following such stabilization.

"(d) Where water is utilized as the test medium, adequate provisions shall be made for disposal of the water and steps shall be taken to guard against contamination.

"(e) Requirements for hydrostatic testing of mains and pipelines in Class locations 3 and 4 do not apply if at the time the pipeline or main is first ready for test the ground temperature at pipe depth is thirty-two (32) degrees Fahrenheit or less, or might fall to that temperature before the hydrostatic test could be completed. In such cases an air test to 1.50 times the maximum operating pressure shall be made. Precautions shall be taken to protect the public.

"(f) Other provisions of these rules notwithstanding pipelines and mains crossing highways and railroads may be tested in each case in the same manner and to the same pressure as the pipelines on each side of the crossing.

"(g) If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that:

"(1) The component was tested to at least the pressure required for the pipeline to which it is being added; or

"(2) The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added.

"(h) For fabricated units and short sections of pipe, for which a post installation test is impractical, a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least four (4) hours."

(n) To 192.507 delete entirely and add: "192.507 Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and above 100 psig must be tested in accordance with the following table except that air may be used as the test medium within the maximum limits set in 192.503(c).

Test Requirements for Pipelines and Mains to Operate at Hoop Stresses of thirty percent (30%) or less of the Specified Minimum Yield Strength of the Pipe and above 100 psig

Location Class	Permissible Test Fluid	Prescribed Test Pressure Minimum	Maximum
1	Water	1.25 x m.o.p.	None
	Air	1.25 x m.o.p.	1.25 x d.p.
2	Water	1.50 x m.o.p.	None
	Air	1.50 x m.o.p.	1.25 x d.p.
3	Water	1.50 x m.o.p.	None
4	Water	1.50 x m.o.p.	None

m.o.p. maximum operation pressure
d.p. design pressure

"(a) The pipeline operator must use a test procedure that will insure discovery of all potentially hazardous leaks in the segment being tested.

"(b) If during the test, the segment is to be stressed to twenty (20) percent or more of SMYS and air is the test medium:

"(1) A leak test must be made at a pressure between 100 psig and the pressure required to produce a hoop stress of twenty (20) percent of SMYS; or

"(2) The line must be walked to check for leaks while the hoop stress is held at approximately twenty (20) percent of SMYS.

"(c) The pressure must be maintained at or above the test pressure for at least one (1) hour."

(o) To 192.509 add: "(c) If substantial protective coatings are used that would seal a split pipe seam the leak test pressure shall be 90 psig.

(p) To 192.511(c) change fourth line to read as follows: " . . . must be tested to the maximum operating pressure or ninety (90) psig, whichever is greater, except . . .

(q) To 192.55 add: "(f) New or used pipe of unknown specification and all used pipe the strength of which is impaired by corrosion or other deterioration, shall be retested hydrostatically either length by length in a mill type test or in the field after installation before being placed in service, and the test pressure used shall establish the maximum allowable operating pressure subject to the following limitations:

"(1) P for furnace butt welded pipe shall not exceed sixty (60) percent of the mill test pressure.

"(2) P shall not exceed eighty-five (85) percent of the mill test pressure for all other pipes; provided however, that pipe, mill tested to a pressure less than eighty-five (85) percent of the pressure required to produce a stress equal to the specified minimum yield, may be retested with a mill type hydrostatic test or tested in place after installation. In the event the pipe is retested to a pressure in excess of the mill test pressure, then P shall not exceed eighty-five (85) percent of the retest pressure rather than the initial test pressure. It is mandatory to use a liquid as the test medium in all tests in place after installation where the test pressure exceeds the mill test pressure."

(r) To 192.619(2)(ii) change Factor Table to read as follows:

Class Location	Factor Segment Installed before (Nov. 12, 1970)	Segment Installed after (Nov. 11, 1970)
1	1.10	1.25
2	1.25	1.50
3	1.40	1.50
4	1.40	1.50

(s) To 192.723 delete (b)—(1) and add: "(1) At least once a year a gas detector survey shall be conducted in business districts, involving tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, and where access is not denied at inside basement walls of public and commercial buildings located adjacent to gas mains and service lines, at cracks in pavement and sidewalks and at other locations providing an opportunity for finding gas leaks."

(t) To 192.749(a) change 4th line to read: " . . . content of 100 cubic feet or more, must be . . . "

(u) To 192.751 add: "(d) When a pipeline or main can be kept full of gas during a welding or cutting operation, the following procedures are recommended:

"(1) Keep a slight flow of gas moving toward the point where cutting or welding is being done.

"(2) The gas pressure at the site of the work shall be controlled by suitable means.

"(3) Close all slots or open ends immediately after they are cut with tape, and/or tightly fitted canvas or other suitable material.

"(4) Do not permit two (2) openings to remain uncovered at the same time. This is doubly important if the two (2) openings are at different elevations.

"(e) No welding or acetylene cutting may be done on a pipeline, main or auxiliary apparatus that contains air if it is connected to a source of gas, unless a suitable means has been provided to prevent the leakage of gas into the pipeline or main.

"(f) In situations where welding or cutting must be done on facilities which are filled with air and connected to a source of gas and precautions recommended above cannot be taken, one or more of the following precautions, depending upon circumstances at the job, are required.

"(1) Purging of the pipe or equipment upon which welding or cutting is to be done, with combustible gas or inert gas.

"(2) Testing of the atmosphere in the vicinity of the zone to be heated before the work is started and at intervals as the work progresses, with a combustible gas indicator or by other suitable means.

"(3) Careful verification before the work starts that the valves that isolate the work from a source of gas do not leak.

"(g) When the main is to be separated a bonding conductor must be installed across the point of separation and maintained while the pipeline is separated. If overhead electric transmission lines parallel the pipeline right-of-way the current carrying capacity of the bonding conductor should be at least one-half (½) of the capacity of the overhead line conductors.

"(h) For additional purging procedures see A.G.A. publication "Purging Principals and Practices" (1975 Edition).

(4) Venting of customer's service regulators. Each gas utilities' customers service regulator installed indoors shall be vented to the outside atmosphere and shall have a vent pipe sized no smaller than the manufacturer's vent connection built into the regulator.

(5) Exterior shut-off valves. Exterior shut-off valves shall be installed on all lines entering and leaving regulator stations for use in an emergency to stop the flow of gas, such valves to be installed at an accessible point and location where such valves can be operated in case of an emergency but in any event at least forty (40) feet from the regulator station if operation is below sixty (60) psig. If operating above sixty (60) psig, the valve shall be placed at least 100 feet from the station; if operated above 100 psig, the valve location shall be at least 200 feet from the station. A check valve may be used as the exterior shut-off valve on the downstream line in lieu of other valve if forty (40) feet from regulator. No connection shall be made between the inlet and the outlet shut-off valves, except the connections to the regulating station. A regulator station may contain metering equipment or other similar apparatus. The shut-off valve may be a sectionalizing valve. For the purpose of this rule the maximum pressure possible on the regulator station shall be controlling. Such valve shall be operated, tested and checked at least once a year to insure proper operating condition.

Section 4. Waste. All practices in the production, distribution, consumption, or use of natural gas which are wasteful, such as flambeau lights and the like, are hereby expressly prohibited.

Section 5. Measuring Production and Shipment into and out of the State. (1) All gas produced and purchased by a utility in Kentucky shall be measured and the quantity thereof recorded.

(2) All gas piped out of or brought into the state of Kentucky by a utility shall be measured and quantity thereof recorded.

Section 6. Odorization. (1) Any gas distributed to customers through gas mains or gas services, used for domestic purposes or in compressor plants or transmitted through Class 3 or Class 4 locations shall have a distinctive odor of sufficient intensity so that the presence of the gas may be detected down to a concentration in air of one percent (1%) by volume (approximately twenty percent (20%) of the lower explosive limit) to normal or average olfactory senses of a person coming from fresh ungasified air into a closed room, or by appropriate instruments. Whenever necessary to maintain this level of intensity, a suitable odorant shall be added in accordance with the specification in this rule.

(2) Odorants in the concentrations used shall be: harmless to humans, noncorrosive to steel, iron, brass, copper and leather and not soluble in water to an extent greater than 2.5 parts by weight of odorant to 100 parts by weight of water.

(3) Odorizing equipment shall be designed to maintain a reasonable uniform level of odor in the gas.

(4) Each utility shall make periodic checks to determine that proper level of odorization is maintained and keep records of same.

Section 7. Purity of Gas. (1) All gas supplied to customers shall contain no more than: a trace of hydrogen sulphide; thirty (30) grains of total sulphur per 100 cubic feet, or five (5) grains of ammonis per 100 cubic feet. No gas shall contain impurities which may cause excessive corrosion of mains or piping or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

(2) When necessary, tests for the presence of hydrogen

sulphide shall be made at least once each day, except Sundays and holidays, with the standard lead acetate paper method. Results shown by these test papers shall be properly recorded and filed, as specified by the commission.

(3) Manufactured and mixed gas shall be tested at least once each month for the presence of total sulphur and ammonia, except that any gas containing no coal gas need not be tested for ammonia. Approved methods of testing shall be used. Records of all tests shall be preserved as specified by the commission.

Section 8. Heating Value of Gas. (1) Each utility shall establish and maintain a standard heating value for its gas. The heating value standard adopted shall comply with the following conditions:

(a) It shall be consistent with good service.

(b) It shall be that value which the utility, from its experience, determines is the most practicable and economical to manufacture and/or supply to its customers.

(2) Each utility shall file with the commission as a part of its schedule of rates or rules and regulations, the average total heating value of the gas, together with the indicated maximum expected fluctuation above and below the average total heating value which may be expected of a gas supplied by it in each district, division or community served.

(3) The utility shall be prepared to justify to the commission the standards adopted. The BTU standard adopted shall be expressed as part of the schedule of rates on file with the commission and shall not be changed without approval of the commission.

(4) The utility shall maintain the heating value of the gas with as little variation as is practicable, but such variation shall not be more than five percent (5%) above, or five percent (5%) below the standard adopted.

(5) The standard adopted shall be the monthly average total heating value of the gas, as delivered to customers at any point within one (1) mile of the manufacturing plant or center of distribution, and shall be obtained in the following manner: To obtain the monthly average, the results of all tests of heating value made on any day during the calendar month shall be averaged and the average of all such daily averages shall be used in computing the monthly average. Each utility selling more than 300,000,000 cu. ft. of gas annually shall make tests of heating value to conform at least to the minimum requirements of the following schedule:

Annual Sales of Gas - M Cubic Feet	Minimum Number of Tests Per Week Day	Minimum Interval Between Consecutive Tests in Hours
300,000 to 500,000	2	4
500,000 to 1,000,000	4	2
1,000,000 upward	6	2

(6) Definition of total heating value. The total heating value of a gas is the number of British thermal units produced by the combustion at constant pressure, of the amount of gas which would occupy a volume of one (1) cubic foot at a temperature of sixty (60) degrees Fahrenheit, if saturated with water vapor and under a pressure equivalent to that of thirty (30) inches of mercury at thirty-two (32) degrees Fahrenheit and under standard gravity, with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air, and when the water formed by combustion is condensed to the liquid stage.

(7) Compressed gas. Gas which has been compressed to more than five (5) pounds per square inch shall be tested for heating value after compression.

(8) Testing equipment. Each utility selling more than 300,000,000 cu. ft. of gas annually shall provide and maintain an approved standard calorimeter and all necessary accessories for testing the heating value of gas. Such equipment shall be subject to approval and calibration by the commission. Utilities served directly from transmission lines shall be exempt from this rule if there is a provision for measuring the heating value of the gas on the transmission line and if such calorimeters are available to the commission for testing and certification.

(9) Whenever the standard heating value of the gas supplied is changed sufficiently to necessitate readjustment of applicance, it shall be incumbent upon the utility to properly adjust the customer's appliances to the new heating value as adopted under this rule.

(10) Where any unusual conditions exist any utility may apply to the commission to be relieved in part of the requirements of this rule.

(11) Any change in the heating value greater than subsection (4) of this section shall not be made without the approval of the commission and without adequate notice to the affected customers. In such event, the utility shall make any necessary adjustments to the customer's appliances without charge and shall conduct the adjustment program with a minimum of inconvenience to the customers.

Section 9. Extension of Service. (1) Normal Extensions. An extension of 100 feet or less shall be made by a utility to an existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides guarantee for such service.

(2) Other extensions.

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than 100 feet per customer, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over 100 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: each year for a period of not less than ten (10) years which, for the purpose of this rule, shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage, the cost of the 100 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed, and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of the 100 feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility.

After the end of the refund period from the completion of the extension no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than 100 feet upon a finding by the commission that such extension is reasonable.

Section 10. Service Connections. (1) Ownership of service.

(a) Utility's responsibility. In urban areas with well defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service pipe from its main to the property line or to and including the curb stop and curb box if used. The curb stop may be installed at a convenient place between the property line and the curb. In cases where meters are located outdoors, the curb box and curb stop may be omitted if the meter installation is provided with a stopcock and the connection to the distribution main is made with a service tee that incorporates a positive shutoff device that can be operated with ordinary, readily available tools and the service tee is not located under pavement.

(b) Customers responsibility. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(c) Inspection. In the installation of a service line the customer shall not install any tees or branch connections and must leave the trench open and pipe uncovered until it is examined by an inspector of the utility and shown to be free from any irregularity or defect. The utility shall test the customer's piping for gas leaks, each time the gas is turned on by the utility, by observing that no gas passes through the meter when all appliances are turned off. The utility shall refuse to serve until all gas leaks so disclosed have been properly repaired.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

(3) All services shall be equipped with a stopcock near the meter. If the service is not equipped with an outside shut-off, the inside shut-off shall be of a type which can be seated in the off position.

Section 11. Method of Measuring Service. (1) All gas sold by a utility and all gas consumed by a utility in the State of Kentucky shall be metered through approved type meters except in cases of emergency or when otherwise authorized by the commission. Each meter shall bear an identifing number. When gas is sold at high pressures or large volumes, the contract or rate schedule shall specify the standards used to calculate the gas volume. Prepayment meters shall not be used except where there is no other satisfactory method of collecting payment for the service rendered.

(2) All gas delivered as compensation for leases, rights of way, or for other reasons, not charged for at the utility's regular schedule of charges, shall be metered and a record kept thereof. All meters and regulators installed for the purpose of measuring gas and for the purpose of regulating the pressure of gas shall be under the control of the utility and subject to the rules of the utility and the rules of the commission.

(3) The utility shall make no charge for furnishing and installing any meter or meter accessories necessary to measure the gas furnished, except by mutual agreement in special cases or except where duplicate or check meters are requested by the customer.

(4) Each gas utility shall adopt a standard method of meter and service line installation insofar as practicable. Such methods shall be set out with a written description and/or with drawings to the extent necessary for a clear understanding of the requirements, all of which shall be filed with the commission. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of installing pipe for gas utilization. All meters shall be set in place by the utility.

(5) Each customer shall be metered separately except in cases of multi-occupants under the same roof with a common entrance or within an enclosure where it is unreasonable or uneconomical to measure each unit separately.

(6) The utility may render temporary service to a customer and may require the customer to bear all of the cost of installing and removing the service in excess of any salvage realized. In this respect, a temporary service shall be considered to be service that is not required or used for more than one (1) year.

Section 12. Location of Meters. (1) Meters shall be easily accessible for reading, testing and making necessary adjustments and repairs, and where indoor type meters are necessary they shall be installed in a clean, dry, safe, convenient place. Unless absolutely unavoidable, meters shall not be installed in any location where the visits of the meter reader or tester will cause annoyance to the customer or a severe inconvenience to the utility. Existing meters which are located in places not permitted by this rule shall be relocated by the customer or owner to an approved location.

(2) Proper provision shall be made by the customer for the installation of the utility's meter. At least six (6) inches clear space shall be available, if possible on all sides of the meter and not less than thirty (30) inches in front of it.

(3) When a number of meters are placed in the same location, each meter shall be tagged or marked to indicate the customer metered by it and such identification shall be preserved and maintained by the owner of the premises served.

(4) When the distance between the utility's main and the nearest point of consumption is more than 150 feet, the meter shall be located as near to the utility's main as may be practicable. This shall apply whether or not all or part of the service line shall have been constructed by either the customer or utility.

(5) When customers are served from high pressure lines, the meters, regulator or regulators and safety devices shall be located as near to the utility's main as practicable.

Section 13. Accuracy Requirements for Meters. All tests to determine the accuracy of registration of any gas meters shall be made by a qualified meter man and with suitable facilities.

(1) Positive displacement meters:

(a) Before being installed for the use of any customer, every positive displacement gas meter, whether new, repaired or removed from service for any cause shall be in good order and shall be adjusted to be correct to within one-half (½) of one (1) percent, plus or minus when passing gas at approximately twenty percent (20%) and 100 percent of the rated capacity of the meter as given by the manufacturer at .5" H20 differential. A pilot test to determine that the meter will register at one-half of one percent (½ of 1%) of the rated capacity shall be made before placing meters in service.

(b) Meters removed from service for any reason shall be tested for accuracy as soon as practical after removal. An "as found" test shall be made at a flow-rate of approximately twenty percent (20%) and 100 percent of the rated capacity of .5" H20 differential and results of said tests algebraically average to determine the accuracy. If the error is less than two percent (2%) this shall be reported as the "as found" test. If the error is more than two percent (2%) two (2) additional tests shall be made at twenty percent (20%) and 100 percent and the average of the three tests shall be reported as the "as found" test. The three (3) test procedures shall apply to any customer request test, complaint test, or bill adjustment made on the basis of the meter.

(2) Large capacity meters:

(a) All meters other than positive displacement meters, regardless of type, shall be tested at approved intervals by the utility meter man using flow provers or other approved methods either in the shop or on location of use at the option of the utility and with the approval of the commission of facilities and methods used.

1. The accuracy of these meters shall be maintained as near 100 percent as possible.

2. Test ranges and procedures shall be as prescribed in adopted standards or approved by the commission.

(b) All meter installations shall be inspected for proper design and construction and all instruments, regulators and valves used in conjunction with the installation shall be tested for desired operation and accuracy before being placed in service. This inspection shall be made by a competent meter man employed by the utility or by a competent person employed by the manufacturer of the meter installation. Test data as to conditions found, corrected if in error, and conditions as left shall be made available for inspection by the commission. Subsequent test results shall be a portion of regular meter test reports to the commission by the utility.

Section 14. Pressure Gauges. (1) Each utility shall keep continually in use on its distribution system or systems one (1) or more accurate recording pressure gauges at each point of supply to the system or systems. These gauges must be located at such point or points and in such a manner as to give continuous record of the gas pressure and character of service being furnished.

(2) In addition to the recording pressure gauges required in subsection (1) of this section, all utilities distributing gas shall provide themselves with one (1) or more portable recording pressure gauges with which pressure surveys shall be made in sufficient number to indicate the service furnished and to satisfy the commission of the utility's compliance with pressure requirements.

(3) All recording pressure gauge charts shall be preserved and filed in a systematic manner and each chart shall show the date and location when the record was made. All charts must be kept on file by the utility for a period of at least two (2) years.

Section 15. Standard Pressure. (1) All utilities supplying gas for light, heat, power or other purposes shall, subject to the approval of the commission, adopt and maintain a standard pressure as measured at the customer's meter outlet. In adopting such standard pressure the utility may divide its distribution system into districts and establish a separate standard pressure for each such district, or the utility may establish a single standard pressure for its distribution system as a whole.

(2) The standard pressure to be adopted as herein provided shall be a part of the utility's schedule of rates and general rules and regulations.

(3) No change shall be made by a utility in the standard pressure or pressure adopted except in case of emergency.

Section 16. Allowable Variations of Standard Service Pressure. (1) The variations of standard pressure as established under the preceding rule shall not exceed the adopted pressure by more than fifty percent (50%) plus or minus.

(2) A utility supplying gas shall not be deemed to have violated subsection (1) of this section, if it can be shown that variations from said pressures are due to:

(a) Use of gas by the customer in violation of contract of the rules of the utility.

(b) Infrequent fluctuations of short duration due to unavoidable conditions of operation.

(3) Allowable variations in standard pressure other than those covered by subsection (1) of this section will be established by the commission when application is made and good cause shown therefor.

(4) The gas pressures required above shall be maintained at the outlet of the meter in such a manner to provide safe and efficient utilization of gas in properly adjusted appliances supplied through adequately sized customer's facilities.

Section 17. Continuity of Service. (1) The utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. The record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence. The commission shall be notified of major interruptions as soon as they come to the attention of the utility and a complete report made after restoration of service.

(2) An interruption of service, as the term is used here, shall also mean the interval of time during which the pressure drops below fifty percent (50%) of such adopted standard pressure on the entire system, or on one (1) or more entire major division or divisions for which an average standard pressure has been adopted.

Section 18. Meter Testing Facilities and Equipment. (1) Meter shop:

(a) Each utility, unless specifically excused by the Commission, shall maintain a meter shop for the purpose of inspecting, testing, and repairing meters. The shop shall be open for inspection by authorized representatives of the Commission at all reasonable times, and the facilities and equipment, as well as the methods of measurements and

testing employed, shall be subject to the approval of the Commission.

(b) The meter shop shall consist of a repair room or shop proper and a proving room. The proving room shall be designed so that the meters and meter testing apparatus are protected from excessive changes in temperature and other disturbing factors. The proving room or the entire meter shop shall be air conditioned if necessary to achieve satisfactory temperature control.

(c) The proving room shall be well lighted and preferably not on an outside wall of the building. Temperature changes in the room shall be no greater than five (5) degrees Fahrenheit over a twenty-four (24) hour period. Temperatures at any one point in the room shall not vary from a simultaneous temperature at any other point in the room by more than one (1) degree Fahrenheit.

(2) Working standards:

(a) Each utility, unless specifically excused by the Commission, shall own and make proper provision to operate at least one (1) approved belltype meter prover, preferably of ten (10) cubic feet capacity, but in no case of less than five (5) cubic feet capacity. The prover shall be equipped with suitable thermometers and other necessary accessories, and such equipment shall be maintained in proper condition and adjustment so that it shall be capable of determining the accuracy of any service meter, practical of test by it, to within one-half of one percent (½ of 1%) plus or minus.

(b) The prover shall be accurate to within three tenths (.3) of one percent (1%) at each point used in testing meters.

(c) The prover shall not be located near any radiator, heater, steam pipe, or hot or cold air duct. Direct sunlight shall not be allowed to fall on the prover or the meters under test.

(d) During conditions of satisfactory operation the temperature of the air in the prover shall be within one (1) degree Fahrenheit of the ambient temperature, and from the temperature of the ambient air by more than one (1) degree Fahrenheit.

(e) The meters to be tested shall be stored in such manner that the temperature of the meters is substantially the same as the temperature of the prover. In order to achieve this the meters shall be placed in the environment of the prover for a minimum of about five (5) hours, and preferably overnight.

(3) All testing instruments and other equipment shall at all times be accompanied by a certificate giving the date when it was last tested and adjusted and must be signed by a proper authority or a tag referring to such certificate may be attached when practicable. These certificates, when superseded, shall be kept on file in the office of the utility.

(4) Sixty (60) days after the effective date of this regulation, each utility shall advise the Commission in writing as to the kind and amount of testing equipment available.

Section 19. Periodic Tests. (1) Periodic tests (of all meters) shall be made according to the following schedule:

(a) All positive-displacement meters, with a rated capacity up to and including 500 cubic feet per hour, shall be tested at least once every ten (10) years.

(b) All positive-displacement meters, with a rated capacity above 500 cubic feet per hour, up to and including 1,500 cubic feet per hour, shall be tested at least once every five (5) years.

(c) All positive-displacement meters above 1,500 cubic feet per hour shall be tested at least once every year.

(d) All orifice meters shall have their recording gauges tested at least once every six (6) months and the constant of the orifice plate tested every five (5) years.

(2) All meters in service on and after the effective date of this regulation for which there is on file in the utility's office no record of test within the time equal to the period of test for that class and rating of meter as specified in subsection (1) of this section shall be tested as soon thereafter as circumstances will permit and the meters with the greatest time elapsed since the last test shall be tested first. In no case shall the time of test of said meters, subsequent to the effective date of this regulation exceed one-half (½) of the required period of test for meters of that class and rating as specified in subsection (1) of this section. Whenever the number of meters of any type which register in error beyond the limits specified in these rules is deemed to be excessive, then this type shall be tested with such additional frequency as the Commission may direct.

Section 20. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the Commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:045E. Gas service; service lines.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.485(3)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.485(1) provides that gas service shall be furnished at rates and charges as determined by the commission. KRS 278.485(3) requires that the installation and standards of safety for the installation of service lines may be prescribed by the commission. This regulation establishes the rules which apply to service from natural gas gathering pipeline systems.

Section 1. Construction Standards. Instances not covered by this regulation must meet, where applicable, the requirements of the "USA Standard Code for Pressure Piping, Gas Transmission and Distribution Piping Systems (USAS B31.8)" 1968 edition as published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017; herein filed by reference.

Section 2. Definitions. (1) "Gathering line" means any pipeline gathering gas from a producing gas well; excluding pipelines on the discharge side of compressor stations.

(2) "Service line" means any pipeline beginning at the point of connection to the gathering line and ending at the point or points of consumption.

(3) "Gas company" means the owner of any producing gas well and/or gathering line.

Section 3. Requirements for Service. (1) Persons desiring gas service under KRS 278.485 shall file applications at the local gas company office, which shall contain the following information:

(a) Name and address of the applicant.

(b) Purpose for which gas is requested.

(c) Name and address of contractor installing service line and other facilities required to be furnished by applicant.

(d) Name and address of gas company from which service is requested.

(2) Gas company shall furnish applicant with construction drawing showing installation and material meeting the company's specifications as approved by the commission for service installation.

(3) After receipt of the application, the gas company shall furnish the commission in Frankfort the name and address of the applicant and forward a copy of the application to the commission's representative in that area.

(4) Applicant's gas service line shall be inspected and approved by the commission representative before service is commenced. No service line will be inspected for which an application has not been received.

(5) The commission will notify the applicant by mail if the service line does not meet the requirements of its rules and regulations. If the defects are not corrected within the time permitted, the commission will notify the gas company and the application shall be discontinued by the company until such defects are corrected.

(6) The gas company shall furnish, install and maintain the meter which shall remain its property.

(7) The service tap including saddle and first service shutoff valve shall be installed by the gas company and shall remain its property.

(8) All other equipment and material required for such service shall be furnished, installed and maintained by applicant at his expense and shall remain applicant's property.

(9) If leaks or other hazardous conditions are detected in the service line, the gas company shall have the right to discontinue service until such leaks or other hazardous conditions are repaired or remedied by consumer.

Section 4. Connections to High Pressure Gathering Lines. (1) Connections shall be two (2) inches or less in diameter but smaller than the diameter of the gathering line.

(2) Connections shall be on the upper one-half (½) of the pipe surface, preferably at an angle of forty-five (45) degrees.

(3) Connections shall be at right angles to the center line of the gathering line.

(4) A service shutoff shall immediately follow the connection to the gathering line.

(5) A drip tank shall be installed preceding the regulating equipment, but may be omitted upon approval of the commission's representative.

Section 5. Control and Limiting of Gas Pressure. (1) When maximum pressures may exceed sixty (60) p.s.i. a service regulator and a secondary regulator located upstream from the service regulator shall be installed. The regulators shall be spring type, and the secondary regulator shall in no case be set to maintain a pressure higher than sixty (60) p.s.i. A spring type relief valve shall be installed between the secondary regulator and the service regulator to limit the pressure on the inlet of the service regulator to sixty (60) p.s.i. or less in case the secondary regulator fails to function properly.

(2) Every service line shall be equipped with an adequate spring type relief valve on the outlet side of the meter installation.

(3) Regulators shall not be by-passed.

(4) Each relief valve shall be vented into the outside air.

(5) Vents shall be covered to prevent water and insects from entering.

(6) All metering and regulating equipment shall be as near to the gathering line as practicable, in accordance with safe and accepted operating practices.

(7) Each service shall have an insulating joint which shall follow the regulating units.

(8) Regulating equipment shall be properly protected by the applicant.

Section 6. Service Lines and Metering Facilities. (1) The customer shall furnish and install the service line from tap to point of consumption. The customer shall also secure all rights-of-way, railroad, highway and other crossing permits. The customer's service line shall be laid on undistributed or well compacted soil in a separate trench avoiding all structures and hazardous locations. Where service line passes through cultivated land, the trench shall be of sufficient depth to permit a backfill cover of twenty-four (24) inches above the service line. In other locations, the trench depth shall be eighteen (18) inches where practicable. No structure shall be erected over the service line.

(2) No branch tee or other connection shall be permitted on the line to serve any user other than the applicant except with the prior written consent of the gas company and the applicant, in which event the service to each user shall have an automatic shutoff valve with manual reset located on the riser in a horizontal position. Such shutoff valve shall have an operating pressure of eight (8) ounces with a shutoff pressure setting of not less than two (2) ounces.

(3) Service lines shall be constructed so as to avoid subsurface structures but in no case shall service lines be constructed within a distance of less than thirty-six (36) inches from any subsurface structure or parallel thereto closer than thirty-six (36) inches.

(4) Service lines shall be purged for at least fifteen (15) minutes after testing to remove any air accumulations.

(5) Metering pressure shall not exceed eight (8) ounces.

(6) Service lines shall be constructed of new black steel pipe from the gas meter to the outlet side of the stopcock located on the riser entering into the building and shall be of a size not less than one and one-fourth (1¼) inches.

(7) Service lines shall enter buildings above the ground level with shutoff valve located on the riser.

(8) Each service shall have an automatic cut-off valve with manual reset to shut off gas if gas pressure fails. The valve may be part of the final stage regulator when only one (1) customer is served from the service line.

Section 7. Payment of Bills or Other Default. (1) The customer shall pay the installation charge and thereafter pay the gas company for all gas delivered at rates determined therefor by the commission. The gas company shall render statements to the customer at regular monthly or bimonthly intervals for gas delivered, which said statements shall be rendered not later than ten (10) days following each billing period. No gas company shall discontinue service to any customer for nonpayment of bills (including delayed payment charges) without first having made a reasonable effort to induce the customer to pay same. The

customer shall be given at least forty-eight (48) hours written notice, but the cutoff shall not be effected before fifteen (15) days after the mailing date of the original bill. Service shall not be re-establsihed until the customer has paid the gas company all amounts due for gas delivered plus a turn-on charge of five dollars ($5), and placed himself in full compliance with the regulations of the commission pertaining to such service. In the event the customer fails or refuses to pay such unpaid bill(s) and turn-on charge and/or place himself in compliance with the regulations of the commission within thirty (30) days from the date the gas is turned off, the gas company may disconnect customer's service line from its gathering line and service shall not be re-established until the customer has complied with the regulations of the commission pertaining to initial service.

(2) The gas company shall have the right, if it so elects, to require a cash deposit or other guaranty from the customer to secure payments of bills.

Section 8. General Provisions. The gas company shall at all times have access to the premises where the connection is made and the meter is located with the right to shut off the gas and remove its property from said premises upon reasonable notice for any of the following reasons: for repairs or because of leakage; for non-payment of any bills; for failure to make a cash deposit, if such be required; for any violation of this regulation; moving of the customer from the presmises; for fraudulent tampering with the meter, regulators or connections; for shortage of gas or reasons of safety; for larceny of gas; for any action by a customer to secure through his meter gas for purposes other than those requested, or for any other party without the written consent of the gas company; for false representation with respect to the ownership of property to which service is furnished.

Section 9. Rates and Charges. (1) Each gas company may make and collect an initial charge of fifty dollars ($50) for each service tap, including saddle and first shutoff valve which, under this regulation, are required to be furnished and installed by the gas company. No part of this charge shall be refunded by the gas company.

(2) The monthly charges for gas service, except as hereinafter expressly provided, shall be as follows:

For the First	2 MCF	$ .80 per MCF
For the Next	28 MCF	.60 per MCF
For the Next	570 MCF	.50 per MCF
All Over	600 MCF	.40 per MCF
The minimum bill shall be		1.60 per month

(3) The only exception to the charges outlined above shall be that when any gas producing area is served by one (1) company, such company may elect to apply its own tariffs which have been filed and approved by the commission, plus the fifty-dollar ($50) charge for the service tap, including saddle and first service shutoff valve.

(4) The provisions contained herein shall apply only to connections and services made pursuant to the provisions of KRS 278.485 and subsequent to the effective date of this regulation.

Section 10. Deviation from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:055E. Water.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to water utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of water utilities operating under the jurisdiction of the Energy Regulatory Commission.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.

(2) Transmission main. The transmission main is used for conveying water to the distribution system, reservoirs, tanks or stand pipes, and has generally no service connections with customers.

(3) Distribution main. The distribution main is one from which service connections with customers are taken at frequent intervals.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) Department for Natural Resources. The term "Department for Natural Resources" means the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Sanitary Engineering.

Section 3. Information Available to Customers. (1) Characteristics of water. A description in writing of the treated water as to chemical constituents and bacteriological standards.

(2) Rates. A schedule of rates for water service applicable to the service to be rendered to the customer.

(3) Reading meters. Information about method of reading meters.

(4) Bill analysis. A statement of the past readings of a customer's meter for a period of two (2) years.

Section 4. Quality of Water. (1) General. Any utility furnishing water service for human consumption or for domestic uses shall provide water that is wholesome, potable, free from objectionable odors and taste, and not harmful or dangerous to public health.

(2) Compliance with Department for Natural Resources. Any utility furnishing water service for human consumption or domestic use shall conform to all legal requirements of the Department for Natural Resources for construction and operation of its water system as pertains to sanitation and potability of the water.

(3) Water supply. In absence of comparable requirements of the Department for Natural Resources, water supplied by any utility shall be:

(a) Adequately protected by artificial treatment to include continuous disinfection throughout the distribution system.

(b) Free from objectionable color, turbidity, taste, and odor.

(c) From a source reasonably adequate to provide a continuous supply of water.

(d) Of such quality at all times as to meet the "Public Health Service Drinking Water Standards," Revised 1962 edition, Publication No. 956, U. S. Government Printing Office, Washington, D. C. 20402; herein filed by reference.

(4) Operation of supply system:

(a) The water supply system, including wells, reservoirs, pumping equipment, treatment works, mains, and service pipes shall be free from sanitary defects.

(b) No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted, unless such other water supply maintains a safe sanitary quality in accordance with this regulation and the inter-connections of the supplies are approved by the commission.

(c) The growth of algae in the water at the source of supply, in reservoirs or other basins, and in the water mains, shall be controlled by proper treatment.

(d) Utilities obtaining water supplies from driven or drilled wells must maintain the tightness of well casings and provide protection at the surface of the ground to prevent the infiltration of water other than that from the strata tapped by such wells and 300 feet from any source of pollution.

(5) Testing of water:

(a) Test. Each utility shall have representative samples of water supplied by it examined by the state or local Department for Natural Resources or by a competent chemist and bacteriologist skilled in the sanitary examination of water, under methods approved by the State Department for Natural Resources, at intervals sufficient to insure a safe water supply.

(b) Report to the commission. In the event that the above prescribed tests show that the water furnished by the utility is contaminated or otherwise unsafe for human consumption, the utility shall forward a report of such test to the commission or other state agency having correctional jurisdiction without delay, and shall take immediate steps to correct the condition.

Section 5. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Where an emergency interruption of service affects the service to any public fire protection device, the utility shall immediately notify the fire chief or other public official responsible for the fire protection.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption, stating the time and anticipated duration of the interruption. Whenever possible, scheduled interrruptions shall be made at such hours as will provide least inconvenience to the customers. Where public fire protection is provided by the mains affected by the interruptions, the utility shall notify the fire chief or other officials responsible for fire protection, of the interruption, stating the time and anticipated duration. The fire chief or other official responsible for fire protection shall be notified immediately upon restoration of service.

(3) Standby equipment. When the system pressure is maintained by mechanical means, emergency standby pumping equipment shall be provided to maintain a reasonable pressure in the main in the event of failure of the primary pumping facilities.

(4) Storage. Each utility shall provide water storage to insure a minimum of one (1) days supply of its average daily water usage or such minimum amount deemed adequate by the commission.

(5) Record of interruptions. Each utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. This record shall show the cause of interruption, date, time, duration, remedy and steps taken to prevent recurrence.

Section 6. Pressures. (1) Standard pressure. Each utility shall, subject to the approval of the commission, adopt and maintain a standard pressure in its distribution system at locations to be designated as the point or points of "standard pressure." The selection of such points shall be confined to locations fairly representative of average conditions. In selecting points for fixed standard pressure a utility may divide its distribution system into districts, when division is necessary, due to differences of elevation or loss of pressure because of friction, or due to both of said causes; and may adopt a standard pressure for each such division, or it may establish a single standard pressure for its distribution system as a whole. In no case shall the constant difference between the highest and lowest pressures in a district for which a standard has been adopted exceed fifty percent (50%) of such standard. In the interpretation of this rule it shall be understood that in districts of widely varying elevations or low customer density a utility may undertake to furnish a service which does not comply with the foregoing specifications if the customer is fully advised of the conditions under which average service may be expected. It shall be understood that nothing shall prevent the commission from requiring improvements when, upon investigation, it appears right and proper that such betterments should be made. In no event, however, shall the pressure at the customer's service pipe under normal conditions fall below thirty (30) p.s.i.g. nor shall the static pressure exceed 150 p.s.i.g.

(2) Pressure gauges. Each utility shall provide itself with one (1) or more recording pressure gauges for the purpose of making pressure surveys as required by these rules. These gauges shall be suitable to record the pressure ex-

perienced on the utility's system and shall be able to record a continuous twenty-four (24) hour test. One (1) of these recording pressure gauges shall be maintained in continuous service at some representative point on the utility's mains.

(3) Pressure surveys. At least once annually, each utility shall make a survey of pressures in its distribution system of sufficient magnitude to indicate the quality of service being rendered at representative points in its system. The pressure charts for these surveys shall show the date and time of beginning and end of the test and the location at which the test was made. Records of these pressure surveys shall be maintained at the utility's principal office in the state and shall be made available to the commission upon request.

Section 7. Water Supply Measurement. (1) Measuring devices. Each utility shall install a suitable measuring device at each source of supply in order that a record may be maintained of the quantity of water produced by each source.

(2) Records. At least once each month, the quantity produced from each source of supply shall be determined. Twelve (12) month totals by sources shall be recorded and transmitted to the commission in the utility's annual report to the commission.

Section 8. Standards of Construction. The design and construction of the utility's water plant shall conform to good standard engineering practice. The plans and specifications for water supplies shall be prepared by an engineer registered in the State of Kentucky, with the submitted plans bearing the engineer's seal. The plant shall be designed and operated so as to provide adequate and safe service to its consumers and shall conform to the requirements of the Department for Natural Resources with reference to sanitation and potability of water.

Section 9. Distribution Mains. (1) Depth of mains. Water mains shall be placed a minimum of twenty-four (24) inches below ground level and shall be protected sufficiently to prevent freezing during the coldest weather normally experienced in the community in which laid, and to prevent damage by traffic.

(2) Dead ends. Insofar as practicable, the utility shall design its distribution system so as to avoid dead ends in its mains. Where dead ends are necessary, the utility shall provide hydrants or valves for the purpose of flushing the mains. Mains with dead ends shall be flushed as often as necessary to maintain the quality of the water; but in any event they shall be flushed at least once each year.

(3) Segmentation of system. Valves or stopcocks shall be provided at reasonable intervals in the mains so that repairs may be affected with interruptions to the service of as few customers as is practicable.

(4) Disinfection of water mains. All new mains shall be thoroughly disinfected before being connected to the system. The method of disinfecting shall be in compliance with the Department of Natural Resources.

(5) Grid systems. Wherever feasible the distribution system shall be laid out in a grid so that in case of breaks or repairs the interruptions of service to the customers will be at a minimum.

Section 10. Service Lines. (1) Size of service line. The size, design and material and installation of the service line shall conform to such reasonable requirements of the utility as may be incorporated in its rules and regulations, provided, however, that the minimum size of the line shall not be less than three-fourths (3/4) inch nominal size except under unusual circumstances which shall be clearly defined.

(2) Depth of service line. All service lines shall be laid at a depth sufficient to prevent freezing during the coldest weather normally experienced except where services are not intended for use during freezing weather and are actually drained during such periods.

(3) Inspection of service line. In the installation of a service line, the customer shall leave the trench open and pipe uncovered until it is inspected by the utility and shown to be free from any tee, branch connection, irregularity or defect.

Section 11. Construction Requirements. (1) The system shall be adequate to deliver all reasonable water requirements of its customers and meet the requirements of Section 6(1) except under emergency conditions.

(2) Distribution system:

(a) Minimum pipe sizes. The distribution system shall be of adequate size and so designed in conjunction with related facilities to maintain the minimum pressures required by Section 6(1). The maximum length of any individual small pipe line shall be as follows:

	Circulating	Non-Circulating
1 inch nominal size	150 feet	100 feet
1½ inch nominal size	300 feet	200 feet
2 inch nominal size	500 feet	250 feet

In the case of rural water lines, where hydraulic studies indicate they can comply with Section 6(1) and can provide adequate flow of water to serve the peak requirements of customers, the above maximum extension lengths may be extended with approval of the commission.

(b) Fire protection. Specifications, location, installation, and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and when owned by the utility shall be subject to such conditions as the commission may impose, based upon the compensation received for this service.

(3) Transmission systems. The transmission pipe lines from sources of supply shall be designed to deliver in combination with related storage facilities and to the limits of the capacity of those sources of supply the maximum requirements of that portion of the system which is dependent upon such transmission pipe lines.

(4) Water supply requirements. The quantity of water delivered to the utility's distribution system from all source facilities shall be sufficient to supply adequately, dependably and safely the total reasonable requirements of its customers under maximum consumption, and shall be determined so as to maintain the specified pressures as required by Section 6(1).

(5) Materials. Metallic and non-metallic materials may be used separately and in combination to construct component parts of a water system including, but not limited to, conduits, pipes, couplings, caulking materials, protective linings and coatings, services, valves, hydrants, pumps, tanks and reservoirs, provided:

(a) The material shall have a reasonable useful service life.

(b) The material shall be capable of withstanding with ample safety factors the internal and external forces to which it may be subjected in service.

(c) The material shall not cause the deterioration of the potability of the water supply.

(d) Materials and equipment shall be so selected as to mitigate corrosion, electrolysis and deterioration.

Section 12. Extension of Service. (1) Normal extension. An extension of fity (50) feet or less shall be made by a utility to its existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides a guarantee for such service.

(2) Other extensions:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of fifty (50) feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the commission that such extension is reasonable.

Section 13. Service Connections. (1) Ownership of service:

(a) Utility's responsiblity. In urban areas with well-defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service line from its main to and including the curb box, if curb box is used, otherwise to the curb stop. The curb stop may be installed at a convenient place between the property line and the curb. All services shall include a curb stop.

(b) Customer's responsiblity. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

Section 14. Measurement of Service. (1) Metering. All water sold by a utility shall be upon the basis of metered volume sales except that the utility may at its option provide flat rate or estimated service for the following:

(a) Temporary service where the water used can be readily estimated.

(b) Public and private fire protection service.

(c) Water used for street sprinkling and sewer flushing, when provided for in a contract between the utility and a municipality or other local governmental authority.

(2) Registration of meter. All meters used for metered sales shall have registration devices indicating the volume of water measured in either cubic feet or U.S. gallons. Where a constant or multiplier is necessary to convert the meter reading to cubic feet or gallons, the constant shall be indicated upon the face of the meter.

(3) Charge for service line and meter installation:

(a) No utility shall charge for the installation or the use of its portion of the service line or of any devices for metering service to a customer, except for temporary service where the utility may charge its actual cost of installation and removal of service lines and metering devices.

(b) A water district, organized under KRS Chapter 74, may, subject to the approval of the commission, make a charge or "tapping fee" for installing service to its customers. Said "tapping fee" shall include a service tap, meter, meter vault, and installation thereof.

(4) Standard method of meter and service line installation. Each utility shall adopt a standard method of installing meters and service lines and shall file with the commission a written description and/or drawings in sufficient detail that the requirements are clearly understandable. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of placing pipe for water utilization. All meters shall be set in place by the utility.

Section 15. Meter Test Facilities and Equipment. (1) Test facilities. Each utility furnishing metered water service shall provide the necessary standard facilities, instruments and other equipment for testing its meters in compliance with this regulation.

(2) Shop equipment. The utility's meter test shop shall, insofar as practicable, simulate the actual service conditions of temperature, inlet pressure, and outlet pressure. It shall be provided with the necessary fittings, including a quick acting valve for controlling the starting and stopping of the test and a device for regulating the flow of water through the meter under test within the requirements of this regulation. The overall accuracy of the test equipment and test procedures shall be sufficient to enable test of ser-

vice meters within the requirements of this regulation. In any event the inherent overall accuracy of the equipment shall permit tests with an overall error not to exceed three-tenths of one percent (.3 of 1%).

(3) Test measurement standards:

(a) Basic standard. Measuring devices for testing meters shall consist of a calibrated tank for volumetric measurement or a tank mounted upon scales for weight measurement. If a volumetric standard is used, it shall be certificated as to its accuracy by the Energy Regulatory Commission within the preceding twenty-four (24) months. If a weight standard is used, the scales shall be tested and calibrated at least once a year and certified as to accuracy by the Energy Regulatory Commission.

(b) Size of basic standards. When meters are tested by weight method, it is required that utilities whose measure of quantity is the cubic foot use test equipment capable of holding not less than two (2) cubic feet of water. Utilities whose measure of quantity is the U.S. gallon shall use equipment holding not less than twenty (20) U.S. gallons.

(c) Standard meter. By special permission of the commission, a standard meter may be provided and used by any utility for the purpose of testing meters in place. This standard meter shall be tested and calibrated periodically to insure its accuracy within the limits required by this regulation. In any event, such test shall be made at least once each week while the standard meter is in use and a record of such tests shall be kept by the utility.

Section 16. Accuracy Requirements of Water Meters. (1) General. All meters used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure.

(2) New or repaired meters. All new meters, and all meters removed from service for repairs or test in accordance with this regulation, shall be tested as specified herein prior to being placed in service.

(a) Test flows. The test flow and normal test flow limits, for the various types of cold water meters, are as follows:

DISPLACEMENT TYPE

Nominal Meter Size Inches	Minimum Test Flow Gallons per Minute	Normal Test Flow Gallons per Minute
5/8	1/4	1 to 20
3/4	1/2	2 to 30
1	3/4	3 to 50
1 1/2	1 1/2	5 to 100
2	2	8 to 160
3	4	16 to 300
4	7	28 to 500
6	12	48 to 1000

CURRENT TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	7	12 to 100
2	10	16 to 160
3	15	24 to 350
4	20	40 to 600
6	30	80 to 1400
8	50	144 to 2500
10	75	224 to 3800
12	100	320 to 5800
16	150	400 to 11500

COMPOUND TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	½	2 to 100
2	½	2 to 160
3	1	4 to 320
4	1½	6 to 500
6	3	10 to 1000
8	4	16 to 1600
10	8	32 to 2300
12	14	32 to 3100

FIRE SERVICE TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
3	2	8 to 400
4	2	8 to 700
6	4	16 to 1600
8	7	28 to 2800
10	12	48 to 4400
12	12	48 to 6400

PROPELLER-DRIVEN CURRENT TYPE

Meter Size Inches	Gallons per Minute
2	15 to 80
3	30 to 200
4	45 to 400
5	75 to 600
6	90 to 900
8	100 to 1200
10	125 to 1500
12	150 to 2000
14	250 to 2500
16	275 to 3500
18	400 to 4500
20	475 to 5500
24	700 to 8000
30	1200 to 12000
36	1500 to 16000

(b) Determination of accuracy. Meters shall be tested at the minimum test flow and at least two (2) test flows in the normal test flow limits, one (1) of which shall be not less than seventy-five percent (75%) of the rated maximum capacity of the meter and the other shall be at approximately twenty-five percent (25%) of the rated maximum capacity. No new meter shall be placed in service if it registers less than ninety-five percent (95%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above. No repaired or reconditioned meter shall be placed in service if it registers less than eighty percent (80%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above.

(3) As found tests. All meters tested in accordance with the rules for periodic, request or complaint tests, shall be tested in the condition as found in the customer's service prior to any alteration or adjustment in order to determine the average meter error. This test shall consist of two (2) rates of flow in the normal test flow range for that type of meter as set out in subsection (2)(a) above and the average meter error shall be the algebraic average of the errors of

the two (2) tests. (For example, a meter testing one percent (1%) fast at one (1) rate of flow and three percent (3%) slow at the other would have an average meter error of one percent (1%) slow.)

(4) Determination of meter error for bill adjustment purposes. When upon periodic, request or complaint test, a meter is found to be in error in excess of the limits allowed by the commission's regulations, three (3) additional tests shall be made, one (1) at seventy-five percent (75%) of rated maximum capacity; one (1) at fifty percent (50%) of rated maximum capacity; one at twenty-five percent (25%) of the rated maximum capacity. The average meter error shall be the algebraic average of the errors of the three (3) tests.

Section 17. Periodic Tests. (1) Each utility shall test periodically all water meters so that no meter will remain in service without test for a period longer than specified in the following table:

Size of Meter Inches	Interval Between Tests Years
5/8	5
3/4	5
1	5
1 1/4	4
1 1/2	4
2	4
3	2
4 and larger	1

(2) "Periodic test periods" for testing meters in the systems of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the commission from time to time.

(3) Meters of the current and compound type shall be cleaned at least once each year. When filtered or exceptionally clear water is delivered, the interval between cleaning may, upon application to the commission and upon receipt of authority therefor, be made longer.

(4) Whenever the number of meters of any type which register in error beyond the limits specified in this regulation is found by the commission to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:065E. Electric.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to electric utilities.

Section 1. General Requirements. Every utility shall furnish adequate service and facilities at the rates filed with the commission, and in accordance with the regulations of the commission and the rules of the utility applicable thereto. The energy shall be generated, transmitted, converted and distributed by the utility, and utilized, whether by the utility or the customer, in such manner as to obviate undesirable effects upon the operation of standard services or equipment on the utility, its customers and other utilities.

Section 2. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use the applicable provisions in the following publications as standards of accepted good engineering practice for the construction and maintenance of plant and facilities, herein incorporated by reference:

(1) National Electric Safety Code; ASA C-2. 1977 Edition;

(2) National Electrical Code; NFPA 70 or ANSI C-1. 1978 Edition;

(3) American Standard Code for Electricity Metering; ASA C-12. 1965 (R 1969) Edition;

(4) American Standard Requirements, Terminology and Test Code for Instrument Transformers; ASA C57.13. 1968 Edition.

Section 3. Generating Station Meter Records. Every utility shall install such watt-hour meters as may be necessary to obtain a record of the output of its generating station or stations. Every utility purchasing electrical energy shall install such meters as may be necessary to furnish a proper record of its purchases, unless such instrument or instruments are installed by the selling company.

Section 4. Maintenance or Continuity of Service. (1) Each utility shall make all reasonable efforts to prevent interruptions of service, and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay. Whenever the service is necessarily interrupted or curtailed for the purpose of working on equipment, it shall be done at a time, which if at all practicable, will cause the least inconvenience to customers, and those customers which may be seriously affected shall be notified in advance, except in cases of emergency.

(2) Each utility shall keep a record of: the time of starting and shutting down the principal units of its power station equipment and feeders for major divisions; the indications of sufficient switchboard instruments to show the voltage and quantity of the load; of all interruptions to service affecting the entire distribution system of any single community or an important division of a community, and include in such record the date and time of interruption, the date and time of restoring service, and when known, the cause of each interruption.

(3) When complete distribution systems or portions of communities have service furnished from unattended stations, these records shall be kept to the extent practicable. The record of unattended stations shall show interruptions which require attention to restore service, with the estimated time of interruption. Breaker or fuse operations affecting service shall also be indicated even though duration of interruption may not be known.

Section 5. Voltage and Frequency. (1) Each utility shall adopt a standard nominal voltage or standard nominal voltages, as may be required by its distribution system for its entire constant-voltage service, or for each of the several districts into which the systems may be divided, which standard voltages shall be stated in every schedule of rates of each utility or in its terms and conditions of service.

(2) The voltage at the customer's service entrance or connection shall be maintained as follows:

(a) For service rendered primarily for lighting purposes, the variation in voltage between 5 p.m. and 11 p.m. shall not be more than five (5) percent plus or minus the nominal voltage adopted and the total variation of voltage from minimum to maximum shall not exceed six (6) percent of the nominal voltage.

(b) 1. For service rendered primarily for power purposes, the voltage variation shall not at any time exceed ten (10) percent above or ten (10) percent below standard nominal voltage.

2. Where a limited amount of lighting is permitted under these contracts, the entire load shall be considered power as far as voltage variation is concerned.

(c) Where the utility's distribution facilities supplying customers are reasonably adequate and of sufficient capacity to carry the actual loads normally imposed, the utility may require that equipment on customer's premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four (4) percent of the standard voltage or cause objectionable flicker in other customer's lights.

(d) Equipment supplying constant current circuits shall be so adjusted as to furnish as nearly as practicable the rated current of the circuit supplied, and in no case shall the current vary more than four (4) percent above or below the rating of the circuit.

(3) Each utility supplying alternating current shall adopt a standard frequency of sixty (60) cycles which shall be stated in the schedule of rates of each utility. The utility shall maintain this frequency to within three (3) percent above and three (3) percent below the standard at all times; provided, however, that momentary variations in frequency greater than three (3) percent, which are not due to lack of reasonable care on the part of the utility in the selection and operation of equipment, shall not be considered a violation of this rule.

(4) A standard clock shall be maintained to control each system frequency. The accuracy of the standard clock shall be checked each day and the frequency shall be governed within the limits given above so that the clocks on the system are correct once daily.

(5) Variations in voltage in excess of those specified caused by the operation of power apparatus on customer's premises which necessarily required large starting currents and affecting alone the user of such apparatus, by the action of the elements and infrequent, and unavoidable fluctuations of short duration due to system operation, shall not be considered a violation of this rule.

(6) A greater variation of voltage and frequency than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where customers are so widely scattered and/or that the business done does not justify close voltage regulation. In such cases the best voltage regulation shall be provided that is practicable under the circumstances.

Section 6. Voltage Surveys and Records. (1) Every utility shall provide itself with two (2) or more portable indicating voltmeters and one (1) or more recording or graphic voltmeters of type and capacity suited to the voltage supplied. Every utility shall make a sufficient number of voltage surveys to indicate the service furnished from each center of distribution, and to satisfy the commission of its compliance with the voltage requirements, shall keep at least one (1) of these instruments in continuous service at some representative point on its system. All records shall be available for inspection by the utility's customers.

(2) Each graphic recording voltmeter shall be checked with a working standard indicating voltmeter when it is placed in operation and when it is removed, or periodically if the instrument is in a permanent location. Notations on each chart shall indicate when the registration began (time and date) and when the chart was removed, as well as the point where the voltage was taken, and the results of the check with indicating voltmeter.

Section 7. Servicing Utilization Control Equipment. (1) Utilities shall service and maintain any equipment they use on customer's premises and shall adjust thermostats, clocks, relays, or time switches, if such devices must be so adjusted to provide service in accordance with their rate provisions.

(2) The time switches used by the utility for controlling equipment such as water heaters and street lights shall be of such quality that the timing mechanism may be adjusted so as to be accurate within ten (10) minutes per month. Time switches used by the utility for controlling street lighting or display lighting shall be inspected or operation observed at least once a month and if in error, adjusted, and also adjusted upon complaint if found in error or when service interruptions cause them to be in error by one-half (½) hour or more. Time switches and control devices used by the utility for controlling off-peak appliances shall be inspected or operation observed periodically and adjusted if in error, and also adjusted upon complaint if found in error or whenever service interruptions result in error of two (2) hours or more or in supplying service to off-peak appliances during peak periods.

Section 8. Measuring Customer Service. (1) All energy sold within the State of Kentucky shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impracticable to meter loads, such as multiple street lighting, temporary or special installations, in which case the consumption may be calculated. The utility shall meter electrical energy used by itself except when such service is for the purpose of emergency or incidental lighting as outdoor substations, or at remote points on its transmission or distribution lines. All other electrical quantities which the utility's tariff indicates are to be metered shall be metered by commercially acceptable instruments owned and maintained by the utility.

(2) The utility shall regard each point of delivery as an independent customer and meter the power delivered thereat. The practice of combining meter readings taken at separate points, or of measuring the energy used by more than one (1) residence or place of business on one (1) meter for the purpose of obtaining a lower rate, is absolutely prohibited.

(3) Metering facilities located at any point where energy may flow in either direction and where the quantities measured are used for billing purposes shall consist of meters equipped with ratchets or other devices to prevent reverse registration and be so connected as to meter

separately energy flow in each direction.

(4) Reactive meters required to meet the conditions of a given rate schedule shall be either all ratcheted or none shall be ratcheted. Reactive metering shall not be employed for determining average power factor for billing purposes where energy may flow in either direction or where a customer may generate an appreciable amount of his own requirements.

(5) Meters which are not direct reading and those operating from instrument transformers shall have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked and all charts taken from recording meters shall be marked with the date of the record, the meter number, customer and chart multiplier.

(6) The register ratio shall be marked on all meter registers. Meters already in service may be so marked when they are tested.

(7) The watt-hour constant for the meter itself shall be placed on all watt-hour meters. Meters already in service shall be so marked when they come to the meter shop.

Section 9. Service Connections. (1) The utility shall pay the entire cost of a service drop or an initial connection to its line with the customer's service outlet, except the attaching of the wire support to the customer's premises. When the customer's outlet for any reason is inaccessible to the utility, or for any reason the customer desires that the service outlet on any building be at a location other than that closest to the utility's line, the cost of such special construction as may be found necessary shall be borne by the customer. The customer may require the utility to furnish at its expense an amount of wire, labor and material equivalent to that furnished for a like service connection not requiring such special construction.

(2) Underground service requirements and regulations shall be established by each utility and be on file with the commission.

(3) All equipment and material furnished by the utility at its own expense shall remain the property of the utility and may be removed by it at any reasonable time after the discontinuance of service.

Section 10. Distribution Line Extensions. (1) Normal extensions. An extension of 1,000 feet or less shall be made by a utility to its existing distribution line without charge for a prospective customer who shall apply for and contract to use the service for one (1) year or more and provides guarantee for such service. The "service drop" to the house from the distribution line at the last pole shall not be included in the foregoing measurements.

(2) Other extensions:

(a) When an extension of the utility's line to serve an applicant or group of applicants amounts to more than 1,000 feet per customer, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over 1,000 feet per customer to be deposited with the utility by the applicant or applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of 1,000 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 1,000 feet of the extension installed for each additional customer connected during the year, but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension no refund will be required to be made.

(4) Nothing contained herein shall be construed as to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 1,000 feet upon a finding by the commission that such extension is reasonable.

Section 11. Distribution Line Extensions to Mobile Homes. (1) All extensions of up to 150 feet from the nearest facility shall be made without charge.

(2) Extensions greater than 150 feet from the nearest facility and up to 300 feet shall be made provided the customer shall pay the utility a "customer advance for construction" of fifty dollars ($50) in addition to any other charges required by the utility for all customers. This advance shall be refunded at the end of one (1) year if the service to the mobile home continues for that length of time.

(3) For extensions greater than 300 feet and less than 1,000 feet from the nearest facility, the utility may charge an advance equal to the reasonable costs incurred by it for that portion of the service beyond 300 feet plus fifty dollars ($50). Beyond 1,000 feet the extension policies set forth in Section 10 apply.

(a) This advance shall be refunded to the customer over a four (4) year period in equal amounts for each year the service is continued.

(b) If the service is discontinued for a period of sixty (60) days, or should the mobile home be removed and another not take its place within sixty (60) days, or be replaced by a permanent structure, the remainder of the advance shall be forfeited.

(c) No refunds shall be made to any customer who did not make the advance originally.

(4) All utilities which have mobile home rules on file which differ from the provisions set out above shall within ninety (90) days after the effective date of this regulation file revised regulations complying with the above provisions.

Section 12. Testing Equipment and Standards. (1) Each utility shall maintain sufficient laboratories, meter testing shops, standards, instruments and facilities to determine the accuracy of all types of meters and measuring devices used by the utility except as provided in 807 KAR 50:015, Section 13.

(2) The following testing equipment shall be available as minimum requirements for each utility, and/or agency making tests or checks for a utility pursuant to 807 KAR 50:015, Section 13(2):

(a) One (1) or more working rotating standards and associated devices of capacity and voltage range adequate to test all watt-hour meters used by the utility.

(b) One (1) or more rotating standards, which shall be the utilities master rotating standards, used for testing the working rotating standards of the utility. These standards shall be of an approved type, shall be well compensated for both classes of temperature errors, practically free from errors due to ordinary voltage variations, and free from erratic registration due to any cause. These master rotating standards shall be of capacity and voltage range adequate to test all working rotating standards at all loads and voltages at which they are used, and shall be kept permanently at one place and not used for routine testing.

(c) Working indicating instruments, such as ammeters, voltmeters and wattmeters, of such various types as are required to determine the quality of service to customers.

(d) A voltmeter and ammeter, which shall be master indicating instruments, and which shall be used for the testing of working indicating and recording instruments. These instruments shall be of an approved type and of accuracy class and range sufficient to determine the accuracy of working instruments to within five-tenths (0.5) percent of all ranges and scale deflections at which working instruments are used. They shall be kept permanently at one place and not used for routine testing.

(3) The utility's master rotating standards shall not be in error by more than plus or minus three-tenths (0.3) percent at 100 percent power factor, nor more than plus or minus five-tenths (0.5) percent at fifty (50) percent power factor at loads and voltages at which they are used, and shall not be used to check or calibrate working standards unless the master standard has been certified as to accuracy by the Energy Regulatory Commission within the preceding twelve (12) months. Each master rotating standard shall have a history card and calibration data available, and when used to calibrate working standards, correction for any error of the master standard shall be applied.

(4) All working rotating standards when regularly used shall be compared with a master standard at least once in every two (2) weeks. Working rotating standards infrequently used shall be compared with a master standard before they are used.

(5) Working rotating standards shall be adjusted, if necessary, so that their accuracy will be within plus or minus three-tenths (0.3) percent at 100 percent power factor and within plus or minus five-tenths (0.5) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working rotating standard showing all pertinent data and the name of person performing tests.

(6) After having adjusted working rotating standards to the accuracy specified above, service measuring equipment shall be adjusted to within the accuracies required, assuming the working rotating standards to be 100 percent accurate.

(7) If calibration charts are attached to working rotating standards and the error indicated is applied to all tests run and the accuracy on any range has not varied more than two-tenths (0.2) percent during the past twelve (12) regular test periods, the accuracy limits may be extended to plus or minus five-tenths (0.5) percent at 100 percent power factor and plus or minus seven-tenths (0.7) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used.

(8) The utility's master indicating instruments shall not be in error by more than plus or minus five-tenths (0.5) percent of indication at commonly used scale deflections and shall not be used to check or calibrate working indicating instruments unless the master instrument has been checked and adjusted, if necessary, and certified as to accuracy by the Energy Regulatory Commission within the preceding twenty-four (24) months. A calibration record shall be maintained for each instrument.

(9) All working indicating instruments shall be checked against master indicating instruments at least once in each six (6) months. If the working instrument is found appreciably in error at zero (0) or in error by more than one (1) percent of indication at commonly used scale deflections, it shall be adjusted. A calibration record shall be maintained for each instrument showing all pertinent data and the name of person performing tests.

Section 13. Check of Standards by Commission. (1) Each utility, and/or agency making tests or checks for a utility, shall submit to the Energy Regulatory Commission Meter Standards Laboratory, its master rotating standard once in each year, and its master indicating voltmeter and ammeter once in each two (2) years.

(2) At the discretion of the commission any or all of these required tests may be made at the utility's or agency's testing facility by means of portable transfer standards maintained by the commission. If the standards satisfy the requirements of the rules and regulations of the commission a Certificate of Accuracy shall be issued by the Commission's Division of Engineering.

(3) Each utility which normally checks its own master rotating standards, and master indicating instruments against primary standards such as precision wattmeters, volt boxes, resistances, standard cells, potentiometers, and timing devices, shall calibrate the master rotating standards and indicating instruments before they are submitted to the commission for test, and attach to them a record of such calibration.

Section 14. Testing of Metering Equipment. (1) The test of any unit of metering equipment shall consist of a comparison of its accuracy with a standard of known accuracy. All metering equipment shall be in good order, and shall be adjusted to as close to zero (0) error as possible.

(2) No meter or measuring device shall be deliberately set in error by any amount. Because of unavoidable irregularities of work done on a commercial scale, some accuracy tolerance must be allowed. In a properly run shop, most meters can be set within one-half (½) percent and virtually all can be set within one (1) percent. Further, meters with defective parts shall be repaired regardless of their accuracy.

(3) When tests will be made. Metering equipment, including instrument transformers and demand meters, shall be tested for accuracy within one (1) year prior to being placed in service, periodically in accordance with the schedule below, upon complaint, when suspected of being in error, and when removed from service for any cause.

Period Test Schedule	
Self-Contained Meters	
Single phase	8 years
3 wire network	8 years
Polyphase	6 years
Meters used with instrument transformers	
Single phase	6 years
Polyphase	4 years

Demand Meters	
Indicating block-interval and lagged-demand meters	same as associated watthour meter
Graphic and pulse operated recording demand meters	2 years
Instrument Transformers	
Current: high burden test	same as associated watthour meter
Potential: secondary voltage test	same as associated watthour meter
Var-hour Meters	same as associated watthour meter
Direct Current Watthour Meters:	
Up to and including 6 KW	4 years
Over 6 KW thru 100 KW	2 years
Over 100 KW	1 year

(4) Where tests will be made. Tests may be made at a meter shop, on the customer's premises, or in a mobile shop.

Section 15. Sample Testing of Single Phase Meters. A utility desiring to adopt a scientific sample meter testing plan for single phase meters rated twelve (12) KVA and less shall submit its application to the commission for approval. Upon such approval the sample testing plan may be followed in lieu of the periodic test prescribed in Section 14(3). The plan shall include the following:

(1) Meters shall be divided into separate groups to recognize differences in operating characteristics due to changes in design, taking into consideration date of manufacture and serial number.

(2) The sampling procedure shall be based upon accepted statistical principles.

(3) The same sampling procedure shall be applied to each group.

(4) Each utility authorized to test meters by sample meter testing plan shall comply with the following conditions:

(a) Each year, after the sampling procedure has been applied to each group of meters and the accuracy of the groups determined, the utility shall use the following table to determine the percentage of the total meters in each group to be tested. The number of meters in the sample tested may be included in the total when determining the number of additional meters required to be tested from the table below. The number of meters in addition to the sample shall be taken from those meters in each group longest in service since the last previous test.

Percentage of Meters Within Limits of 2% Fast or Slow (Indicated by Sample)		Percentage of Meters to be Tested Annually
99.0	100.0	2
98.0	98.9	4
97.0	97.9	6
96.0	96.9	8
95.0	95.9	10
93.0	94.9	12
91.0	92.9	14
Less than	91.0	16

(b) Provided, however, that no meter shall remain in service without periodic test for a period longer than twenty-five (25) years.

(5) Whenever a meter is found to be more than two (2) percent fast or slow, refunds or back billing shall be made for the period during which the meter error is known to have existed or if not known for one-half (½) the elapsed time since the last previous test but in no case to exceed three (3) years.

Section 16. Test Procedures and Accuracy Requirements. (1) Meters and/or associated devices shall be tested at the loads indicated below and adjusted as close as practicable to zero (0) error when found to exceed the tolerance prescribed below.

A. C. Watt-hour Meters

% of Test Current	Power Factor	Allowable Tolerance
100	1.0	+ or - 1.0%
10	1.0	+ or - 1.0%
100	0.5	+ or - 1.0%

D. C. Watt-hour Meters

% of Test Current	Allowable Tolerance
100	1.0%
10	1.0%

(a) Only one (1) test run shall normally be required at each test configuration. However if the test indicates the meter is more than two (2) percent in error fast or slow, one (1) or more additional tests shall be made to verify the accuracy prior to refunding or back billing the customer.

(b) When a meter is tested on complaint or request, additional test runs should be made and care exercised to insure that any trouble with the meter will be detected.

(c) For refund and back billing purposes the accuracy of the meter shall be determined by adding the average registration at light load (ten (10) percent of test current) and the average registration at full load (100 percent of test current) and dividing by two (2).

(2) Demand meters. A demand meter, demand register, or demand attachment used to measure customer's service shall:

(a) Be in good mechanical and electrical condition.

(b) Have proper constants, indicating scale, contact device, and resetting device.

(c) Not register at no load.

(d) Be accurate to the following degrees:

1. Graphic meters which record quantity-time curves and integrated-demand meters shall be accurate to within plus or minus two (2) percent of full scale throughout their working range. Timing elements measuring specific demand intervals shall be accurate to within plus or minus two (2) percent and the timing element which serves to provide a record of the time of day when the demand occurs shall be accurate to within plus or minus four (4) minutes in twenty-four (24) hours.

2. Lagged-demand meters shall be accurate to within plus or minus two (2) percent at final indication.

(3) Instrument transformers:

(a) Instrument transformers used in conjunction with metering equipment to measure customer's service shall:

1. Be in proper mechanical condition and have electrical insulation satisfactory for the service on which used.

2. Have characteristics such that the combined inaccuracies of all transformers supplying one (1) or more meters in a given installation will not exceed the following:

	100% Power Factor		50% Power Factor	
	10% Current	100% Current	10% Current	100% Current
Purchased after Jan. 1, 1942	1%	.75%	3%	2%
Purchased prior to Jan. 1. 1942	2%	1.50%	5%	3%

(b) Meters used in conjunction with instrument transformers shall be adjusted so that the over-all accuracies will come within the limits specified in this regulation.

(c) Instrument transformers shall be tested with the meter with which they are associated by making an over-all test, or may be checked separately. If the transformers are tested separately, the meters shall also be checked to see that the over-all accuracy of the installation is within the prescribed accuracy requirements.

(d) The results of tests of instrument transformers shall be kept on record and be available for use during the life of the transformer.

(e) Phase shifting transformers shall have secondary voltages under balanced line voltage conditions within one (1) percent plus or minus of the voltage impressed on the primary.

Section 17. Location of meters. (1) Meters shall be installed in a clean, dry, safe, convenient place as free as possible from vibration. Meters shall be easily accessible for reading, testing, and making necessary adjustments and repairs, and where indoor type meters are necessary they shall not be placed in coal or wood bins or on the partitions forming same, nor on any unstable supports. Unless absolutely unavoidable, meters shall not be installed in attics, sitting rooms, bathrooms, bedrooms, restaurant kitchens, over doors, over windows, or in any location where the visits of the meter reader or tester will cause annoyance to the customer or a severe inconvenience to the utility.

(2) Districts subject to flood are excepted from this rule as far as it applies to the location of meters.

(3) Proper provision shall be made by the customer for the installation of the utility's meter. Unless the meter is to be mounted upon a panel or installed within a cabinet, such provision shall consist of a board not less than three-quarters (¾) of an inch in thickness which shall be mounted not less than five (5) or not more than seven (7) feet from the floor, and in general as near as possible to the point of entrance of the service. At least six (6) inches clear space shall be available, on all sides of the meter board and not less than thirty (30) inches in front of it. The above provisions as to method of mounting and height from floor do not apply to the installation of outdoor meters of the weatherproof type. Electric meters shall not be installed in close proximity to either water or gas meters or anything liable to cause damage to the meter, thereby constituting a hazard to customer's safety and continuous service.

(4) When more than one (1) meter is installed without a meter cabinet in the same building, proper space shall be allotted and provision made by the customer for locating the meters at one (1) place. When a number of meters are placed in the same cabinet or upon the same board, each meter shall be tagged or marked to indicate the circuit metered by it.

Section 18. Overhead and Underground Wire Entrances. (1) The overhead wire entrance shall be located on the exterior of the building nearest the utility's lines at a point not less than twelve (12) nor more than thirty (30) feet above the ground. When proper ground clearance cannot be obtained due to height of building, a proper supporting structure shall be provided by the customer unless arrangements can be made with the utility whereby their overhead service wires can be carried to the building in such a manner that these wires will not constitute an obstruction to the free passage of vehicles or fire fighting apparatus.

(2) Approval shall be obtained from the utility as to the proper location for a service entrance.

(3) New service entrances, both overhead and underground, shall be installed in accordance with the National Electric Safety Code and the National Electrical Code heretofore adopted.

Section 19. The Operation of Illegal Gambling Devices. (1) When an electric utility, subject to the jurisdiction of this commission, is notified in writing by a federal or state law enforcement agency, or by the Attorney General of Kentucky or by a Commonwealth's Attorney or by a County Attorney acting in his official capacity, that the electric energy furnished by it is being used or will be used for the purpose of operating an illegal gambling device, it shall discontinue rendering electric service to such customer, after reasonable notice to the customer, but no damages, penalty or forfeiture, civil or criminal, shall be found against any electric utility for any act done in compliance with any such notice received from the law enforcement agency or officer. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate judicial determination that such service should not be discontinued, or should be restored.

(2) As provided by KRS 278.230, any electric utility subject to the jurisdiction of this commission shall furnish to the commission on its demand any records or information in the possession of such electric utility that may assist in the enforcement of this rule.

Section 20. Undergound Electric Distribution Systems for New Residential Subdivisions. (1) Purpose of rules. To formulate requirements for underground electric distribution systems in new residential subdivisions, which will insure safe and adequate service and which will be uniformly applicable within a utility's service area.

(2) Applicability. New residential subdivisions as defined below after the effective date of this rule.

(3) Definitions. The following words and terms, when used in these rules, shall have the meaning indicated:

(a) Applicant: the developer, builder or other person, partnership, association, corporation or governmental agency applying for the installation of an underground electric supply system.

(b) Building: a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for less than five (5) family occupancy.

(c) Multiple-occupancy buildings: a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain

five (5) or more individual dwelling units.

(d) Distribution system: electric service facilities consisting of primary and secondary conductors, transformers, and necessary accessories and appurtenances for the furnishing of electric power at utilization voltage.

(e) Commission: the Energy Regulatory Commission.

(f) Subdivision: a tract of land which is divided into ten (10) or more lots for the construction of new residential buildings, or for the construction of two (2) or more new multiple occupancy buildings.

(4) Rights of way and easements:

(a) The utility shall construct, own, operate and maintain distribution lines only along easements, public streets, roads and highways which are by legal right accessible to the utility's equipment and which the utility has the legal right to occupy, and on the public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.

(b) Rights of way and easements suitable to the utility for the underground distribution facilities must be furnished by the applicant in reasonable time to meet service requirements. The utility may require that the applicant make the area in which the underground distribution facilities are to be located accessible to the company's equipment, remove all obstructions from such area, stake to show property lines and final grade, perform rough grading to a reasonable approximation of final grade, and maintain clearing and grading during construction by the utility. The utility may require that suitable land rights be granted to it, obligating the applicant and subsequent property owners to provide continuing access to the utility for operation, maintenance or replacement of its facilities, and to prevent any encroachment in the utility's easement or substantial changes in grade or elevation thereof.

(5) Installation of underground distribution system within new subdivision:

(a) Where appropriate contractual arrangements have been made, the utility shall install within the subdivision an underground electric distribution system of sufficient capacity and suitable materials which, in its judgment, will assure that the property owners will receive safe and adequate electric service for the foreseeable future.

(b) Facilities required to be underground:

1. All single phase conductors installed by the utility shall be undergound. Appurtenances such as transformers, pedestal-mounted terminals, switching equipment and meter cabinets may be placed above ground.

2. Three (3) phase primary mains or feeders required within a subdivision to supply local distribution or to serve individual three (3) phase loads may be overhead unless underground is required by governmental authority or chosen by the applicant, in either of which case the differential cost of underground shall be borne by the applicant.

(c) If the applicant has complied with the requirements herein and with the utility's specifications on file with the commission, and has given the utility not less than 120 days written notice prior to the anticipated date of completion (i.e., ready for occupancy) of the first building in the subdivision, the utility shall complete the installation thirty (30) days prior to the estimated completion date. (Subject to weather and ground conditions and availability of materials and barring extraordinary or emergency circumstances beyond the reasonable control of the utility.) However, nothing in these regulations shall be interpreted to require the utility to extend service to portions of the subdivisions not under active development.

(6) Schedule of charges:

(a) Within sixty (60) days after the effective date of these rules, each utility shall file with the commission a statement setting forth the utility's policy with respect to electric underground extensions in residential subdivisions. Such policy shall provide for a payment to be made by the applicant for the purpose of giving effect to the difference between the cost of providing underground facilities and that of providing overhead facilities. The payment to be made by applicant shall be expressed in terms of an amount per foot of conductor or other appropriate measure.

(b) The utility's policy as filed with the commission shall set forth an "estimated average cost differential," if any, between the average or representative cost of underground distribution systems in residential subdivisions and of equivalent overhead distribution systems within the utility's service areas. The payment to be made by the applicant as provided for in paragraph (a) above shall not be more than such estimated average cost differential and shall be non-refundable.

(c) Detailed supporting data used to determine the estimated average cost differential shall be concurrently filed by the utility with the commission and shall be updated annually.

(d) The applicant may be required to deposit the entire estimated cost of the extension. If this is done, the amount deposited in excess of the normal charge for underground extensions, as provided in paragraph (a) above, shall be refunded to the applicant over a ten (10) year period as provided in Section 10.

(e) Upon agreement by both parties, if the applicant should choose to perform all necessary trenching and backfilling in accordance with utility specifications, the utility shall credit the applicant's cost in an amount equal to the utility's cost for trenching and backfilling.

(f) Utility extension from the boundary of the subdivision to its existing supply facilities shall normally be made overhead; and any deposit required therefor is subject to refund under Section 10. Upon request, such extension may be made underground, if the applicant agrees to pay the excess cost for the underground extension, which excess cost shall be non-refundable.

(g) 1. Point of service shall be that point where the facilities of the utility join the customer's facilities, irrespective of the location of the meter and such point of service will normally be either at the property line or at the corner of the building nearest the point at which the underground systems enter the property to be served, depending upon whether the utility or the customer owns the underground service lateral.

2. If established utility practice dictates service termination at the customer's property line, the utility shall credit the applicant fifty ($50) or the equivalent cost of an overhead service line to the applicant's meter base, whichever is greater.

3. Where established utility practice does not dictate service termination at the customer property line, the utility shall include in its underground plan, the furnishing, installation, ownership, and maintenance of the service lateral to the meter base providing the applicant installs in the building adequate electric service entrance capacity to the satisfaction of the utility to assure that the underground service conductors will be adequate to handle present and future load requirements of the building; and in this instance the utility will determine the size and type of the service lateral conductors and appurtenances to be used in any installation.

4. If, by mutual agreement of the parties, service terminates at some other point on the building or property, the applicant shall pay the full cost of any additional extension required in excess of that provided for in paragraph (g)1, 2 and 3 of this subsection.

(h) When an existing utility-owned supply circuit or service lateral required replacement or reinforcement due to added loads, etc., the utility at its expense will replace or reinforce it.

(i) Nothing herein contained shall be construed to prevent any utility from assuming all or any part of the cost differential of providing underground distribution systems within subdivisions, provided the utility demonstrates to the satisfaction of the commission that such practice will not result in increased rates to the general body of rate payers.

(j) The utility shall not be obligated to install any facility within a subdivision until satisfactory arrangements for the payment of charges have been completed by the applicant.

(7) Cooperation by applicant. The charges specified in these rules are based on the premise that each applicant will cooperate with the utility in an effort to keep the cost of construction and installation of the underground electric distribution system as low as possible and make satisfactory arrangements for the payment of the above charges prior to the installation of the facilities.

(8) Construction. All electrical facilities shall be installed and constructed to comply with applicable codes and the rules and regulations of the Energy Regulatory Commission.

Section 21. Deviations from Rules. In special cases for good cause shown applications to and approval by, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:075E. Fuel adjustment clause.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.030(1)
EFFECTIVE: April 4, 1979
EXPIRES: August 2, 1979
NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by an electrical utility subject to the jurisdiction of the Energy Regulatory Commission shall be fair, just and reasonable. This regulation prescribes the requirements with respect to the implementation of automatic fuel adjustment clauses by which electric utilities may immediately recover increases in fuel costs subject to later scrutiny by the Energy Regulatory Commission.

Section 1. Fuel Adjustment Clause. Fuel adjustment clauses which are not in conformity with the principles set out below are not in the public interest and may result in suspension of those parts of such rate schedules:

(1) The fuel clause shall provide for periodic adjustment per KWH of sales equal to the difference between the fuel costs per KWH sale in the base period and in the current period according to the following formula:

$$\text{Adjustment Factor} = \frac{F(m)}{S(m)} - \frac{F(b)}{S(b)}$$

Where F is the expense of fossil fuel in the base (b) and current (m) periods; and S is sales in the base (b) and current (m) periods, all as defined below:

(2) FB/SB shall be so determined that on the effective date of the commission's approval of the utility's application of the formula, the resultant adjustment will be equal to zero (0).

(3) Fuel costs (F) shall be the most recent actual monthly cost of:

(a) Fossil fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants, plus the cost of fuel which would have been used in plants suffering forced generation or transmission outages, but less the greater of either the cost of fuel related to substitute generation, or the cost of fuel related to lost generation; plus

(b) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (c) below, but excluding the greater of either the cost of fuel related to purchases to substitute the forced outages, or the cost of fuel related to the lost generation; plus

(c) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less

(d) The cost of fossil fuel recovered through inter-system sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

(e) All fuel costs shall be based on weighted average inventory costing.

(4) Forced outages are all nonscheduled losses of generation or transmission which require substitute power for a continuous period in excess of six (6) hours. Where forced outages are not as a result of faulty equipment, faulty manufacture, faulty design, faulty installations, faulty operation, or faulty maintenance, but are Acts of God, riot, insurrection or acts of the public enemy, then the utility may, upon proper showing, with the approval of the commission, include the fuel cost of substitute energy in the adjustment. Until such approval is obtained, in making the calculations of fuel cost (F) in subsection (3)(a) and (b) above the forced outage costs to be subtracted shall be no less than the fuel cost related to the lost generation.

(5) Sales (S) shall be all KWH's sold, excluding inter-system sales. Where, for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (i) generation, (ii) purchases, (iii) interchange-in, less (iv) energy associated with pumped storage operations, less (v) inter-system sales referred to in subsection (3)(d) above, less (vi) total system losses. Utility used energy shall not be excluded in the determination of sales (S).

(6) The cost of fossil fuel shall include no items other than the invoice price of fuel less any cash or other dis-

counts. The invoice price of fuel includes the cost of the fuel itself and necessary charges for transportation of the fuel from the point of acquisition to the unloading point, as listed in Account 151 of FERC Uniform System of Accounts for Public Utilities and Licenses.

(7) At the time the fuel clause is initially filed, the utility shall submit copies of each fossil fuel purchase contract not otherwise on file with the commission and all other agreements, options or similar such documents, and all amendments and modifications thereof related to the procurement of fuel supply and purchased power. Incorporation by reference is permissible. Any changes in the documents, including price escalations, or any new agreements entered into after the initial submission, shall be submitted at the time they are entered into. Where fuel is purchased from utility-owned or controlled sources, or the contract contains a price escalation clause, those facts shall be noted and the utility shall explain and justify them in writing. Fuel charges which are unreasonable shall be disallowed and may result in the suspension of the fuel adjustment clause. The commission on its own motion may investigate any aspect of fuel purchasing activities covered by this regulation.

(8) Any tariff filing which contains a fuel clause shall conform that clause with this regulation within three (3) months of the effective date of this regulation. The tariff filing shall contain a description of the fuel clause with detailed cost support.

(9) The monthly fuel adjustment shall be filed with the commission ten (10) days before it is scheduled to go into effect, along with all the necessary supporting data to justify the amount of the adjustment which shall include data and information as may be required by the commission.

(10) Copies of all documents required to be filed with the commission under this regulation shall be open and made available for public inspection at the office of the Energy Regulatory Commission pursuant to the provisions of KRS 61.870 to 61.884.

(11) At six (6) month intervals, the commission will conduct public hearings on a utility's past fuel adjustments. The commission will order a utility to charge off and amortize, by means of a temporary decrease of rates, any adjustments it finds unjustified due to improper calculation or application of the charge or improper fuel procurement practices.

(12) Every two (2) years following the initial effective date of each utility's fuel clause the commission in a public hearing will review and evaluate past operations of the clause, disallow improper expenses and to the extent appropriate re-establish the fuel clause change in accordance with subsection (2).

PERRY WHITE, Chairman
ADOPTED: March 29, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 4, 1979 at 4 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-273
March 20, 1979

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, pursuant to the authority of KRS 194.050, the Secretary of the Department for Human Resources has promulgated a regulation with regard to the coverage of dental services in the Medical Assistance Program; and

WHEREAS, due to the imminent danger of complete exhaustion of funds provided by the 1978 Session of the General Assembly for the provision of dentures in Fiscal Year 1978-79, the Secretary has found that an emergency exists with respect to the said regulation and that, therefore, such proposed regulation should, pursuant to the provisions of law made and provided, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085, do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for Dental Services, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 1:026E. Dental services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: March 20, 1979
EXPIRES: July 18, 1979

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to dental services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Out-of-Hospital Services. Payment for services is limited to those procedures listed in the department's Dental Benefit Schedule which are included in the following categories:

(1) Diagnostic;
(2) Preventive;
(3) Oral surgery;
(4) Endodontics;

(5) Operative;
(6) Crown and bridge;
(7) Prosthetics;
(8) Orthodontics;
(9) Dentures; and
(10) Other services.

Section 2. Limitations by Age Group. Payment for the following procedures shall be limited to recipients of medical assistance who are under age twenty-one (21):

(1) Topical application of stannous fluoride, two (2) treatments per year excluding prophylaxis. The dentist may, at his option, utilize dental sealant instead of the second topical application of stannous fluoride.

(2) Extirpation of pulp filling of one (1) rooted, two (2) rooted and three (3) rooted canal, excluding restoration.

(3) Repair of fracture of transitional appliance or space maintainers.

(4) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.

(5) Fixed space maintainer, band type.

(6) Removable space maintainer, acrylic.

(7) Removable appliance for tooth guidance.

(8) Fixed or cemented appliance for tooth guidance.

(9) Transitional appliance, includes one (1) tooth on appliance, upper appliance.

(10) Transitional appliance, includes one (1) tooth on appliance, lower appliance.

(11) Each additional tooth on appliance.

(12) Child dental prophylaxis, two (2) treatments per year.

Section 3. Calendar Year Restrictions. Procedures for which payment is limited on a calendar year basis are:

(1) One (1) each for the following:

(a) Dental prophylaxis (for adults aged twenty-one (21) or over).

(b) Relining upper denture (flask cured only).

(c) Relining lower denture (flask cured only).

(d) Transitional appliance, includes one (1) tooth on appliance, upper appliance.

(e) Transitional appliance, includes one (1) tooth on appliance, lower appliance.

(2) Any two (2) from the following. This may be in the form of two (2) from any one (1) of the procedures, or one (1) each from any two (2) of the procedures:

(a) Fixed space maintainer, band type.

(b) Removable space maintainer, acrylic.

(c) Removable appliance for tooth guidance.

(d) Fixed or cemented appliance for tooth guidance.

(3) Three (3) each for the following:

(a) Repair of fracture of transitional appliance or space maintainer.

(b) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.

(c) Repairing broken denture with no teeth damaged.

(d) Repairing broken denture and replacing one (1) broken tooth.

Section 4. In-patient Hospital Services: (1) Payment shall be made for all hospital in-patient services rendered by oral surgeons.

(2) Payment for services, pre-authorized by the Division for Medical Assistance, rendered by general dentists for hospital in-patient care shall be limited to multiple extractions for patients termed to be "medically a high risk," defined as:

(a) Heart disease;

(b) Respiratory disease;

(c) Chronic bleeder;

(d) Uncontrollable patient, i.e., retardate, emotionally disturbed;

(e) Other, e.g., car accident, high temperature, massive infection.

Section 5. Dentures. Dentures, excluding replacement and interim dentures, are provided only when preauthorized by the department. Such preauthorization shall be granted only when submitted prior to extraction and full-mouth extraction of remaining teeth of the eligible recipient is the indicated method of dental treatment. Recipients currently edentulous (without teeth at the time of the preauthorization request) are not eligible for this benefit. Coverage of dentures shall end at that point in each physical year when the funds appropriated for the provision of dentures are exhausted, and shall resume at such time as funds appropriated for that purpose again become available.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary
ADOPTED: March 1, 1979
RECEIVED BY LRC: March 20, 1979 at 3:30 p.m.

Amended Regulations Now In Effect

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Accountancy
As Amended

201 KAR 1:060. Granting certificates.

RELATES TO: KRS 325.261, 325.265, 325.270, 325.280
PURSUANT TO: KRS 325.240
EFFECTIVE: March 14, 1979
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to granting certificates.

Section 1. The board shall issue a certificate as Certified Public Accountant to any person who meets the qualifications set forth in KRS 325.261.

Section 2. The educational requirement of KRS 325.261(3)(a), (b), and (c), referring to a baccalaureate degree and/or masters degree "conferred by a college or university recognized by the board," is defined as a degree at an institution whose credits would be accorded full recognition on transfer to the University of Kentucky or University of Louisville. Evidence that the applicant possesses the educational qualifications prescribed herein shall consist of an official transcript or transcripts issued by the institution(s) granting the degree claimed. Such transcripts shall be submitted with an application for examination or certificate by waiver of examination and remain a part thereof.

Section 3. A major or concentration program in accounting is defined as a minimum of twenty (20) semester hours in accounting subjects. A total of thirty (30) semester hours in accounting, business law, economics and finance are required.

Section 4. In order to fulfill the experience requirements of KRS 325.261(3)(a), (b), (c), and (d), the applicant shall show to the satisfaction of the board that his experience has included participation in the examination of financial statements for third party reliance embracing the following:
(1) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.
(2) Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records.
(3) Experience in the planning of the program of audit work including the selection of the procedures to be followed.
(4) Experience in the preparation of written explanations and comments on the findings of the examination and on the content of the accounting records.
(5) Experience in the preparation and analysis of financial statements together with explanations and notes thereon.

Section 5. An applicant who relies in whole or in part on the experience of KRS 325.261(3)(f) or (g) must submit verification of said experience in affidavit form signed by the chief of the audit section in the case of employment in the Internal Revenue Service. Such affidavit must set forth full and specific details of qualifications.

Section 6. The experience requirements of KRS 325.261(3)(a), (c) and (d) may be partially fulfilled by employment on a part-time basis. Any experience attained after high school graduation and before awarding of a baccalaureate degree shall be considered part-time. In the case of part-time work experience, one-half (½) hour credit will be given for each hour worked, such credit being limited to twenty (20) hours per week.

Section 7. Experience attained after receiving a baccalaureate degree shall be considered full-time provided such employment is on a full-time basis and is for a period of at least ninety (90) consecutive calendar days. A maximum of one (1) year of the experience requirement may be obtained through part-time work. Experience so gained must be submitted over the signature of the employer, showing the hours worked each week.

Section 8. An applicant who relies in whole or in part on "such other experience or employment as the board in its discretion may regard as substantially equivalent thereto," as contained in KRS 325.261, shall submit to the board, in affidavit form, evidence, as required by the board, that such experience is of a nature as defined in Sections 1 to 5 above. Experience relied upon under this section will require at least an equal amount of experience as required by KRS 325.261(3)(f) and (g).

Section 9. For purposes of KRS 325.261(3)(h) and (i) and of this regulation:
(1) "Supervision" shall mean supervision according to standards promulgated by the American Institute of Certified Public Accountants and shall further include direct and continuing instruction, supervision and review by a certified public accountant who is employed in the employment level next above the applicant's employment level; and
(2) "Application of the attest function using standards adopted by the American Institute of Certified Public Accountants" shall mean the application of auditing standards, promulgated by the American Institute of Certified Public Accountants, in the audit of financial data and statements on which it is intended that third parties shall rely.

Section 10. Each applicant who relies in whole or in part on experience described in KRS 325.261(3)(h) or (i) shall submit, in affidavit form[:]
[(1) A certificate signed and sworn to by the chief officer of the agency of state government in which the applicant was employed stating full and specific details of the term and nature of the applicant's employment by the agency, including without limitation the nature and extent of the supervision of the applicant's work and the nature

and extent of the applicant's application of the attest function using standards adopted by the American Institute of Certified Public Accountants, and stating the name of the certified public accountant under whose supervision the applicant worked;]

[(2)] a certificate signed and sworn to by the certified public accountant under whose supervision the applicant worked stating full and specific details of the term and nature of the applicant's employment by the agency, including without limitation the nature and extent of the supervision of the applicant's work and the nature and extent of the applicant's application of the attest function using standards adopted by the American Institute of Certified Public Accountants[; and].

[(3) A statement by the applicant setting forth the details of his experience, including without limitation the nature and extent of the supervision of the applicant's work and the nature and extent of the applicant's application of the attest function using standards adopted by the American Institute of Certified Public Accountants.]

Section 11. After receiving the certificates and the statement required by Section 10 the board will make such further investigation of the applicant's experience as it may deem necessary or desirable to enable the board to determine whether the applicant has satisfied the experience requirements of KRS 325.261(3)(h) or (i).

(Compilers Note: Rejected by Administrative Regulations Review Subcommittee; resubmitted over rejection; transmitted to Interim Committee on Business Organizations and Professions, with no action; regulation then became effective within 30 days.)

DEPARTMENT OF FINANCE
State Board of Medical Licensure
As Amended

201 KAR 9:020. Licensing qualifications; approved schools.

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
EFFECTIVE: April 4, 1979
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for regular licenses to practice medicine or osteopathy in Kentucky.

Section 1. Qualifications for Regular Medical and Osteopathic Licenses. No person shall be entitled to a regular license unless he meets all requirements specified in KRS 311.570(1) and has successfully passed a written examination prescribed by the board; provided, however, that regular licenses may be issued by reciprocity for endorsement as otherwise provided by regulation of the board without written examination. Provided, further, that graduates of medical schools situated outside the United States or Canada shall have successfully completed at least one (1) year of internship or postgraduate training in a hospital or institution located in the United States or Canada and approved by the board. [[]In addition, all foreign medical graduates whose native language is not English shall have successfully passed a written examination *to the satisfaction of the board.* [of a "Test of English as a Foreign Language" (TOEFL) administered by the Educational Testing Service as a pre-requisite for medical licensure in this state.]

Section 2. Medical and Osteopathic Schools in the United States and Canada Approved by the Board. (1) All medical schools, colleges, and universities located in the United States approved by the Council on Medical Education of the American Medical Association are approved by the board, in connection with the issuance of regular licenses to practice medicine in Kentucky.

(2) All medical schools, colleges, and universities located in Canada and approved by the Canadian Medical Association are approved by the board, in connection with the issuance of regular licenses to practice medicine in Kentucky.

(3) All osteopathic schools and colleges located in the United States and approved by the American Osteopathic Association are approved by the board in connection with the issuance of osteopathic licenses in Kentucky.

Section 3. Medical Schools Outside the United States or Canada. All medical schools situated outside the United States or Canada are approved for regular medical licenses provided the applicant has been fully certified by the Educational Commission for Foreign Medical Graduates (ECFMG), or has been fully certified [or is eligible for certification] by an approved American Medical Specialty Board recognized and approved by the American Medical Association and the board.

Section 4. Medical and Osteopathic Programs Approved for Intership and Postgraduate Training. (1) All internship and postgraduate programs in hospitals and institutions located in the United States approved by the Council on Medical Education of American Medical Association are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(2) All internships and postgraduate programs in hospitals and institutions located in Canada and approved by the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(3) All internships and postgraduate programs in hospitals and institutions located in the United States and Canada and approved by the American Osteopathic Association are hereby approved by the board in connection with the issuance of a license to practice osteopathy in Kentucky.

(4) The equivalency of all other programs in hospitals and institutions may be considered for approval by the board in connection with the issuance of a regular license on an individual basis.

Section 5. Personal Interview. If the board so directs, an applicant shall personally appear before the secretary or assistant secretary of the board, or some person designated by the secretary or assistant secretary, for a personal interview to establish his identity and qualifications.

Section 6. Endorsement. "Endorsement" means a written and signed certification by the duly authorized officer or representative of the official statutory medical or osteopathic examining board of some other state of the United States, or by the National Board of Medical Examiners, or by the National Board of Examiners for Osteopathic Physicians and Surgeons, or any approved successors thereof, that a certain person is a licentiate, in good standing, or said board, and that the person was required to and did, as a condition precedent to such licensure, satisfactorily pass a comprehensive written examination conducted by said board. Endorsement may be accepted by the board in lieu of further written examination in Kentucky without regard to the existence or nonexistence of a reciprocal agreement, but shall not be in lieu of standards and qualifications prescribed by KRS 311.570(1) and the regulations of the board. The secretary or assistant secretary of the board shall prepare, or cause to be prepared, all forms desirable and appropriate for licensure by endorsement, including applications, questionnaires, certificates, and licenses. The secretary or assistant secretary is authorized to require the submission of photographs, fingerprints, personal history data, and grades of his licensure examining board in connection therewith.

JOHN C. QUERTERMOUS, M.D., President
Kentucky State Board of Medical Licensure

DEPARTMENT OF FINANCE
Board of Medical Licensure
As Amended

201 KAR 9:060. Limited licenses.

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
EFFECTIVE: April 4, 1979
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and empowers the board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for limited licenses to practice medicine in Kentucky.

Section 1. Qualifications for Limited Licenses. No person shall be eligible for a limited license unless he meets all requirements specified in KRS 311.570(3) and has successfully passed a written examination prescribed by the board and has satisfactorily completed one (1) year of internship or postgraduate training in a hospital or other institution located in the United States or Canada and approved by the board. Provided, however, that the board may consider the equivalency of such training performed in other foreign countries on an individual basis. [[]In addition, all foreign medical graduates whose native language is not English shall have successfully passed a written examination *to the satisfaction of the board.* [of a "Test of English as a Foreign Language" (TOEFL) administered by the Educational Testing Service as a pre-requisite for medical licensure in this state.]

Section 2. Types of Limited Licenses. The board may, in its discretion issue "limited licenses-institutional practice" authorizing the licensee to practice medicine in a specific institution or hospital to the extent indicated in said license. Notwithstanding the foregoing, the following types of limited licenses issued prior to September 1, 1972 may be continuted in effect: "limited license-general medicine;" and "limited license-public health."

Section 3. Scope of Limited Licenses issued prior to September 1, 1972 for General Medicine and Public Health. (1) A "limited license-general medicine" issued prior to September 1, 1972, limits the licensee to the practice of general medicine at a particular city, town, county, or other area specifically designated by the board. Such license shall not authorize the licensee to perform major surgery unless expressly authorized by the board at the time the license was issued.
(2) A "limited license-public health" issued prior to September 1, 1972, shall entitle the licensee to perform the duties of a health officer at a local health department or to perform public health work as an employee of the state.

Section 4. Signing of Legal Documents. All limited licensees shall be authorized to sign birth and death certificates, orders for controlled substances, other prescription drugs, and other legal documents, in accordance with applicable federal and state laws, provided the execution of same involves duties within the scope of the limited license.

JOHN C. QUERTERMOUS, M.D., President
Kentucky State Board of Medical Licensure

DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
As Amended

201 KAR 12:110. School license.

RELATES TO: KRS *317A.060,* 317A.090
PURSUANT TO: KRS 317A.050, *317A.060*
EFFECTIVE: April 4, 1979
NECESSITY AND FUNTION: Each school owner must submit an application to operate a school of cosmetology, furnish proof of financial responsibility, meet all city, county, and state zoning, building, and plumbing codes.

Section 1. Each person, firm or corporation applying for a license to operate a school of cosmetology must submit an application provided by the board.

Section 2. Each [person as an] individual owner, *or one (1) partner, in the instance of a partnership,* [*each member* [all members] of the firm] or *one (1) corporate officer in the instance of a* corporation, must submit *a financial statement [statements] indicating financial assets in the amount of $10,000 for twenty (20) students enrolled and $1,000 for each additional student enrolled.* [proof of bond

in the amount of $10,000 for thirty (30) students to be enrolled and $20,000 for more then thirty-one (31) students to be enrolled.]

Section 3. A person having any interest in operating a school must submit a minimum of two (2) character references, proposed copy of student contract indicating all financial charges to enrolling students, and term of lease for location, if applicable.

Section 4. Application for license to operate a school of cosmetology must be accompanied by an architect's or draftsman's plan of proposed premises drawn to scale, showing the arrangements of the classroom, clinic area, mannequin area, dispensary, reception area, shampoo area, office and any other area of the school, entrance and exits, *and* placement of equipment [and location of gas and electric outlets].

Section 5. A license to operate a cosmetology school carries the approval of this board and is valid only for the location and person, firm, or corporation named on application and license issued by this board. A school of cosmetology license is never transferable from one location to another or from one person, firm or corporation to another.

Section 6. The owners, firm or corporation operating a school of cosmetology must notify the board in writing twenty (20) days prior to selling, transferring, or changing of ownership and management of a school. Prospective ownership must meet all qualifications of owning a school and have the approval of the board.

Section 7. Following approval of the application to operate a school of cosmetology by the board, the site shall be inspected by a quorum of the board or by at least one (1) member of the board and the board administrator. A final inspection of the premises shall be conducted by the members of the board prior to issuing of license. All schools must comply with city, county, and state zoning laws, plumbing and building codes.

Section 8. Any cosmetology school owner, manager, or instructor who misrepresents facts to the board, to the students, or to the general public concerning any information regarding the school or any student enrolled therein, or in any way violates regulations adopted by this board, will be served notice to show cause before this board, why the school's license and the instructor's license should not be revoked.

Section 9. Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons any branch or subjects of cosmetology as defined in KRS 317A.010 shall be classified as a school and will be required to comply with all the provisions of law and the rules and regulations of this board.

Section 10. The board will not license a correspondence school, nor will the board license any school of cosmetology in an establishment that teaches any other trade, profession or business, excluding vocational training schools.

Section 11. No person who is an owner, partner, stockholder, corporate officer or who has any financial or other interest in the management and control of the school, shall be enrolled in said school as a student.

Section 12. No school of cosmetology shall permit or require students to be in attendance at school more than forty (40) hours in any one (1) week.

Section 13. Any school of cosmetology desiring night classes must, by proper application, be granted permission from the board to operate such classes. Under no condition shall the school operate past 10 p.m. local time.

CARROLL ROBERTS, Administrator
ADOPTED: March 5, 1979
RECEIVED BY LRC: March 6, 1979 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
As Amended

703 KAR 2:015. Age of entrance.

RELATES TO: KRS 158.030
PURSUANT TO: KRS 13.082, 156.070, [156.130]
EFFECTIVE: April 4, 1979
NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education is required to establish procedures for consideration of petition of parents desiring to enter their children in school prior to legal age limits.

Section 1. The parent or legal guardian of any child who was born after September 1, but becomes five (5) years of age on or before December 31, may petition the State Board for Elementary and Secondary Education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five (5) years of age. The parent or legal guardian of any child born after September 1 who becomes six (6) years of age on or before December 31 and who has not attended an approved kindergarten the previous year may petition the State Board for Elementary and Secondary Education to allow the child to enter the first grade at the beginning of the school year in which the child becomes six (6). Any child whose birthday falls between September 1 and December 31 and who has attended an approved kindergarten *through the petition process* the previous year shall not be *required to* [eligible for such] petition *for entrance to the first grade,* [(application)] but will be retained or promoted at the sound discretion of the local school district authorities.

Section 2. The parent or legal guardian of a potentially eligible child may obtain prior to March 1 a petition (application) form only from the superintendent of the school district in which the child resides. It shall be the responsibility of the child's parent or guardian to submit the fully completed petition (application) to the Secretary of the State Board for Elementary and Secondary Education on or before May 1 of the calendar year in which early admittance is petitioned. However, the parent or guardian of any

child who moves from another state into a school district in Kentucky after May 1 shall be eligible to petition (make application) for their child to enter kindergarten or first grade *not later than fifteen (15) days after the opening of school in the affected district.* [prior to August 1.]

Section 3. (1) Accompanying the fully completed petition (application) the following information must be submitted:

(a) A copy of the child's birth certificate or a notarized affidavit attesting to the child's date of birth;

(b) The child's readiness test results, a satisfactory score to be achieved within the standards set by the local school board;

(c) Any other relevant information that the parent or guardian wishes to submit in support of the petition (application);

(d) A written recommendation relating to the child's readiness for early admittance made by the local school district superintendent (or his duly authorized representative) and addressed to the State Board for Elementary and Secondary Education.

(2) A uniform petition form (application) will be prepared by the State Department of Education and samples furnished to each local district.

Section 4. Readiness test instruments for early admittance into either kindergarten or the first grade shall be selected by the local school district from those approved by the State Board for Elementary and Secondary Education. All tests shall be properly administered on dates and in facilities determined by the affected local school district, which also shall determine charges, if any, to parents or guardian who petition the State Board for their child's early admittance. Such charges, if any, are not to exceed the cost of the test and the cost of test administration. Adjacent or coterminous school districts may enter into agreements for giving the readiness test to petitioners' children residing in their school district.

Section 5. The Secretary of the State Board for Elementary and Secondary Education shall, within ten (10) days after action by the board, send written notification of the board's decision on the petition to both the child's parent or guardian and to the superintendent of the local school district in which the child resides.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 14, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
As Amended

815 KAR 35:010. Electrical inspector's certification.

RELATES TO: KRS Chapter[s] 227 [,278]
PURSUANT TO: KRS *13.082, 227.489* [278.045]
EFFECTIVE: April 4, 1979
NECESSITY AND FUNCTION: *The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification.* [KRS 227.045 transfers and vests in the Public Service Commission all functions, powers and duties, funds, personnel, equipment and supplies relating to electrical inspection (KRS 227.450 to 227.500).]

Section 1. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commissioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code *as provided in the Uniform State Building Code and the standards of safety prescribed by the department.*

(2) The commissioner shall establish qualification requirements for electrical inspectors, and schedule examinations at regular intervals.

(3) It shall be the duty of the commissioner to investigate alleged misconduct of any electrical inspector as certified under this act when, in the opinion of the commissioner, there is sufficient evidence to suggest that such misconduct exists. Any party may seek redress from the department when alleged misconduct of an electrical inspector is deemed to have worked an undue hardship on the party.

(4) The commissioner shall review the conduct of any electrical inspector who shall have attempted to supplant, overrule or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the original inspector.

(5) Upon a finding by the commissioner that such an action *as stated in subsections (3) or (4) of this section* has occurred, the commissioner may suspend the certificate of the offending inspector for a period not to exceed one (1) year from the date of the commissioner's ruling.

[(6)The commissioner may take other appropriate action as may be warranted by any given offense.]

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:

(1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Commissioner" means the Commissioner of Housing, Buildings and Construction.

(3) "Certified electrical inspector" means an applicant who has met the criteria established by the commissioner for examination, has satisfactorily passed that examination, and has received a certificate attesting thereto.

(4) "Employee" means one who is employed on a full-time, part-time, or contractural basis.

(5) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(6) "Electrical industry" pertains to those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, alteration or repair of electrical wiring facilities and apparatus for the utilization of electricity.

(7) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.

(8) "Code" means the National Electrical Code and any amendments thereto which are adopted by the department.

(9) "Department" means the Department of Housing, Buildings and Construction.

Section 4. Qualifications for *Residential* Electrical Inspectors. Prior to being examined by the commissioner *for certification as a residential inspector* the applicant shall meet the following requirements:

(1) (a)Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of residential [, commercial, and industrial electrical light and power] wiring systems, installed in accordance with the National Electrical Code; or

(b) Applicant shall have had not less than five (5) years of experience in the installation and/or design, of all types of residential [, commerical, and industrial light and power] wiring systems, installed in accordance with the National Elecrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) *Inspectors* [Applicant] shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which [might in any way] constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the *department* [commissioner] upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the *department* [commissioner] at least thirty (30) days prior to the desired examination date.

(5) A fee of *twenty-five (25)* [ten (10)] dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) In order to receive residential certification, the applicant must pass the examination required by the department; except that, one who is a certified electrical inspector on the effective date of this regulation, shall not be required to be examined.

Section 5. Qualifications for Commerical Electrical Inspectors: (1) Prior to being examined by the commissioner for certification as a commercial inspector, the applicant shall meet the following requirements:

(a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(b) The applicant shall have had not less than five (5) years experience in the installation and/or design of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have had been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspector [Applicant] shall not be engaged in any other activity in the electrical industry or have pecuniary interests therein which [might in any way] constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor, and electricians are expressly prohibited from being certified whil actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five ($25) dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) Applicant shall successfully pass the departmental examination; except that, one who is a certified electrical inspector on the effective date of this regulation shall be deemed qualified as a residential inspector and need not take the examination.

(7) Applicant who is a certified electrical inspector on the effective date of this regulation may be certified as a commercial inspector, without examination, upon proper submission to the department of applicant's knowledge and experience of commercial light and power wiring systems.

Section *6.* [5.] Examinations. (1) Examinations for qualified applicants shall be administered *within sixty (60) days after receipt and approval of application* [beginning at 1:00 p.m. on the first Tuesday of the months of February, May, August and November] unless otherwise scheduled by the *department* [commissioner].

(2) Examinations will be administered at the *department's* [commissioner's] offices, *the 127 Building,* U.S. 127 S., Frankfort, Kentucky, 40601, unless another location is specifically designated.

(3) Examinations will be based on the National Electrical Code and will be open book. The code book and all necessary supplies will be provided by the *department* [commissioner].

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for re-examination at the next examination date without the paying of additional fees.

(5) Those persons who were previously certified as electrical inspectors and/or those persons who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code for three (3) or more years, may be certified without examination, *under the terms and conditions as stated in Section 4(6) and Section 5(6) and (7).* An applicant shall so state on his application form if he claims entitlement to and desires to be certified without examination, and shall submit proof of prior certification or of meeting the experience requirements. *After the effective date of this regulation* [This provision will be in effect for applications received until December 31, 1977. After this date] all applicants will be required to take the examination prior to certification.

Section *7.* [6.] Certification. (1) Certificates will be issued to individuals and not to corporations, partnerships, companies or any other entities [and will be valid for a

period of two (2) years from the date of issuance].

(2) Certificates will be reissued upon request *after re-examination or after a presentation of proof by the electrical inspector that he has successfully completed a continuing education course conducted or approved by the department* prior to expiration. The fee for renewal shall be *ten (10)* [two (2)] dollars, payable to the Treasurer, Commonwealth of Kentucky.

(3) All electrical inspector certifications shall expire on November 30, every two (2) years, beginning November 30, 1979. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the inspector shall be recertified subject to the terms and conditions of this regulation.

Section *8.* [7.] Revocation of Certificates. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the commissioner, *after a departmental hearing,* to *have* [be guilty of]:

(1) *Engaged in fraud* [Fraud], deceit or misrepresentation in obtaining certification.

(2) *Been guilty of negligence* [Negligence], incompetenance, or misconduct in the field of electrical inspection.

(3) *Affixed* [Affixing] or *caused* [causing] to be affixed to any electrical installation subject to his inspection a seal of approval, where he has not personally inspected such installation and found it to be satisfactory.

(4) *Operated* [Operating] as an electrical inspector in localities or jurisdictions in conflict with state or local laws, ordinances, or regulations.

(5) Improperly *overruled* [overruling] the findings of another electrical inspector.

Section *9.* [8.] Complaints and Grievances. (1) Any person who believes that any act or ommission of any electrical inspector certified by the commissioner has worked an undue hardship on him or who believes that an electrical inspector is guilty of misconduct in the performance of his duties, may seek redress from the commissioner.

(2) Any complaints or allegations of misconduct should be submitted in writing to the Commissioner, Department of Housing, Buildings and Construction and set forth the nature of the complaint or alleged misconduct and the action desired on the part of the *commissioner* [Commission] to alleviate same.

(3) After *any* investigation the commissioner may, at his discretion, cause the matter to be set for public hearing or take any other appropriate action to resolve or correct the matter [complained of].

Section *10.* [9.] Retention of Records. (1) Each electrical inspector shall make and retain for a minimum time of three (3) years a complete record of each inspection. Such record shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure,whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size and complexity of the structure, any deficiencies in meeting code requirements and action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(2) Such records shall be available for examination by any authorized representative of the commissioner upon request.

Section 11. Duties and Responsibilities of a Certified Electrical Inspector. (1) All inspections shall be made in compliance with the National Electrical Code and any amendments as adopted by the department.

(2) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the areas where he performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(3) The electrical inspector shall make two (2) inspections.

(a) When an electrical inspector makes a rough inspection, he shall attach a sticker with his signature and certification number on the main service entrance equipment.

(b) When an electrical inspector makes a final inspection he shall attach a sticker to same, with his signature and certification number, stating that the system is in full compliance with the National Electrical Code. He shall also provide the owner of the installation or his authorized agent with a certificate of approval.

(4) In order to insure uniformity throughout the state, all stickers and certificates to be issued by the electrical inspector shall be approved or furnished by the department.

(5) Upon request by the owner of the inspected facility, the electrical inspector shall immediately furnish a copy of the certificate of compliance to the department. Copies of all other certificates issued by the inspector shall be sent to the department on a semi-annual basis.

Section 12. Electrical Inspections of State Properties. All buildings constructed by the state under the authority of the Department of Finance may be inspected by a certified commercial inspector who is an employee of the State Fire Marshal's Office.

[*Section 13. Supply Electricity. No electric utility company shall supply electricity to a facility unless the facility has been inspected by a certified electrical inspector and a certificate issued.*]

JAMES S. BIRD, Commissioner

Proposed Amendments

OFFICE OF THE SECRETARY OF THE CABINET
Crime Victims Compensation Board
(Proposed Amendment)

107 KAR 1:005. Claim filing.

RELATES TO: KRS 346.040(2), 346.060(2),(3)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 346.060(2) provides that the Crime Victims Compensation Board shall adopt rules to carry out the Crime Victims Compensation law (KRS Chapter 346). This regulation provides the method for filing claims. *This revision eliminates a conflict between the regulation and an amendment to KRS Chapter 346 enacted by the 1978 General Assembly.*

Section 1. *Each claim must be in legible writing, printing or typewriting. The claim must either be on a claim form supplied by the board or must contain all of the vital facts that would appear had the claim been filed on a form.* [(1) A claimant may supply in writing, in any form he desires, sufficient information to show that he qualifies for payment under the provisions of KRS Chapter 346; or]

[(2) By any means he chooses, a resident of Kentucky may notify the board at its office in Frankfort, Kentucky, of his intention to file a claim.]

[(3) The board shall then list for the claimant facts needed to determine whether the citizen is eligible for payment and the extent of his losses.]

[Section 2. The claimant shall supply requested information to the board's office in Frankfort within ninety (90) days in legible writing, printing, or typewriting.]

EARL OSBORNE, Chairman
APPROVED: JAMES E. GRAY, Secretary
ADOPTED: October 19, 1978
RECEIVED BY LRC: April 6, 1979 at 11:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Judge Earl Osborne, Chairman, Crime Victims Compensation Board, 113 East Third Street, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:100. Sanitation standards.

RELATES TO: KRS 317A.060
PURSUANT TO: KRS [317A.030] *317A.130*
NECESSITY AND FUNCTION: [KRS 317A.030 prohibits licensees suffering from communicable diseases from working on the public.] KRS 317A.060 authorizes the Kentucky State Board of Hairdressers and Cosmetologists to regulate the practice of cosmetology in Kentucky and establish uniform standards for sanitation.

[Section 1. (1) Any licensee, student, or employee of an establishment licensed by this board shall not be allowed to practice if being known to have any communicable or infectious diseases.]

[(2) No person having communicable or infectious diseases shall be rendered service by any licensee or student of cosmetology.]

Section *1.* [2.] All establishments, including furniture, equipment, utensils, floors, walls, ceilings, restrooms and lavatories shall be kept in a clean and sanitary condition. [Individual soap and] Clean towels shall be provided for use of the patrons. The use in common of towels of any type is prohibited.

Section *2.* [3.] Each student, apprentice cosmetologist, and cosmetologist shall have a sufficient number of combs and brushes at their disposal. [Said combs and brushes must be sterilized after each use. No comb or brush shall be used in common on any patron. Any article dropped on the floor shall be disinfected before being used again.]

Section *3.* [4.] All water supply and waste connections shall be constructed in conformity with the city, county, and state plumbing statutes, regulations, and code.

Section *4.* [5.] A sufficient number of covered waste receptacles shall be provided in every establishment for disposal of trash and other waste.

[Section 6. No towel shall be used on more than one (1) person without laundering. Drying of towels or linens on lines or radiators in licensed establishments is prohibited.]

Section *5.* [7.] A protective covering must be placed around the patron's neck so the cape does not come into contact with the nude skin. The protective covering must be discarded after each use.

[Section 8. All tweezers, combs, brushes, and perm wave rods must be washed with hot water and soap and disinfected and placed in a dry sterilizer. Only such methods of disinfection as are bacteriologically effective shall be permitted. The Department for Human Resources, Bureau for Health Services, has approved the following methods of disinfection:]

[(1) Dry Disinfection: Formaldehyde gas has a place in disinfecting valuable articles, but it has no penetrating power and is limited in its action to the surface. Further, it requires a temperature of sixty-five (65) degrees Fahrenheit or over and a humidity of at least sixty (60) degrees Fahrenheit to be effective. Exposure of at least six (6) to twelve (12) hours in a small type cabinet to strong concentration of the gas is necessary to achieve surface disinfection. Formaldehyde gas cannot be depended upon to accomplish more than surface disinfection under optimistic conditions.]

[(2) Liquid disinfection:]

[(a) Bichloride of mercury (corrosive sublimate) is a very effective germicide, but poisonous to humans and corrodes metals. It is usually used in a 1-1000 solution and

made by mixing and dissolving one (1) dram of bichloride of mercury in one (1) gallon of water or a gram of chlorine in one (1) liter (quart) of water. Direct exposure to this solution for one-half (½) hour is usually sufficient to destroy all harmful bacteria.]

[(b) Carbolic acid and phenol are useful disinfectants in five (5) percent solutions (seven (7) ounces to one (1) gallon of water) with exposure for one-half (½) hour. They are effective against all ordinary harmful bacteria.]

[(c) Sodium hypochlorite solutions made up from effective preparations and containing 200 p.p.m. of chlorine are effective for the surface disinfection of equipment which has been thoroughly cleaned. Contact with the solution should not be for less than two (2) minutes.]

[(d) A ten (10) percent solution of Formalin is satisfactory for disinfection of all equipment. Formalin does not attack copper, nickel, zinc, or other metal substances.]

[(e) Instruments are to be disinfected by boiling water and should be boiled at least fifteen (15) minutes. (One (1) percent alkaline substance, such as carbonate of soda will prevent rusting, or injury to the cutting edge of bright steel instruments.)]

[(f) A seventy (70) percent solution of alcohol is an effective disinfectant for cleaning equipment.]

[(g) Steam sterilization at fifteen (15) pounds pressure at 248 degrees Fahrenheit for thirty (30) minutes is an effective means of sterilization. Steaming steam has the disinfecting power as boiling water and exposure for one-half (½) hour to steaming steam is sufficient for most purposes.]

Section 6. The Department for Human Resources, Bureau for Health Services, has approved the following methods of disinfection:

(1) Dry disinfection: The use of Formalin and ultraviolet rays are considered acceptable methods of dry disinfection provided labels and manufacturer's directions are followed.

(2) Liquid disinfection:

(a) A ten (10) percent solution of Formalin is satisfactory for disinfection of all equipment. Formalin does not attack copper, nickel, zinc, or other metal substances.

(b) A seventy (70) percent solution of alcohol is an effective disinfectant for cleaning equipment.

(c) Any other liquid disinfectant approved by the Department for Human Resources will be acceptable, provided labels and manufacturer's directions are followed.

Section *7.* [9.] Use of brush rollers [of any type] are prohibited in any establishment licensed by this board.

Section *8.* [10.] (1) The following grading shall be used for the inspection of any salon or school of cosmetology: 100%-90% = A; 89%-80% = B; 79%-70% = C.

(2) Any standard of less than an "A" rating will indicate failure to comply with the statutes and regulations of the board.

ROBER SLATON, Commissioner
CARROLL ROBERTS, Administrator

ADOPTED: March 5, 1979
RECEIVED BY LRC: March 16, 1979 at 1:15 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners and Registration of Architects
(Proposed Amendment)

201 KAR 19:095. Professional practice standards; violations, penalties.

RELATES TO: KRS 323.095, 323.120
PURSUANT TO: KRS 323.210
NECESSITY AND FUNCTION: To define basis for board to proceed against architects for unprofessional practice.

Section 1. Penalties for Unprofessional Practice. (1) The board may refuse to renew or may suspend for a period or revoke any license, or forbid practice by any architect for any of the following reasons:

(a) Gross incompetency or gross negligence.

(b) Unprofessional conduct or conduct tending to bring the profession into disrepute.

(c) Conviction of a felony.

(d) Fraudulent or dishonest architectural practice.

(e) Use of false evidence, or misrepresentation in an application for licensing.

(f) Signing or affixing his seal to any plans, prints, specifications for buildings, or reports which have not been prepared by him personally or by his employees under his supervision.

(2) The procedure for such action shall be in accordance with the provisions of KRS 323.130 and 323.140.

Section 2. Gross Incompetence and Gross Negligence Defined. The following acts or omissions shall be deemed to be gross incompetence or gross negligence within the meaning of the law and be cause for denial, suspension or revocation of a license:

(1) Willfully failing to use reasonable care and diligence in his professional practice, resulting in a building or structure being improperly constructed to the detriment of the occupants.

(2) Willfully failing to use reasonable care and diligence in preparing drawings, specifications, and other documents relating to the design and construction of buildings for the protection of a client in all relationships as agent of the client.

Section 3. Unprofessional Conduct Defined. Any of the following acts by an architect shall be deemed to be "unprofessional conduct" and be cause for denial of registration, or suspension, revocation or refusal to renew a license to practice architecture:

(1) Accepting compensation for architectural services from other than his client or employer.

(2) *Offering or making any payment or gift to a government official (whether elected or appointed) with intent of influencing the official judgment in connection with a prospective or existing project in which the architect is interested.* [Submitting competitive bids for professional employment, or knowingly competing against another architect on the basis of professional charges, or using kickbacks or forgiveness of portions of his fee in order to obtain competitive advantage; or furnishing uncommissioned architectural services of any kind in the attempt to obtain competitive advantage; or misrepresenting his qualifications.]

(3) *Offering or making any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.* [Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he is the architect unless his client has been so advised and has waived any objection he may have had thereto.]

(4) *Soliciting or allowing self-laudatory, exaggerated, misleading, or false publicity in any publication.* [Publicly endorsing a product, system, or service, or permitting the use of his name or photograph to imply such endorsement. However, he may be identified with any product, system, or service designed or developed by him.]

(5) *Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he is the architect unless his client has been so advised and has waived any objection he may have had thereto.* [Engaging an agent or representative to solicit work on his behalf whose compensation is either (i) unreasonable or (ii) contingent, in whole or in part, upon the obtaining of professional work for the architect.]

(6) *Publicly endorsing a product, system, or service, or permitting the use of his name or photograph to imply such endorsement. However, he may be identified with any product, system, or service designed or developed by him.* [Using paid advertising; indulging in self-laudatory, exaggerated, misleading, or false publicity; or soliciting, or permitting others to solicit in his name, advertisements for any publication presenting his work.]

(7) *Engaging an agent or representative to solicit work on his behalf whose compensation is either unreasonable or contingent, in whole or in part, upon obtaining professional work for the architect.* [Falsely or maliciously injuring the professional reputation, prospects or practice of another architect.]

(8) *Using paid advertising except as allowed in this subsection:*

(a) An individual architect or an architectural firm may advertise its services as authorized by these regulations, and not otherwise. Such advertisement shall be confined to the name of the firm, address, telephone number, a statement of the fields of practice in which qualified, and cost of services. It may be printed in a regularly published newspaper, magazine, directory, or similar publication or may be read by an unidentified person on radio or television.

(b) An architect or architectural firm which advertises a fee for specific services and accepts such employment must perform such services for the amount stated, and a statement to that effect shall be included in every advertisement. [Attempting to supplant another architect after a definite commitment has been made by the client for the latter's employment.]

[(9)Undertaking a commission for which he knows another architect has been retained until he has conclusively determined that the original commission has been terminated with reasonable compensation for work already performed by the latter.]

Section 4. Conviction of a Felony. Any conviction of a felony within the United States of America or its possessions is prima facie evidence of misconduct.

Section 5. Fraudulent or Dishonest Practice Defined. The following practices shall be deemed to be "fraudulent or dishonest practice" within the meaning of the law and be cause for denial, suspension or revocation of a license to practice architecture:

(1) Making untrue or deceitful statements in an application for examination or registration, or in any other statements or representations to the board.

(2) Affixing his seal to any drawings other than those for which he is the author. All plans must be sealed by the author or authors thereof. "Authors" is defined as those in responsible charge of the preparation of plans which are made by them personally or under their supervision.

(3) Bribing any person or persons who may influence the selection of an architect.

(4) Willfully misleading or defrauding any person or persons employing him as an architect.

(5) Willfully violating the laws of Kentucky or any other state, where such are applicable, relating to the practice of architecture; or willfully violating any rule or regulation of this board made in pursuance to law.

(6) Using, or attempting to use, or practicing under, a license that has been suspended or revoked or which has not been renewed as required by law and the regulations of the board.

Section 6. Registration While Working for Others. (1) An architect may work as the employee of another architect without affecting the status of his registration.

(2) Or he may work as an employee for any firm in which his duties are not those of any architect, without affecting the status of his registration. But if he works as an architect for, or with, an individual not an architect, or a firm or corporation not under the control of architects, then he must maintain free and unbiased judgment and unrestrained use of his professional prerogatives and services to clients; and the terms of his employment or agreement shall be compatible therewith, and such as to permit full compliance with the "obligations of practice," and these regulations.

(3) Violations of these requirements shall be cause for a license to be denied, suspended or revoked.

Section 7. Office Staffing. (1) A firm, partnership, or association maintaining one or more places of business in this state, except where a project office is established only for on-site supervision or inspection; shall maintain in charge of each separate place, a resident registered architect; "resident" as used in this section shall mean the architect or architects who spend the majority of the normal office hours in said place of business. The firm, partnership, or association shall inform the board of the name or names of the resident architect or architects in charge of each separate place of business.

(2) Violations of this requirement shall be cause for a license to be denied, suspended or revoked.

L. WAYNE TUNE, Executive Director

ADOPTED: March 9, 1979

RECEIVED BY LRC: March 23, 1979 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 7097, Lexington, Kentucky 40502.

DEPARTMENT OF FINANCE
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:020. Application for licensure.

RELATES TO: KRS 327.050
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: Describes the criteria for *eligibility,* [eligible] methods, and procedures of applying for a license to practice physical therapy in Kentucky.

Section 1. To be eligible for licensure examination, the applicant must have successfully completed the academic and clinical requirements of the curriculum and have been granted certification of completion. All physical therapy schools and colleges approved by the American Physical Therapy Association and the Council on Medical Education of the American Medical Association are periodically reviewed and updated for approval by the Kentucky State Board of Physical Therapy.

Section 2. A person desiring to practice as a physical therapist in Kentucky must apply to the Kentucky State Board of Physical Therapy. An application form will be sent to the applicant by the secretary of the board. When the applicant shall return the completed form accompanied by a money order or certified check for *seventy-five dollars ($75)* [sixty-five dollars ($65)] made payable to the Kentucky State Treasurer, he becomes an official candidate for licensure. At the request of the applicant, the board shall determine the necessity of conducting a hearing regarding licensure qualifications of said applicant.

Section 3. Four (4) types of candidates will be accepted for licensure:
(1) Examination,
(2) Reciprocity,
(3) Endorsement, and
(4) Reinstatement.

MICKEY BARON, Chairman
ADOPTED: April 2, 1979
RECEIVED BY LRC: April 11, 1979 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Nancy Brinly, Executive Secretary, 1614 Dunbarton Wynde, Louisville, Kentucky 40205.

DEPARTMENT OF FINANCE
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:100. Assistant's eligibility for certification.

RELATES TO: KRS 327.040
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: Because of the demand for the services of a Licensed Physical Therapist, the category of Physical Therapist's Assistant was created to provide clinical assistance to the therapist in delivery of the patient treatment. Secondly, the assistant has permitted the licensed therapist additional opportunity to direct his expertise toward the more complicated patient. The assistant functions to aid in rendering treatment under the licensed therapist's direction after the initial patient evaluation and treatment program has been structured. This regulation identifies the requirements, mechanisms and procedures by which one may become a Certified Physical Therapist's Assistant.

Section 1. The "assistant" means a person who practices under the direct supervision of the licensed physical therapist, whose activities require an understanding of physical therapy but do not require advanced training in anatomical, biological and physical sciences involved in the practice of physical therapy. He shall perform his duties only after the initial examination and evaluation of the patient by a licensed physical therapist. Only individuals certified as an assistant under this chapter may hold himself out as a certified assistant; and may use the initials CPTA, he may also by preference style himself as a physical therapist's assistant, and may use the initials PTA in designating his title.

Section 2. An applicant for a certificate as a physical therapist's assistant shall file a written application on forms provided by the board together with a fee of *forty-five dollars ($45)* [thirty-five dollars ($35)]. From the effective date of this regulation, no person shall act, nor hold himself out to be able to act as an assistant in this state unless he is certified in accordance with the provisions of this regulation.

Section 3. The assistant shall perform his duties only after the initial examination and evaluation of the patient by a licensed physical therapist. To be eligible for certification one must have been graduated from a program for assistants which shall be at least a two (2) year program offered by a college accredited by a recognized accrediting agency and as approved by Kentucky State Board of Physical Therapy. The Kentucky State Board of Physical Therapy will consider those education programs that meet the standards and curriculum guidelines published by the American Physical Therapy Association.

Section 4. A certificate will be issued by the board as soon as it has determined that the candidate has passed a prescribed examination to the satisfaction of the board. Passing grade will be based on -1.5 standard deviation.

Section 5. If the date of employment is after the last day of the month preceding the date that the next examination is to be held and the credentials of the applicant are in order, then a temporary certification shall be issued to be in force until the next examination.

Section 6. The applicants shall have three (3) attempts to pass the examination. The original fee of *forty-five dollars ($45)* [thirty-five dollars ($35)] covers the first attempt. The cost of the examination must be assumed by the applicant for the second and third attempts. The temporary certificate is valid until the next scheduled examination and for a period of sixty (60) days thereafter. The temporary certificate may be renewed at the discretion of the board. If the applicant fails on the third attempt, the temporary certificate is revoked and the applicant may no longer be employed in Kentucky as an assistant.

Section 7. The candidate for certification by reciprocity shall use the regular application form. The board will process the mechanics of reciprocity. The State Board of

Physical Therapy may issue a certificate on a reciprocal basis to a person certified by another state if that state has a reciprocal agreement with Kentucky.

Section 8. The candidate for certification by endorsement shall use the regular application form. The board will process the mechanics of endorsement. The Kentucky State Board of Physical Therapy may endorse a candidate who has been examined by the Professional Examination Service or other examination acceptable to the board and meets the Kentucky State Board of Physical Therapy requirements.

Section 9. The candidate for certification under the grandfather clause shall apply on or before the thirtieth (30th) day following adoption of these regulations. The candidate must be a graduate of an approved two (2) year college educational program, have been practicing as a physical therapy assistant in Kentucky at the time of the filing of these rules and regulations.

Section 10. The candidate for reinstatement will receive a renewal of his certificate upon requesting renewal and payment of the renewal fee of ten dollars ($10) by money order or certified check made payable to the Kentucky State Treasurer and mailed to the secretary of the board. Assistants who have not been certified for three (3) years may be required to show evidence of participation in continuing education approved by the board prior to re-certification. The board may require re-examination every five (5) years, as a means of evaluating continuing education programs and maintaining a high proficiency of the assistant.

Section 11. Candidates who are graduates of approved physical therapy curriculums may be certified as an assistant after failing to pass the physical therapy licensure examination on three (3) attempts. The board will only consider those candidates who score fifty (50) percent or better on each part of the physical therapy licensure examination.

MICKEY BARON, Chairman
ADOPTED: April 2, 1979
RECEIVED BY LRC: April 11, 1979 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Nancy Brinly, Executive Secretary, 1614 Dunbarton Wynde, Louisville, Kentucky 40205.

DEPARTMENT OF FINANCE
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:105. Certification of assistants.

RELATES TO: KRS 327.040
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: Because certification may be achieved in several ways, this regulation points out the types of candidates, the fee and procedure for making application to the State Board of Physical Therapy as a candidate for certification as a physical therapist's assistant.

Section 1. An applicant for certification as an assistant shall file written application on a form obtained from the secretary of the Kentucky State Board of Physical Therapy. Upon return of the completed application and a money order or certified check in the amount of *forty-five dollars ($45)* [thirty-five dollars ($35)], made payable to the Kentucky State Treasurer, the applicant becomes an official candidate for certification as an assistant.

Section 2. Five (5) types of candidates will be accepted for certification:
(1) Examination,
(2) Reciprocity,
(3) Endorsement,
(4) Grandfather clause,
(5) Reinstatement, and
(6) Special.

Section 3. Upon board approval of a candidate for the examination, the candidate will be notified. Examination will be held at a time and location set by the board. The candidate will be notified of exact time, date and place no less than two (2) weeks before the examination.

MICKEY BARON, Chairman
ADOPTED: April 2, 1979
RECEIVED BY LRC: April 11, 1979 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Nancy Brinly, Executive Secretary, 1614 Dunbarton Wynde, Louisville, Kentucky 40205.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:047. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.025, 150.170, *150.175,* 150.176, 150.330, 150.340, 150.360, 150.370
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds and animals within reasonable limits based upon an adequate supply. *This amendment is necessary because of changes in season dates.*

Section 1. All statewide and specified area regulations, seasons, bag and possession limits apply to the following wildlife management areas, and refuges unless exceptions are listed herein.

Section 2. The following wildlife management areas are closed to all hunting at all times:

(1) Grayson Wildlife Management Area in Carter and Elliott Counties.
(2) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.
(3) Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County.
(4) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.
(5) Red Bird Wildlife Management Area *including all private inholdings,* in Leslie and Clay Counties.
(6) Mill Creek Wildlife Management Area, including all private inholdings, in Jackson County.
[(6) Dewey Lake Wildlife Management Area in Floyd County.]

Section 3. Exceptions to statewide small game hunting regulations for wildlife management areas and refuges:
(1) West Kentucky Wildlife Management Area located in McCracken County.
(a) Quail: Third Thursday in November through February *17* on Tracts 2, 3, [and] 6[,] *and 7.* [and any others designated open at the check station.]
(b) Rabbit: Third Thursday in November through January *21* on Tracts 2, 3, [and] 6 *and 7.* Other tracts may be opened and will be designated at the check station.
(c) Squirrel *(gray and fox)*: Third Saturday in August through October 14 on Tracts 1, 2, 3, 4, 5 and 6. Third Thursday in November through December 31 on Tract 6 only.
(d) Raccoon and opossum: During the regular statewide season with gun or dog on Tracts 1, 2, 3, 4, 5 and 6 and night training *on all tracts* and shake-out *on Tracts 1 through 6* [on all tracts].
(e) Rabbit and quail hunters must check in and out at the designated check station.
(f) All tracts designated by number followed by the letter "A" are closed to gun hunting.
(g) Weapon restrictions. No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.
(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted.
(a) Squirrel *(gray and fox)*: Third Saturday in August through October 1; December 1 through *Janury 31* [December 31].
(b) Quail: December 1 through February.
(c) Rabbit: December 1 through January. [Daily bag limit five (5).]
(d) Raccoon and opossum: *Mondays,* Tuesdays, Fridays and Saturdays during the period December 1 through January. *Daily bag limit two (2) per person per night.*
(e) Raccoon field trials: February 1 through May. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be given by Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt and must have a valid score card in his or her possession.
(f) Fox chasing: From sunset to sunrise; *Third Saturday in* August [19] through October 1 south of highway 68 to state line.
(g) Fox taking: Gray fox only during daylight hours only; December 1 through February.
(h) Woodchuck: Hunting during daylight hours only. March *5* [7] through March *16* [18]. No hunting in the Environmental Education Center Area including a one-quarter (1/4) mile safety zone around the outside boundary. No hunting within one-quarter (1/4) mile of The Trace, U.S. Highway 68, Energy Lake Road and Shaw Branch Road. A special Land Between the Lakes woodchuck permit required. All woodchucks harvested must be removed from the area. Legal *weapons* [firearms and archery equipment] include center-fire rifles .17 caliber or larger, .22 *caliber rimfire* magnum rifles, muzzle-loading rifles of .31 caliber or larger, and longbows and compound bows according to state regulations. All other weapons are prohibited. Bow hunting only allowed in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV Area.
(i) Bird dog and beagle hound training season: During the entire month of October on Turkey Creek Area only. A permit is required from Land Between the Lakes.
(j) For Land Between the Lakes hunting rules refer to regulation 301 KAR 2:050.
(k) Permits. All required permits may be obtained by writing the Wildlife Management Section, Land Between the Lakes, Golden Pond, Kentucky 42231, or in person during open hours at the two information stations or the main office.
(3) Reelfoot National Wildlife Refuge located in Fulton County.
(a) Squirrel *(gray and fox)*: August *25* [26] through October *14* [15] only in areas designated by signs as open to public hunting.
(b) Raccoon: September *26* [27] through September *29* [30] and October *3* [4] through October *6* [7] *on the Long Point refuge unit,* with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.
(c) Permits: All hunters are required to have a special hunting permit which can be obtained at refuge headquarters, P.O. Box 295, Samburg, Tennessee 38254, or at designated check stations.
(d) Age limit. Hunters under age seventeen (17) must be accompanied by an adult. For safety reasons, the ratio should be one (1) adult to one (1) juvenile, but in no case more than two (2) juveniles per adult.
(e) Firearms. Only shotguns incapable of holding more than three (3) shells and .22 caliber *rimfire* rifles are permitted.
(f) Dogs are permitted only for raccoon hunting.
(g) Open fires and cutting trees are not permitted.
(4) Ballard County Wildlife Management Area located in Ballard County.
(a) Squirrel *(gray and fox)*: Third Saturday in August through October 14 on the whole management area.
(b) All statewide game seasons, bag and possession limits apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting."
(5) Central Kentucky Wildlife Management Area located in Madison County.
(a) Squirrel *(gray and fox)*: Third Saturday in August through October 14.
(b) This area is closed to all hunting except dove (see statewide dove regulation) and squirrel.
(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County: Areas closed to hunting are designated by refuge signs.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(8) Fort Campbell Wildlife Management Area located in Christain and Trigg Counties; there will be no hunting on December 25 and January 1 and Mondays and Tuesdays except when Monday is a federal holiday, then hunting will be permitted.

(a) Seasons, bag and possession limits:

1. Squirrel *(gray and fox)*: September 1 through *September 30* [October 1], November *22* [23] through *December 7* [November 26], *December 8* [November 29] through December *30* [31] *on selected areas;* and January *2* [3] through January 31[, on selected areas].

2. Quail: November *22* [23] through *December 7* [November 26], *December 8* [November 29] through December *30* [31] on selected areas; January *2* [3] through February .

3. Rabbit: November *22* [23] through *December 7* [November 26], *December 8* [November 29] through December *30* [31] on selected areas; January *2* [3] through February; bag limit *five (5)* [six (6)]; possession limit *ten (10)* [twelve (12)].

4. Raccoon and opossum: Taking with gun and/or dogs, November *22* [23] through *December 7* [November 26], *December 8* [November 29] through December *30* [31] on selected areas. January *2* [3] through January 31; possession limit one (1) per person.

5. Gray fox and woodchuck: September 1 through *September 30* [October 1]. January *2* [3] through February.

6. Red fox: November *22* [23] through *December 7* [November 26], *December 8* [November 29] through December *30* [31] on selected areas. January *2* [3] through January 31.

7. Bobcat: The season is closed on bobcat.

(b) Permission must be obtained for each hunt at building #6645 and hunters must stay within their assigned area. A hunting permit costing *fifteen dollars ($15)* [ten dollars ($10)] is required and is good for all species hunting for the season.

(c) All hunters between the ages of twelve (12) and sixteen (16), must possess a valid hunter safety certificate.

(9) Knob State Forest located in Nelson County. Closed to all small game hunting except squirrels during the regular statewide seasons. Squirrel hunting weapons are limited to shotguns using shotshells and .22 caliber *rimfire* rifles.

(10) Clay Wildlife Management Area located in Nicholas County is closed to the training of all dogs during the period October 1 through November 15.

(11) Dewey Lake Wildlife Management Area located in Floyd County is closed to all hunting except for deer archery with longbows and compound bows only on October 13 through November 9.

CARL E. KAYS, Commissioner
ADOPTED: March 5, 1979
APPROVED: WILLIAM L. SHORT, Secretary
RECEIVED BY LRC: April 10, 1979 at 11:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Water Quality
(Proposed Amendment)

401 KAR 5:035. [Use classification of waters;] Treatment requirements; compliance.

RELATES TO: KRS 224.020, 224.060
PURSUANT TO: KRS 13.082, 224.033(17)
NECESSITY AND FUNCTION: [To implement KRS 224.020. This regulation applies to the classification found in Sections 3 through 9 of 401 KAR 5:025 to certain waters. Additionally,] This regulation mandates that all persons discharging pollutants through point sources shall apply "best practical control technology" and best available technology economically "achievable" by certain dates.

[Section 1. (1) Except as otherwise provided by law, all waters shown on the map "Streams of Kentucky" prepared by the Kentucky Department of Commerce, Frankfort, Kentucky, 1973, hereby incorporated by reference, scale one (1) inch equals ten (10) miles are classified for all uses in accordance with Sections 3 through 9 of 401 KAR 5:025.]

[(2) All discharges to waters not shown on the map described in subsection (1) of this section shall meet all use classifications at the point where those waters join the waters shown on the map.]

Section *1.* [2.] (1) All persons who discharge through point sources, including but not limited to any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, shall satisfy the requirements of this section.

(2) All persons who discharge through a point source shall apply the best practicable control technology considering such factors as the total cost of the application of such technology in relation to the effluent reduction benefits to be achieved from such application, the age of the equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact and such other factors as the department considers appropriate to treatment facilities not later than July 1, 1977.

(3) All persons who discharge through a point source shall apply the best available technology economically achievable by July 1, 1983. In determining what is the best available technology economically achievable, the factors in subsection (2) of this section shall be considered, and in addition, any control measures and practices available to eliminate the discharge of pollutants, taking into account the cost of eliminating the discharge of pollutants.

(4) Where coliform bacteria are present in a discharge, disinfection shall be required in accord with Section 4 of 401 KAR 5:031.

Section *2.* [3.] All existing facilities shall satisfy applicable sections of this regulation or be committed to a compliance schedule which will achieve the same results. New facilities shall satisfy Section 1 upon commencing operations.

Section 3. [4.] (1) All permits on existing facilities shall be reviewed to insure that they shall satisfy the requirements of Sections 1 and 2. When the permit for an existing facility is reviewed, the person(s) responsible shall be notified to submit an application for a permit anew with such supporting information as may be required by the department.

(2) Upon notice of review, persons failing to submit a complete application within sixty (60) days shall be in violation of this regulation unless an extension is granted by the department.

Section 4. [5.] The department shall refuse to issue a permit to any applicant where the discharge in the judgment of the department does not conform to the policy of the Commonwealth of Kentucky as set forth in KRS 224.020.

EUGENE F. MOONEY, Secretary

ADOPTED: April 13, 1979

RECEIVED BY LRC: April 13, 1979 at 11:30 a.m.

PUBLIC HEARING: A public hearing will be held at 9 a.m. EDT, June 4, 1979 in the 24th floor conference room, Capital Plaza Tower, Frankfort, Kentucky. For additional information contact: Robert Blanz, Director, Division of Water Quality, Century Plaza, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Kentucky Law Enforcement Council
(Proposed Amendment)

503 KAR 1:040. Basic training certification.

RELATES TO: KRS 15.330

PURSUANT TO: KRS 15A.160, 15.330

NECESSITY AND FUNCTION: KRS 15.330 requires the Kentucky Law Enforcement Council to approve and issue certificates of approval to law enforcement officers having met the requirements for participation in law enforcement training programs. This regulation establishes the requirements for determination of completion of the basic training curriculum of those programs.

Section 1. The KLEC may certify a graduate of a certified school for basic training.

Section 2. Each applicant for basic training at a certified basic training academy must submit an application for training (Form KLEC-29) which provides the appropriate training information. Each applicant must also submit a properly endorsed medical examination form (Form KLEC-30) at the time of application. The applicant must have received a medical examination within the ninety (90) day period preceding the date on which the respective basic training course begins.

Section 3. [2.] In order to be certified, a graduate of a certified school for basic training must be a member of a lawfully organized police unit or force of state, county, or city government, that is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state.

Section 4. [3.] In order to successfully complete a Bureau of Training basic course, the cadets must have achieved a minimum score of seventy (70) percent on each of ten (10) weekly *written* examinations. Failure to achieve seventy (70) percent on the weekly examination will require that the police cadet retake a different examination covering the same material and pass the second (2nd) examination with seventy (70) percent success. Failure to pass the second (2nd) examination will require the cadet to repeat the entire week of instruction and retake the examination for that week. *Failure to achieve seventy (70) percent on that examination will require the cadet to retake a different examination covering the same material and pass the fourth (4th) examination with seventy (70) percent. Failure to successfully complete the fourth (4th) examination will disqualify the trainee from participating in the basic training program for a period of one (1) year from the date of that failure.* [This process of weekly instruction and examination must be repeated until such time as the cadet attains the score of seventy (70) percent on the examination for that week.] In addition, the police cadet must satisfactorily complete a research paper and participate actively in all assigned projects. The ten (10) weekly examinations plus the research projects and other assignments will weigh fifty (50) percent of the overall score. A minimum overall score of seventy (70) percent shall constitute a passing grade for the academic portion of the basic training course. *Oral testing shall not be permitted in the basic training program.*

Section 5. [4.] The graduate of a certified basic course must demonstrate safety and proficiency in the use of firearms in a combat firearms course, proficiency in first aid, proficiency in physical agility, and proficiency in mechanics of arrest, restraint and control. *If the cadet fails to successfully complete the test in any of these areas, he shall be entitled to repeat that test. Failure to successfully complete the retest will disqualify the trainee from participating in the basic training program for a period of one (1) year from the date of that failure.*

Section 6. Any agency which elects to enroll in the basic training program an applicant who has previously failed this training shall assume all costs for retraining this individual. Arrangements for payment of this obligation shall be completed with the training agency prior to the trainee's enrollment.

Section 7. [5.] The graduate of any certified school other than the Bureau of Training, who requests certification without attending the complete basic training course, must attain a grade of seventy (70) percent on the Bureau of Training final examination, as well as a score of seventy (70) percent on all other training which may be required.

Section 8. [6.] The graduate of a Bureau of Training basic course must participate in a total of 400 hours training. Absences must be made up through additional training assignments.

Section 9. [7.] A KLEC staff supervisor will conduct final examinations at all approved schools for all applicants for certification on subjects required in the basic training curriculum except at the Bureau of Training whose staff members will conduct their final examinations.

Section 10. [8.] In a certified school other than a Bureau of Training basic course an applicant who fails to make the

minimum standing of seventy (70) percent on the Bureau of Training final examination may, by written appeal authorized and countersigend by a duly responsible member of the department of the certified school, request a make-up examination. This appeal must be submitted within thirty (30) days of the time that the applicant was notified of his failure.

Section *11.* [9.] The time and location of the make-up examination shall be at the sole discretion of the Bureau of Training.

Section *12.* [10.] The second failure of an applicant to meet the minimum examination requirements shall necessitate his repeating the required basic training curriculum.

Section *13.* [11.] The graduate must have complied with all rules and regualtions of the KLEC and the certified school.

Section *14.* [12.] Each approved school shall, at the conclusion of each basic training course, complete in triplicate an application for training (Form KLEC-29) for each student who has attended the course and this form shall be sent to the Bureau of Training. After certification by the supervisor of the Certification and Standards Section, one (1) copy of the form shall be sent to the Office of Law Enforcement Programming, one (1) copy shall be sent to the department head of the trainee's agency and one (1) copy shall be maintained by the Bureau of Training.

Section *15.* [13.] When any approved school trains an officer from a department other than its own, the Bureau of Training shall send a copy of the completed application for training to the commanding officer of the trainee's department.

Section *16.* [14.] All required records shall be maintained and retained by the approved school and shall be available to KLEC or KLEC staff members for inspection. tion.

RAYMOND A. KOTTAK, Secretary
ADOPTED: March 6, 1979
RECEIVED BY LRC: April 5, 1979 at 2:45 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary of Justice, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
(Proposed Amendment)

603 KAR 5:050. Uniform traffic control devices.

RELATES TO: KRS 189.337(2)
PURSUANT TO: KRS 13.082, 174.050, 189.337
NECESSITY AND FUNCTION: KRS 189.337(2) authorizes the Department of Transportation, Bureau of Highways, to adopt a uniform system of traffic control devices. This regulation [is adopted to] defines the system.

Section 1. The standards and specifications set forth in the federal "Manual on Uniform Traffic Control Devices for Streets and Highways" *(1978 Edition, and subsequent amendments thereto)* shall apply to all traffic control devices installed on any road or street [after this regulation becomes effective]. Satisfactory operating traffic control devices in use on the effective date of this regulation may continue to be used; however, if such devices are replaced or revised, they must be made to conform with the standards and specifications of the manual.

Section 2. A copy of the federal "Manual on Uniform Traffic Control Devices for Streets and Highways" *(1978 Edition)* is hereby incorporated by reference as part of this regulation. Subsequent amendments to this manual will be *made* [filed as any other regulation] *by filing a copy of each amendment.*

Section 3. Copies of the Federal "Manual on Uniform Traffic Control Devices for Streets and Highways" may be obtained from the Department of Transportation, Frankfort, Kentucky. A fee may be charged for each copy to help defray costs.

CALVIN G. GRAYSON, Commissioner
ADOPTED: March 16, 1979
RECEIVED BY LRC: March 21, 1979 at 1:15 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ed W. Hancock, Deputy Secretary for Legal Affairs, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent of Public Instruction
(Proposed Amendment)

701 KAR 1:020. State plan for the administration of ESEA, Title IV.

RELATES TO: KRS *156.070* [156.100]
PURSUANT TO: KRS 13.082, 156.070, [156.130,] 156.160
NECESSITY AND FUNCTION: A state plan is necessary in order to be eligible to receive federal funds under Title IV, P. L. *95-561* [93.380].

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education, the Kentucky State Plan for the Administration of ESEA, Title IV shall be prepared and approved by the State Board for Elementary and Secondary Education, in accordance with the appropriate federal guidelines, and submitted to the U. S. Commissioner of Education for his approval. This document is incorporated by reference and hereinafter shall be referred to as the "State Plan" [Revised March 15, 1978] *Revised March 13, 1979.* Copies of the State Plan may be obtained from the Division of Title IV, State Department of Education.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:010. Facilities survey.

RELATES TO: KRS 157.420(3)
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: To provide a written plan describing construction and use of school facilities to guide school administrators in meeting the needs of the district.

Section 1. The Superintendent of Public Instruction shall conduct or cause to be conducted a facilities survey of each school district at least every five (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions, and a recommended facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction *and/or renovation* needs.

Section 2. Recommendations *made in* [of] a facilities survey report shall become the adopted facilities plan for the district unless an appeal is submitted to the Superintendent of Public Instruction within sixty (60) days following receipt of the facilities survey report. *Each* [All] *appeal* [appeals] shall include a *proposed* full facilities plan with *the local board's requested* [a] priority listing of construction needs.

Section 3. The Superintendent of Public Instruction shall review and report to the local board of education within a period of thirty (30) days *the results of the appeal* [the acceptability of the proposal contained in the appeal]. *The facilities survey report shall remain in effect until any changes have been approved by the Superintendent of Public Instruction.*

Section 4. *A local board may at any time request the Superintendent of Public Instruction to conduct a review of a facilities survey plan for the district. Upon the presentation of written evidence that circumstances exist which necessitates temporary or permanent suspension or alteration of the adopted plan, the Superintendent of Public Instruction shall within fifteen (15) days of the receipt of the request determine whether a review is justified and so advise the local board. If a review is deemed to be justified, such review shall be within ninety (90) days from date of authorization by the Superintendent of Public Instruction. If a review is deemed unjustified, the local board may without request to the Superintendent of Public Instruction employ at local expense a reputable agency to conduct a facilities survey and submit same within ninety (90) days as an appeal pursuant to Section 2.* [In the event an impasse exist 120 days following the delivery of the report to the local district, the Superintendent of Public Instruction shall advise the local board of education of its right to employ at local expense, a reputable agency to conduct a facilities survey. Such alternative facilities survey shall contain a full facilities plan with priority listing for construction, and will be taken under advisement by the Superintendent of Public Instruction in determining a final plan for the district.]

Section 5. [Once a five (5) year plan has been adopted, upon receipt of written evidence that circumstances exist which necessitate temporary or permanent suspension or alteration of the adopted plan, the Superintendent of Public Instruction shall conduct a review of the district, and issue an appropriate amendment to the adopted plan.]

[Section 6.] The adopted *facilities survey* plan shall be implemented by the local board of education to the extent that the financial ability of the district will permit *as determined by the Superintendent of Public Instruction.*

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:020. Length of employment.

RELATES TO: KRS 157.390(2)(a)
PURSUANT TO: KRS 13:082, 156.070, 156.130, 156.160
NECESSITY AND FUNCTION: To provide approved employment under the minimum foundation program beyond the regular school term for *administrative and special instructional service units, supervisors of instruction units, director of pupil personnel units, and vocational units.* [vocational units, supervisory units and units for administrators, directors of pupil personnel, and special instructional services.]

Section 1. School districts shall be allotted teachers' salaries for more than 9.25 months by the minimum foundation program for classroom units listed below. Allotments shall be limited to the lesser of:
(1) The number of months employed in the position;
(2) Maximum months under this regulation; or
(3) The months approved under a program for lengthened employment.

Section 2. The following positions shall be allotted a maximum of 2.75 months extended employment:
(1) Superintendent;
(2) Assistant superintendent;
(3) Finance officer and school business administrator;
(4) Principal who administers a school with twenty-five (25) or more full-time equivalent teachers under his supervision;
(5) Supervisors of instruction;
(6) Directors of pupil personnel in districts with fifty (50) or more basic classroom units allotted;
(7) Local director of vocational education;
(8) Teachers of vocational education in:
(a) Agribusiness;

(b) Business and office;
(c) Marketing and distributive education;
(d) Health and personal services;
(e) Home economics;
(f) Public service;
(g) Special vocational programs;
(h) Industrial education level III.

Section 3. The following position shall be allotted a maximum of two (2) months extended employment: Principal who administers a school with from 12.0 to 24.9 full-time equivalent teachers under his supervision.

Section 4. The following positions shall be allotted a maximum of 1.25 months extended employment:
(1) Assistant principal assigned to a school with 25.0 or more full-time equivalent teachers;
(2) Full-time guidance counselors.

Section 5. The following positions shall be allotted a maximum of one (1) month extended employment:
(1) Full-time *school media* librarians *and school media specialist.*
(2) Principal who administers a school with from 8.0 to 11.9 full-time equivalent teachers under his supervision;
(3) Directors of pupil personnel in districts with fewer than fifty (50) basic classroom units allotted.

Section 6. A program plan for lengthened employment for all positions listed in this regulation with the exception of superintendent, assistant superintendent, finance officer, school business administrator, and director of pupil personnel shall be submitted annually to the Superintendent of Public Instruction for approval.

JAMES B. GRAHAM,
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, State Board of Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:120. Uniform school financial accounting system.

RELATES TO: KRS 156.160
PURSUANT TO: KRS 13.082, 156.070, [156.130,] 156.160
NECESSITY AND FUNCTION: To provide a uniform system of financial accounting for boards of education.

Section 1. Local boards of education shall follow the uniform financial accounting system detailed in "Official Manual of Instruction for the Kentucky Uniform School Financial Accounting System," Bureau of Administration and Finance *for Local School Systems*, July 1, *1978* [1968], approved by the Superintendent of Public Instruction, a copy of which is made a part of this regulation, filed by reference, and may be obtained from the Superintendent of Public Instruction.

Section 2. A close estimate or working budget shall be required annually of each board of education. The form of this document will conform to the uniform financial accounting system provided.

Section 3. As occasions will demand, certain local boards of education may be permitted, upon approval of the Superintendent of Public Instruction, to deviate from the "Official Manual of Instruction for the Kentucky Uniform School Financial Accounting System," Bureau of Administration and Finance *for Local School Systems*, July 1, *1978* [1968], in general use in order to experiment or to serve as pilot systems from time to time.

Section 4. All the financial records of the local board of education shall be prepared and filed in either the office of the superintendent or in offices adjacent to the superintendent's office.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:130. Internal accounting.

RELATES TO: KRS 156.070
PURSUANT TO: KRS 13.082, 156.070, [156.130,] 156.160, 156.200
NECESSITY AND FUNCTION: To establish uniform procedures for the accounting of school activity funds.

Section 1. Internal accounts shall be defined as all funds derived from fund raising activities sponsored under the auspices of the school except that funds raised by organizations which do not come under the direct supervision of school authorities shall not be considered internal accounts.

Section 2. The basic responsibility for administration and control of internal accounts shall rest with the district board of education.

Section 3. The district board of education in delegating the responsibility of accounting for school activity funds

shall direct the superintendent to develop accounting procedures consistent with those set out in the Department of Education's Manual, "A Uniform Program of Accounting for School Activity Funds in Kentucky Schools," Bureau of Administration and Finance *for Local School Systems, August 1, 1978* [May 1, 1972], a copy of which is made a part of these regulations by reference and may be obtained from the Superintendent of Public Instruction.

Section 4. Internal accounts shall be audited annually:
(1) High school activity fund accounts shall be audited by a Certified Public Accountant.
(2) The high school activity fund account for the purpose of making the audit shall be defined as follows:
(a) Schools with grade ranges of 10 through 12.
(b) Schools with grade ranges of 9 through 12.
(c) Schools with grade ranges of 7 through 12.
(d) Schools with grade ranges of 1 through 12.
(3) Activity fund accounts other than high school accounts shall be audited either by a Certified Public Accountant or a select committee approved by the board of education. The committee shall be composed of central office staff, principals, teachers or citizens who are not employees of the board.
(4) If an audit committee is selected by the board of education, the names and titles of the committee members shall be submitted to the Superintendent of Public Instruction for approval prior to the date of the audit.
(5) Two (2) copies of the audit reports of all internal accounts shall be made. A copy shall be on file in both the office of the principal and the office of the superintendent of the local school district where they shall be open for public inspection.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 1. Notice for bidding shall state time and place for receiving and opening of bids.

Section 2. All bids shall be submitted in writing, typewritten or in ink; sealed, opened and read publicly at a legal meeting of the board of education or its authorized agent.

Section 3. No bids shall be changed after they are once submitted. This in no way prevents the acceptance or rejection of alternates which are specified as a part of the regular bid forms and specifications. However, the full intent of this section is to prohibit negotiation of contracts subsequent to time bids are submitted.

Section 4. In the event the lowest bid is not accepted, the board shall record in the minutes the reason for the rejection *of that bid and any other bid lower than the one accepted.*

Section 5. All bids submitted and information pertaining thereto shall be filed and made available for review by interested parties.

Section 6. Notification of the awarding of the contract shall be given in writing to all bidders. This notice shall include a list of all bidders together with their bids.

Section 7. Any bid which is accepted in noncompliance with any of the above items shall be considered null and void.

Section 8. 702 KAR 3:180 and 702 KAR 3:185 are hereby repealed.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:140. Bidding guidelines.

RELATES TO: KRS 424.260
PURSUANT TO: KRS 13.082, 156.070, [156.130] 156.160
NECESSITY AND FUNCTION: To provide guidelines in the acceptance of bids for the purchase of materials, supplies, equipment or contractual services other than professional, involving an expenditure in excess of *$5,000* [$2,500] without first making newspaper advertisement.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 3:290. Title I, ESEA annual program plan.

RELATES TO: KRS 156.035
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: In accordance with Section [434(b)(1)] *435* of the General Education Provisions Act *and Sections 161, 162, 167, 170, and 171 of the Amendments to Title I of the Elementary and Secondary Education Act of 1965 (P.L. 95-561),* the Department of Education when applying to the U. S. Office of Education for participation *of local and state agencies* under Title I of the Elementary and Secondary Education Act, must sub-

mit assurances, *a program plan, and a monitoring and enforcement plan* [relating to approval of application and enforcement of obligations, reports and statement of purpose].

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.035, the Title I, ESEA, [Annual] Program Plan for [fiscal year ending September 30, 1979,] *three (3) fiscal years ending September 30, 1982,* is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. *This document shall be known as the State Plan for Title I, ESEA, revised March 13, 1979, copies of the State Plan for Title I, ESEA may be obtained from the Division of Compensatory Education.*

Section 2. Local educational agency program applications, or any amendments thereto, must be approved by the local board of education prior to submission to the Kentucky Department of Education.

JAMES B. GRAHAM,
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(Proposed Amendment)

803 KAR 1:020. Employment of apprentices and trainees.

RELATES TO: KRS 337.505 to 337.550
PURSUANT TO: 13.082, 337.520(5)
NECESSITY AND FUNCTION: KRS 337.520(5) authorizes the commissioner to permit the employment of apprentices and trainees in skilled trades at wages lower than the applicable prevailing wage for a journeyman craftsman. The function of this regulation is to set forth labor standards to permit apprentices and trainees to be employed at wages lower than the applicable prevailing wage and to safeguard the welfare of the apprentice, trainee, and journeyman craftsman.

Section 1. *Definitions.* As used in this regulation unless the context requires otherwise:
(1) "Commissioner" means the Commissioner of the Department of Labor;
(2) "Department" means the Kentucky Department of Labor;
(3) "Apprentice" means a person who is indentured and employed in a bona fide apprenticeship program and individually registered by the program sponsor with the Supervisor of Apprenticeship and Training, Division of Labor Standards, Kentucky Department of Labor;
(4) "Trainee" means a person who is employed in an on-the-job training program and has entered into an on-the-job training agreement with a program sponsor in a construction occupation which has been approved by a federal agency as promoting equal employment opportunity;
(5) "Sponsor" means any person, association, committee or organization in whose name or title the program is registered, irrespective of whether such entity is an employer;
(6) "Employer" means any person or organization employing an apprentice or trainee whether or not such person or organization is a party to an apprenticeship or on-the-job training agreement with the apprentice or trainee.

Section 2. *Apprentices. (1)* Apprentices will be permitted to work as such only when they are individually registered with the Supervisor of Apprenticeship and Training, Division of Labor Standards, Kentucky Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than one (1) apprentice for the first journeyman and one (1) apprentice for each additional three (3) journeymen employed on each project by an employer. The wage rate to be paid the apprentice will be the percentage of the journeyman wage under the registered program. The journeyman wage rate will be the wage rate determined by the commissioner for the craft classification for each project. Any *individual employed* [employe listed on a payroll] at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the commissioner for the classification of work actually performed.
(2) Any employer with an apprentice or apprentices employed on a public works construction project out of the allowable ratio, as stated in subsection (1) of this section, shall be required to pay the apprentice or apprentices the applicable journeyman's wage rate for all hours worked in the craft classification employed until the maximum requirement of the allowable ratio has been met.

Section 3. *Trainees. (1)* Trainees will be permitted to work as such only when they are employed in an on-the-job training program which has been approved by a federal agency as promoting equal employment opportunity. The allowable ratio of trainees to journeymen in any craft classification shall not be greater than the ratio permitted under the approved program; but in no event shall the ratio exceed one (1) trainee for the *first journeyman and one (1) trainee for each additional* [every] three (3) journeymen employed on each project by an employer. The wage rate to be paid the trainee will be the percentage of the journeyman wage under the approved program. The journeyman wage rate will be the wage rate determined by the commissioner for the craft classification of work actually performed. The employer shall furnish the department written evidence of the approved program and agreements as well as of the appropriate ratios and wage rates percentages when requested.
(2) Any employer with a trainee or trainees employed on a public works construction project out of the allowable ratio, as stated in subsection (1) of this section, shall be required to pay the trainee or trainees the applicable journeyman's wage rate for all hours worked in the craft classification employed until the maximum requirement of the allowable ratio has been met.

Section 4. Apprentices and Trainees. (1) Any employer

with both an apprentice or apprentices and trainee or trainees employed on a public works construction project out of the allowable ratio, as stated in subsection (1) of Section 2 and subsection (1) of Section 3, shall be required to pay the apprentice and/or trainee the applicable journeyman's wage rate for all hours worked in the craft classification employed until the maximum requirement of the allowable ratio has been met.

(2) In the event the employer employs both apprentices and trainees on the same public works construction project, the maximum allowable ratio will be either the ratio as outlined in Section 2(1) or Section 3(1), for any combination of apprentice or apprentices and trainee or trainees. In no event shall the number of apprentices and trainees be greater than one (1) apprentice or trainee for the first journeyman and one (1) apprentice or trainee for each additional three (3) journeymen employed on each project by an employer.

JAMES R. YOCOM, Commissioner
ADOPTED: March 9, 1979
APPROVED: DON RHODY, Secretary
RECEIVED BY LRC: March 20, 1979 at 1:15 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Jerry W. Hammond, Director, Division of Labor Standards, Kentucky Department of Labor, The 127 Building, U. S. 127 South, Frankfort, Kentucky 40601.

would obscure the citation. Notices of de minimis violations need not be posted.

(2) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for three (3) working days, whichever is later. The filing by the employer of a notice of intention to contest shall not affect his posting responsibility under this section unless and until the review commission issues a final order vacating the citation.

(3) An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the review commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

(4) Any employer failing to comply with the provisions of subsections (1) and (2) of this section shall be subject to citation and penalty *of $100 per first instance per authority of KRS 338.991(4).* ~~[~~in accordance with the provisions of KRS Chapter 338.]

JAMES R. YOCOM, Commissioner
ADOPTED: April 9, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 8:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Michael Ragland, Executive Director, Kentucky Occupational Safety & Health Program, Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:125. Posting of citations.

RELATES TO: KRS 338.161
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051, the following rules and regulations are adopted as they pertain to the posting of citations by the employer.

Section 1. Posting of Citations. (1) Upon receipt of any citation under KRS Chapter 338, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed (see 803 KAR 2:060) the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location (see 803 KAR 2:060) the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material which

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(Proposed Amendment)

803 KAR 4:010. Elevators, dumbwaiters, escalators and moving walks standards.

RELATES TO: KRS 336.510 to 336.680
PURSUANT TO: KRS 13.082, 336.620
NECESSITY AND FUNCTION: KRS 336.620 authorizes the commissioner to make rules and regulations for the safety and inspection of elevators. The function of this regulation is to adopt safety standards which will insure that all elevators are reasonably safe for use by the citizens of this Commonwealth.

Section 1. *Adoption of Code.* The commissioner hereby adopts and incorporates by reference the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, published by and available from the American Society of Mechanical Engineers, *1978* [1971] edition, United Engineering Center, 345 East 47th Street, New York, New York 0017, which specifically details the equipment, materials, weights, gauges, lengths, widths, and quality of construction that will make elevators, escalators, and any other lifting or lowering device named in the Elevator Safety Act of 1974, reasonably safe, with the following exceptions:

[(1) 500.1 to 502.15;]
(1) [(2)] 700.4b, 700.5, 700.7b, 700.10b, 707.4; and
(2) [(3)] 900.1 to 903.1.

Section 2. Freight Elevators and Electric Powered Dumbwaiters. Application and specifications for freight elevators and electric powered dumbwaiters shall continue to be submitted to the department for approval. Freight elevators and electric powered dumbwaiters will be inspected upon completion of their installation. Nothing in this regulation shall require the annual inspection of freight elevators or electric powered dumbwaiters now in existence.

JAMES R. YOCOM, Commissioner
ADOPTED: March 13, 1979
APPROVED: DON R. RHODY, Secretary
RECEIVED BY LRC: March 20, 1979 at 1:15 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Jerry W. Hammond, Director, Division of Labor Standards, Department of Labor, The 127 Building, US 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky State Racing Commission
(Proposed Amendment)

810 KAR 1:009. Jockeys and apprentices.

RELATES TO: KRS 230.210 to 230.360
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for jockeys and apprentice jockeys.

Section 1. Probationary mounts. Any person desiring to participate in this state as a rider and who never previously has ridden in a race may be permitted to ride in *three (3)* [two (2)] races before applying for a license as a jockey or apprentice jockey; provided, however;

(1) Such person is a licensee with at least one (1) year of service with a racing stable;

(2) A licensed trainer certifies in writing to the stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts;

(3) The starter has schooled such person breaking from the starting gate with other horses and approves such person as capable of starting a horse properly from the starting gate in a race;

(4) The stewards in their sole discretion are satisfied such person intends to become a licensed jockey, possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in such race. No person shall be permitted to ride in any such probationary race without prior approval of the stewards.

Section 2. Qualifications for license. In addition to rules applicable to licensees under 810 KAR 1:003, a holder of a license as a jockey or apprentice jockey:

(1) Must be an individual person *eighteen (18)* [sixteen (16)] years of age or older and licensed under his legal name which shall be listed in the daily race program *save and except those jockeys and apprentice jockeys who have previously been licensed by the commission.*

(2) Must have served at least one (1) year with a racing stable;

(3) Must have ridden in at least *three (3)* [two (2)] races;

(4) Must, when required by the stewards, provide a medical affidavit certifying such person is physically and mentally capable of performing the activities and duties of a licensed jockey.

Section 3. Amateur or provisional jockey. An amateur wishing to ride in races on even terms with professional riders, but without accepting fees or gratuities therefor, must be approved by the stewards as to competency of horsemanship, must be granted a jockey's license, and such amateur status must be duly noted on the daily race program. A licensed owner or licensed trainer, upon approval by the stewards, may be issued a provisional jockey's license to ride his own horse or horse registered in his care as trainer.

Section 4. Apprentice allowance. Any person *eighteen (18)* [sixteen (16)] years of age or older, who never previously has been licensed as a jockey in any country, and who is qualified under Section 2, may claim in all purse races except handicaps the following weight allowances:

(1) Ten (10) pounds until he has ridden five (5) winners, and seven (7) pounds until he has ridden an additional thirty (30) winners; if he has ridden *a total of forty (40)* [thirty-five (35)] winners prior to the end of one (1) year from the date of riding his fifth (5th) winner, he shall have an allowance of five (5) pounds until the end of that year.

(2) After the completion of conditions in subsection (1) a contracted apprentice for one (1) year may claim three (3) pounds when riding horses owned or trained by his original contract employer; provided, his contract has not been transferred or sold since his first winner. Such original contract employer shall be deemed the party to the contract who was the employer at the time of the apprentice jockey's first winner.

(3) An apprentice jockey may enter into a contract with a licensed owner or licensed trainer qualified under Section 5 for a period not to exceed five (5) years. Such contracts must be approved by the stewards and filed with the racing commission; such contracts shall be binding in all respects on the signatories thereof. An apprentice who is not contracted shall be given an apprentice jockey certificate, on a form furnished by the commission.

(4) In the event an apprentice jockey is unable to ride for a period of fourteen (14) consecutive days or more because of service in the armed forces of the United States, or because of physical disablement, or because of restrictions on racing, the commission upon recommendation of the stewards and after consultation with the racing authority which first approved the original apprentice contract, may extend the time during which such apprentice weight allowance may be claimed for a period no longer than the period such apprentice rider was unable to ride.

(5) After completion of conditions in subsection (1), such rider must be issued a license as a jockey before accepting subsequent mounts. Under these circumstances, the commission may waive collection of an additional license fee.

Section 5. Rider contracts. All contracts between an employer owner or trainer and employee rider are subject to the rules of racing. All riding contracts for terms longer than thirty (30) days, as well as any amendments thereto,

or cancellation, or transfer thereof, must be in writing with signature of parties thereto notarized, must be approved by the stewards and filed with the commission. The stewards may approve a riding contract and permit parties thereto to participate in racing in this state if the stewards find that:

(1) The contract employer is a licensed owner or licensed trainer who owns or trains at least three (3) horses eligible to race at the time of execution of such contract;

(2) The contract employer posseses such character, ability, facilities, and financial responsibility as may be conducive to developing a competent race rider;

(3) Such contracts for apprentice jockeys provided for fair remuneration, adequate medical care, and an option equally available to both employer and apprentice jockey to cancel such contract after two (2) years from date of execution.

Section 6. Restrictions as to contract riders. No rider may: (1) Ride any horse not owned or trained by his contract employer in a race against a horse owned or trained by his contract employer;

(2) Ride or agree to ride any horse in a race without consent of his contract employer;

(3) Share any money earned from riding with his contract employer;

(4) Accept any present, money, or reward of any kind in connection with his riding of any race except through his contract employer.

Section 7. Calls and engagements. Any rider not so prohibited by prior contract may agree to give first or second call on his race-riding services to any licensed owner or trainer. Such agreements, if for terms of more than thirty (30) days, must be in writing, approved by the stewards, and filed with the commission. Any rider employed by a racing stable on a regular salaried basis may not ride against the stable which so employs him. No owner or trainer shall employ or engage a rider to prevent him from riding another horse.

Section 8. Jockey fee. *The purpose of this rule is not to set a minimum or maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary.*

(1) The fee to a jockey in all races shall be, in the absence of special agreement, as follows:

(a) Purse $2,000 to $3,400: Winning mount, ten (10) percent of win purse; Second mount, $45; Third mount, $35; *Unplaced mount, $33.* [Losing mount, $30.]

(b) Purse $3,500 to $4,900: Winning mount, ten (10) percent of win purse; Second mount, *$55* [$50]; Third mount, *$45* [$40]; *Unplaced mount, $35.* [Losing mount, $30.]

(c) Purse $5,000 *to $9,900* [and up]: Winning mount, ten (10) percent of win purse; Second mount, *$65* [$55]; Third mount, *$50* [$45]; *Unplaced mount, $40.* [Losing mount, $35.]

(d) Purse $10,000 to $14,900: Winning mount, ten (10) percent of win purse; Second mount, $75; Third mount, $60; Unplaced mount, $45.

(e) Purse $15,000 to $24,900: Winning mount, ten (10) percent of win purse; Second mount, $100; Third mount, $75; Unplaced mount, $50.

(f) Purse $25,000 to $49,900: Winning mount, ten (10) percent of win purse; Second mount, $150; Third mount, $100; Unplaced mount, $60.

(g) Purse $50,000 to $99,900: Winning mount, ten (10) [illegible]in purse; Second mount, $225; Third mount, [illegible]ed mount, $75.

(h) Purse $100,000 and up: Winning mount, ten (10) percent of win purse; Second mount, $400; Third mount, $250; Unplaced mount, $100.

(2) A jockey fee shall be considered earned by a rider when he is weighed out by the clerk of scales except:

(a) When a rider does not weigh out and ride in a race for which he has been engaged because an owner or trainer engaged more than one (1) rider for the same race; in such case, the owner or trainer shall pay an appropriate fee to each rider engaged for such race.

(b) When such rider capable of riding elects to take himself off the mount without, in the opinion of the stewards, proper cause therefor.

(c) When such rider is replaced by the stewards with a substitute rider for a reason other than a physical injury suffered by such rider during the time between weighing out and start of the race.

Section 9. Duty to fulfill engagements. Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride a horse he believes to be unsound, nor over a racing strip he believes to be unsafe, but if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, such rider may be subject to disciplinary action.

Section 10. Presence in jockey room. (1) Each rider who has been engaged to ride in a race shall by physically present in the jockey room no later than one (1) hour prior to post time for the first race on the day he is scheduled to ride, unless excused by the stewards, or the clerk of scales; and upon arrival shall report to the clerk of scales his engagements. In the event a rider should fail for any reason to arrive in the jockey room prior to one (1) hour before post time of a race in which he is scheduled to ride, the clerk of scales shall so advise the stewards who thereupon may name a substitute rider and shall cause announcement to be made of any such rider substitution prior to opening of wagering on such race.

(2) Each rider reporting to the jockey room shall remain in the jockey room until he has fulfilled all his riding engagements for the day, except to ride in a race, or except to view the running of a race from a location approved by the stewards. Such rider shall have no contact or communication with any person outside the jockey room other than an owner or trainer for whom he is riding, or a racing official, or a representative of the regular news media, until such rider has fulfilled all his riding engagements for the day.

(3) The association shall be responsible for such security of the jockey room as to exclude all persons except riders scheduled to ride on the day's program, valets, authorized attendants, racing officials, duly accredited members of the news media, and persons having special permission of the stewards to enter the jockey room.

(4) Any rider intending to discontinue riding at a race meeting prior to its conclusion shall so notify the stewards after fulfilling his final riding engagement of the day he intends to depart.

Section 11. Weighing out. (1) Each rider engaged to ride in a race shall report to the clerk of scales for weighing out not more than one (1) hour and not less than fifteen (15) minutes before post time for each race in which he is engaged to ride, and at the time of weighing out shall declare overweight, if any.

(2) No rider shall pass the scale with more than one (1) pound overweight, without consent of the owner or trainer of the horse he is engaged to ride; in no event shall a rider pass the scale with more than five (5) pounds overweight.
(3) No horse shall be disqualified because of overweight carried.
(4) Whip, blinkers, number cloth, bridle, and rider's safety helmet shall not be included in a rider's weight.

Section 12. Wagering. No rider shall place a wager, or cause a wager to be placed on his behalf, or accept any ticket or winnings from a wager on any race except on his own mount, and except through the owner or trainer of the horse he is riding. Such owner or trainer placing wagers for his rider shall maintain a precise and complete record of all such wagers, and such record shall be available for examination by the stewards at all times.

Section 13. Attire. Upon leaving the jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional jockey costume with all jacket buttons and catches fastened. Each jockey shall wear the cap and jacket racing colors registered in the name of the owner of the horse he is to ride, stock tie, white or light breeches, top boots, safety helmet approved by the commission, and a number on his right shoulder corresponding to his mount's number as shown on the saddle cloth and daily racing program. The clerk of scales and attending valet shall be held jointly responsible with a rider for his neat and clean appearance and proper attire.

Section 14. Viewing films or tapes of races. Every rider shall be responsible for checking the film list posted by the stewards in the jockey room the day after riding in a race, the posting of same to be considered as notice to all riders whose names are listed thereon to present themselves at the time designated by the stewards to view the patrol films or video tapes of races. Any rider may be accompanied by a representative of the jockey organization of which he is a member in viewing such films, or with the stewards' permission, be represented at such viewing by his designated representative.

DUNCAN S. STEWART, SR., Secretary
ADOPTED: April 9, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Keene Daingerfield, Senior State Steward, Kentucky State Racing Commission P.O. Box 1080, Lexington, Kentucky 40588.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:019. Pharmacy services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520[(3)] empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Prescribed Drugs: Drugs prescribed by a physician, osteopath or dentist shall be provided with the following limitations: (1) The drug must be included on the *Kentucky* Medical Assistance Program *Outpatient* Drug List;
(2) Prescribing quantities *may* [shall] be limited by the program;
(3) *Patients placed in "lock-in" status due to over-utilization are to receive services only from their lock-in provider except in the case of emergency or referral;* [Preauthorization is required for patients placed in "lock-in" status due to over-utilization, who require more than four (4) prescriptions per month;]
(4) Practitioner authorization, i.e., actual signature of the prescriber, shall be required on all prescriptions;
(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;
(6) Drugs, provided to recipients in institutions in which drugs are considered a part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an outpatient pharmacy benefit;
(7) Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance *Program Outpatient* Drug List, and which meet established criteria, shall be considered covered when preauthorized by qualified medical professionals within the Division for Medical Assistance.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary
ADOPTED: March 7, 1979
RECEIVED BY LRC: April 11, 1979 at 1 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40601.

Proposed Regulations

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System

102 KAR 1:057. Credit for military service.

RELATES TO: KRS 161.507
PURSUANT TO: KRS 13.082, 161.310
NECESSITY AND FUNCTION: KRS 161.507 provides for the crediting for retirement purposes time spent on active duty with the Armed Forces of the United States, with certain limitations. This regulation sets up the procedures for validating and crediting such active duty service.

Section 1. A member may receive credit toward retirement as provided in KRS 161.507, upon meeting the eligibility requirements and payment of contributions to the Teachers' Retirement System as provided in this regulation. Such credit may be credited only if discharge was other than dishonorable. Service credit shall be considered as Kentucky teaching service, except that it may not be used for meeting the five (5) years of Kentucky service required to qualify for regular service or disability retirement. Such credit shall be credited in meeting the requirements for early retirement.

Section 2. A maximum of six (6) years of active military service may be credited to a member's retirement account. Active duty of less than six (6) months duration shall not be credited toward service for retirement purposes, unless teaching service was interrupted by such duty.

Section 3. A member may purchase credit for one (1) month of retirement credit for each month or part of a month of active military service. The latest years of military service shall be considered first in allowing credit toward retirement.

Section 4. A member, having valid service credit in the Teachers' Retirement System and one (1) of the other state supported retirement systems of Kentucky, may elect to purchase retirement credit for active duty time in either of the systems concerned, or the service credit may be divided between the two (2) systems. If the service is to be divided the following additional requirements must be met:

(1) The total service credited in all systems may not exceed six (6) years.

(2) The same years active duty may not be used in more than one (1) system.

(3) Each system shall calculate the cost of such retirement service credit in accordance with the statutes and regulations governing that system.

Section 5. Retirement service credit for military service performed shall be allowed only if the member desiring such service credit contributes to the Teachers' Retirement System a sum equal to thirty-five (35) percent of the actuarial cost for each year so credited. The board of trustees shall adopt a table of actuarial factors to be used in calculating the amount of the required contribution.

Section 6. The provisions of this regulation shall become effective July 1, 1979.

Section 7. 102 KAR 1:055 is hereby repealed July 1, 1979.

PAT N. MILLER, Executive Secretary
ADOPTED: March 19, 1979
RECEIVED BY LRC: April 1, 1979 at 1:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources

301 KAR 2:108. Deer and turkey season on specified federal areas.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery season and the turkey archery season on specified federal lands. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply.

Section 1. Deer and Turkey Season on Specified Federal Areas. Unless stated herein, statewide deer gun and archery season regulations apply.

(1) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties:

(a) Deer archery hunts (either sex): White-tailed or fallow deer. October 10 through November 9. December 8 through December 31.

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer. Bucks only with one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler. Some areas either sex as specified on permit. November 14, 17-18, 20-21, 24-25, and 28-29.

2. Quota archery hunts: Only antlerless white-tailed or fallow deer in that portion of the Environmental Education Center designated as hunt area 17. November 14, 17-18, 20-21, 24-25 and 28-29.

(c) Turkey archery hunts: Gobblers only with visible beards. Statewide limit of one (1) per calendar year applies. October 10 through November 9 and December 8 through

December 31. Hunter must have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting will not be allowed after a hunter has harvested a deer.

(d) Quota deer gun hunt for youths only: One (1) white-tailed or fallow deer of either sex on November 17-18. Hunting is restricted to persons at least ten (10) years of age but who have not reached their sixteenth (16th) birthday. Each youth must be accompanied by an adult and must have a valid Kentucky hunting license, a state deer permit, a Land Between the Lakes Youth Hunt Permit and a Hunter Safety Certificate.

(e) Bag limits: The deer bag limit for the Kentucky portion of Land Between the Lakes is two (2) deer provided; only one (1) deer of either sex is taken during the Land Between the Lakes deer archery season October 10 through November 9 and December 8 through December 31, and one (1) deer is taken during any quota gun or archery hunts at Land Between the Lakes. Persons who take a deer elsewhere in Kentucky may take a second deer at Land Between the Lakes. Persons who take their first deer at Land Between the Lakes are not eligible to hunt deer elsewhere in Kentucky except at Ballard and Fort Campbell Wildlife Management Areas. Under no circumstances may an individual hunter take more than two (2) deer in the state.

(f) Areas open and closed to hunting: State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as open), safety zones and posted areas. Duncan Bay Area on Kentucky Lake is closed to all activity during the dates designated by signs posted along the boundary as an eagle and waterfowl refuge.

(g) Youth and quota hunt applications: A drawing by computer will select hunters for each of these hunts. Application forms are available from, and must be submitted to, Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231 and be post marked no later than midnight August 4 or delivered in person to the Wildlife Management office at Golden Pond, Kentucky by 4:30 p.m. of this same date.

(h) Checking in and out:

1. Quota gun hunters. All gun hunters, including those camping in Land Between the Lakes, must check in, but will not be required to check out unless a deer is harvested. Hunters must check in between 9:00 a.m. and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.

2. Archery hunters. Archery hunters are not required to check in or out except on quota hunts. All deer and turkey harvested must be checked out.

(i) Permits and tagging requirements:

1. Permits. A Land Between the Lakes bowhunting permit is required for each hunter participating in the deer archery season and a computer card permit is required for each hunter participating in the quota deer gun or archery hunts.

2. Tags. All harvested deer and turkey must be tagged with a Land Between the Lakes permanent game tag before being removed from the area. In addition, the first deer or turkey harvested must also have the state tag attached. Hunters eligible to harvest a second deer on Land Between the Lakes must present their copy of the Land Between the Lakes permanent game tag which was attached to the first deer harvested. They will be issued a free permit, allowing them to hunt for a second deer. Permanent Land Between the Lakes game tags will be attached to all harvested deer and turkey at the Land Between the Lakes check stations.

(j) Prohibited and permitted weapons. All deer hunting weapons listed in the statewide deer gun and archery season regulation are permitted except for crossbows. Muzzle-loading shotguns firing a single projectile per barrel are permitted.

(k) For Land Between the Lakes general hunting rules refer to 301 KAR 2:050.

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays and Tuesdays except when Monday is a federal holiday. An exception to this is December 25 and January 1 when no hunting will be permitted.

(a) Deer archery (either sex): October 3 through October 8 and October 13 through November 18 on selected areas. December 8-9, 15-16 and December 19 through December 30 on selected areas.

(b) Deer gun (either sex): October 13 through November 18. December 8-9, 15-16 and December 19 through December 30 on selected areas.

(c) Bag limits: The bag limit for Kentucky license holders hunting on Fort Campbell will be two (2) deer of either sex taken by either gun or bow provided; only one (1) deer of either sex is taken by gun or bow during the first hunting period of October 3 through November 18, and one (1) deer of either sex by gun or bow during the second hunting period of December 8 through December 30. If no deer is taken during the first hunting period, this does not entitle the hunter to take two (2) deer during the second hunting period. Persons who take their first deer at Fort Campbell are not eligible to hunt deer anywhere else in the state except at the Ballard Wildlife Management Area and Land Between the Lakes. Persons who take a legal deer elsewhere in Kentucky may take only one (1) deer at Fort Campbell. Under no circumstances may an individual hunter take more than two (2) deer on a Kentucky deer permit.

(d) Permits and tagging requirements:

1. Deer hunters must purchase a fifteen dollar ($15) post hunting and fishing permit which includes a Fort Campbell deer tag, at building #6645. All Fort Campbell deer hunters must also have a valid Kentucky deer permit. Persons sixty-five (65) years of age or older are not required to purchase a post hunting and fishing permit.

2. All deer taken on post must have a valid deer tag attached to the carcass.

3. All persons taking a deer on post during the first hunting period will have their name, address and permit number recorded and their state permit stamped by Fort Campbell authorities at building #6645. This will entitle the individual to receive a free Fort Campbell deer tag for use during the second hunting period.

4. Any person legally taking a deer elsewhere in Kentucky may obtain the necessary special Fort Campbell tag upon presentation of the card portion of his Kentucky deer permit for validation.

(e) Prohibited and permitted weapons: Handguns and crossbows are prohibited. Center-fire rifles of .240 caliber or larger will be permitted only during a special two-day rifle hunt on specified areas. Hunting arrows must be not less than twenty-four (24) inches in length, equipped with broadhead barbless blades not less than seven-eights (7/8) inch nor more than one and one-half (1½) inches wide for single two-edged blades, or not more than three (3) inches in circumference for three (3) or more blades. The minimum weight for all broadheads is 100 grains. Explosive heads are prohibited on arrows.

(f) Hunter safety certificate: All deer hunters between

the ages of twelve (12) and sixteen (16) must possess a hunter safety certificate.

(g) Special clothing requirements: All deer gun hunters must wear a cap and jacket or panels of daylight fluorescent orange totaling 500 square inches.

(h) Deer hunting information: Information on deer hunting, hunting permits and drawings may be obtained by writing the Recreation Services Division, Attention: Outdoor Recreation Branch, Hunting and Fishing Unit, Fort Campbell, Kentucky 42223, or by calling AC502-798-2175.

(3) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties:

(a) Deer archery hunt (either sex): October 6 through November 11.

(b) Deer gun hunt (either sex): December 1-2 and December 8-9.

(c) Applications: Separate applications are required for each archery and gun hunt. Applications for permits must be made by letter with enclosed fee of ten dollars and fifty cents ($10.50) per hunter by certified check or money order payable to Treasurer of United States and mailed to the Fort Knox Conservation and Beautification Committee, P.O. Box 1052, Fort Knox, Kentucky 40121. A maximum of five (5) persons per letter may apply. Applications from the general public for the deer archery hunt will be accepted no earlier than August 1 or later than August 20, and for the gun hunt no earlier than September 6 or later than September 16. The fees of applicants not selected to hunt will be returned. All inquiries concerning the deer hunt call AC502-624-7311.

(d) Validation of state deer permit: All deer hunters taking deer on Fort Knox must have the paper portion of their Kentucky deer permit stamped at a check point or deer check station with the words "Taken at Fort Knox."

(e) Prohibited and permitted weapons: Only shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum with slug ammunition only and muzzle-loading rifles of .58 caliber maximum and .38 caliber minimum firing a single projectile are permitted. Breech-loading rifles and sidearms are not permitted. Crossbows are not permitted. Longbows and compound bows must have a minimum pull weight of forty (40) pounds.

(f) Hunter safety certificate: All deer hunters under the age of sixteen (16) must possess a hunter safety certificate.

CARL E. KAYS, Commissioner
ADOPTED: March 5, 1979
APPROVED: WILLIAM L. SHORT, Secretary
RECEIVED BY LRC: April 10, 1979 at 11:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Water Quality

401 KAR 5:026. Classification of waters.

RELATES TO: KRS 224.020, 224.060
PURSUANT TO: KRS 13.082, 224.033(17)
NECESSITY AND FUNCTION: This regulation applies the use classifications found in Section 4 of 401 KAR 5:031 to the surface waters of the Commonwealth. This regulation also makes all surface waters subject to the general criteria delineated in Section 3 of 401 KAR 5:031.

Section 1. Classification to Designated Uses. Waters classified under this regulation shall be designated for one or more of the beneficial uses recognized in 401 KAR 5:031. Until reclassified in accordance with the procedures of this regulation all waters of the Commonwealth are classified for aquatic life and secondary contact recreation waters as specified in 401 KAR 5:031, Sections 6 and 8(3). Where currently serving as domestic raw water supplies, waters shall be classified as suitable for domestic raw water supply sources as specified in 401 KAR 5:031, Section 7. These shall be the lowest classifications that can be applied to waters of the Commonwealth. The criteria which are indicated for these classifications are applicable in all cases unless otherwise ordered by the department. Outstanding resource waters have definitive water quality characteristics which shall be maintained even beyond the waters designated classification. The department shall, subject to the concurrence of the classification task force and after consulting with the appropriate 208 management agencies, formally designate the beneficial uses of all waters according to the procedures of this regulation.

Section 2. Upgrading of Classification. The reclassification of waters of the Commonwealth which establishes more stringent classification than presently established by this regulation shall be adopted only upon affirmative findings by the department that the proposed designated use is attainable after considering environmental, technological, social, economic, and institutional factors.

Section 3. Priority for Implementation. Except as provided in subsection (4) of this section, the priorities for reclassification of the waters of the Commonwealth are:

(1) Waters receiving (or proposed to receive) discharges from publicly-owned treatment works and/or public water supply sources in the following order of priority:

(a) Any local units of government with a pending public construction permit application for installation or upgrading of a sewage treatment plant and/or public water treatment plant.

(b) Any local units of government in the 201 Construction Grants Program for installation or upgrading of a sewage treatment plant, in an order of priority consistent with their priority project list rank.

(c) Any local units of government which request consideration prior to their entering either their own construction project, the NPDES permit program, or the 201 Construction Grants Program for installation or upgrading of a sewage treatment plant.

(d) Other local units of government.

(2) Waters receiving (or proposed to receive) discharges from any other (private or semi-public) treatment works, in the following order of priority:

(a) New NPDES permit applicants or proposed NPDES permit modifications to waterways which may potentially be classified for a beneficial use of cold-water aquatic habitat.

(b) All other segments with private or semi-public facilities, on a first-come, first-serve basis.

(3) All other surface waters which do not have any existing or proposed point source dischargers.

(4) These priorities may be varied in a particular case pursuant to an administrative hearing.

Section 4. Responsibility for Providing Documentation. The following entities are responsible for providing the documentation for the reclassification of the surface waters under this regulation. The required documentation is outlined in Section 5.

(1) The department shall provide supporting documentation for the reclassification of waters on which are located (or proposed to be located) facilities which are either:

(a) Publicly-owned treatment works;

(b) Outstanding resource waters on publicly owned land; or

(c) New NPDES permit applicants or proposed NPDES permit modifications to waters which may potentially be classified for a beneficial use of outstanding resource waters.

(2) The applicant shall provide classification documentation for waters on which discharges from private or semi-public treatment works are located (or proposed to be located). In these cases the applicant sustains the burden of proof that the reclassification is appropriate and necessary.

(3) The department shall provide documentation for all other waters which do not have any existing or proposed point source dischargers.

Section 5. Required Documentation. This section outlines the documentation required to support the reclassifications of surface waters of the Commonwealth as follows:

(1) A USGS 7.5 minute map will be prepared showing those waters or stream segments to be classified. A river mile index with discharge points, and use designations proposed for each segment will also be prepared.

(2) Existing water quality data for the proposed waters or stream segments for which the reclassification is proposed. Where adequate data is unavailable additional studies may be required by the department.

(3) General land uses (e.g., mining, agricultural, recreation, low, medium, and high density residential commercial-industrial, etc.) as well as specific land uses adjacent to the waters for the length of the segment for which the reclassification is proposed.

(4) The designated uses of the receiving waters into which the segment under consideration discharges or the downstream uses of those receiving waters.

(5) General physical characteristics of the stream segment including, but not limited to width, depth, bottom composition, and slope.

(6) The frequency of occasions when there is no natural flow in the segment, the low flow in the segment and low flow in adjacent segments.

(7) The expected low flow at the first milepoint in which the aquatic life use is applicable.

(8) An assessment of the existing potential aquatic life habitat in the stream segment under consideration and the adjacent upstream segment. The existing aquatic life in the area must be documented as well as an assessment of livestock and natural wildlife dependence upon the stream segment.

(9) The proposed designated uses for the stream segments in question.

Section 6. Procedures for Reclassification. This section outlines the procedures by which use classifications will be assigned. Procedures for designating the use classification of a water of the Commonwealth shall be initiated and considered in the order of priority specified in Section 3. Dischargers described in Section 4(1)(a) and (b) are considered automatically to have applied for designation under this regulation.

(1) Each application with the accompanying information specified in Section 5 shall be reviewed by a staff review panel designated by the secretary. Preliminary review shall ascertain whether the stream segments conform with the conditions specified in Section 1 and shall evaluate the adequacy of the supporting documentation as required by Section 5. The review panel may also refer to other information such as prior stream surveys done by the department and may request or conduct independent biological assessments of the waters in question. Such additional information will be added to the application file. The review panel may specify deficiencies in the documentation and may request the applicant to remedy the deficiencies. Based on available information, a preliminary use classification will be proposed by the staff review panel and forwarded along with copies of the complete application file to the classification task force and any affected 208 agency.

(2) Upon completion of the preliminary review, a public meeting or meetings shall be scheduled by the staff review panel at a location within the drainage basin or within ten (10) miles thereof. This meeting or meetings shall be planned and held in consultation with the affected 208 agency or agencies, or, in non-designated areas, with the affected area development districts (ADD) agency or agencies. The staff review panel shall cause notice of said public meetings, specifying date, time, location, and subject matter thereof, including a description of the proposed action and a brief statement of the implications of such action, to be published in a newspaper of general circulation in the area affected by the proposed beneficial use classification of the waters in question at least thirty (30) days prior to said meeting.

(3) For each of the waters for which a beneficial use classification is proposed, the staff review panel shall prepare a fact sheet containing, but not to be limited to, the following information:

(a) The name and address of the applicant;

(b) The name and sketch or description of the waters proposed for specified use classifications, including the location of existing and/or proposed dischargers;

(c) The proposed use classifications;

(d) A brief abstract of the supportive documentation which purports to demonstrate that said classification is appropriate;

(e) Water quality standards proposed for the waters in question if designated for the beneficial use(s);

(f) The treatment requirements proposed for dischargers to the waters in question if designated for the proposed use(s);

(g) A "plain English" summary of the implications of such designation for the community and other users or potential users of the waters in question;

(h) The procedure by which the designation will be made.

(4) Based upon all available information, including statements received at the public meetings, the staff review panel shall make its recommendation of use classifications of the waters in question to the classification task force.

(5) The classification task force will review all available information and documentation and recommend use classifications of the segments in question to the secretary.

(6) The secretary shall cause to be prepared a list of segments and their classification to be published as an ad-

ministrative regulation after considering the recommendations of the staff review panel, classification task force and public hearing records.

(7) Upon completing the review period and the procedures for promulgation under adminstrative rule making, all designated waters and their use classifications shall be attached as an "addendum" to this regulation.

EUGENE F. MOONEY, Secretary

ADOPTED: April 13, 1979

RECEIVED BY LRC: April 13, 1979 at 11:30 a.m.

PUBLIC HEARING: A public hearing will be held at 9 a.m. EDT, June 4, 1979 in the 24th Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky 40601. For additional information contact: Robert Blanz, Director, Division of Water Quality, Century Plaza, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Water Quality

401 KAR 5:029. General provisions.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.020, 224.033, 224.060

NECESSITY AND FUNCTION: This regulation contains a definition and abbreviation section applicable to all water quality regulations. A non-degradation section is included pursuant to KRS Chapter 224. A section pertaining to withdrawal of waters not meeting water quality standards and criteria is included to address withdrawal of contaminated waters. A sample collection and analytical methodology section is included to insure reproducible analytical results.

Section 1. Definitions and Abbreviations. (1) General function of definitions. The following definitions describe terms used in this chapter. Terms not defined below shall have the meaning given to them in relevant statutes or, if not defined in statutes, the meaning attributed by common use.

(a) "Agricultural use" means those waters which are designated for irrigation, livestock watering, and other related agricultural practices.

(b) "Aquifer" means any formation of soil, sand, rock, gravel, limestone, sandstone, or other material or any fracture, crevice, or void in any space formation from which underground water is or may be produced.

(c) "Coldwater aquatic habitat" means surface waters and associated substrate that will support indigenous aquatic life as well as stocked trout.

(d) "Conventional domestic water supply treatment" means or includes coagulation, sedimentation, filtration, and chlorination.

(e) "Criteria" means specific concentrations of water constituents which, if not exceeded, are expected to result in an aquatic ecosystem suitable for higher uses of water. Such criteria are derived to protect legitimate uses such as agriculture use, aquatic life, domestic water supply, and recreational use.

(f) "Division" means the Division of Water Quality.

(g) "Epilimnion" means the thermally homogeneous water layer overlying the metalimnion (thermocline) of a lake.

(h) "Euthrophication" means the enrichment of waters of the state by the discharge or addition of nutrients.

(i) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed.

(j) "Fecal coliform" means the portion of the coliform group which is present in the gut or the feces of warm-blooded animals. It generally includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within twenty-four (24) hours at 44.5 degrees plus or minus 0.5 degrees C.

(k) "Hypolimnion" means the lower cold region of a stratified body of water that extends from the metalimnion to the bottom of the lake and circulation is restricted while stratified with the upper waters thereby receiving no oxygen from the atmosphere.

(l) "Indigenous aquatic life" means naturally occurring aquatic organisms including but not limited to b babacteriaia, fungi, algae, aquatic insects, other aquatic invertebrates, herpets, and fishes. Under some natural conditions one (1) or more of the above Phyla may be absent from any given surface water.

(m) "LC_{50}" is used to express the results of bioassays having lethality as the criterion of toxicity. A numerical percentage is used to indicate the percentage of the test animals killed at a given concentration.

(n) "Low flow (seven (7) day, once-in-ten (10) year low flow)" means that minimum average flow which occurs for seven (7) consecutive days with a recurrence interval of ten (10) years.

(o) "Low-flow stream" means that portion of a watercourse where:

1. The low flow (not attributable to discharges and other hydraulic alterations) is one (1) cubic foot per second or less; and

2. During low flow conditions described in paragraph (o) of this subsection a significant amount, as determined by the departments of the total flow of the stream is composed of discharges.

(p) "Median tolerance limit (TLm)" is a measure of the concentration at which fifty (50) percent of the organisms survive.

(q) "Milligrams per liter (mg/l)" means the milligrams of substance per liter of solution, and is equivalent to parts per million in water assuming unit density.

(r) "Mixing zone" means a domain of a water body contiguous to a treated or untreated wastewater discharge of quality characteristics different from those of the receiving water. The discharge is in transit and progressively diluted from the source to the receiving system. The mixing zone is the domain where wastewater and receiving water mix.

(s) "Natural water quality" means those naturally occurring physical, chemical, and biological properties of waters.

(t) "Natural temperature" means the temperature that would exist in waters of the Commonwealth without the change of enthalpy of artificial origin as opposed to climatic change or naturally occurring seasonally variable temperature associated with riparian vegetation and seasonal changes.

(u) "Non point" means any source of pollutants not defined by point source as used in this regulation.

(v) "Outstanding resource waters" means high quality waters designated by the department as having state and national significance; they may include waters in state parks, wildlife refuges and waters of exceptional recreational or ecological significance, and river segments in the Kentucky Wild Rivers system.

(w) "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(x) "Productive aquatic communities" means an assemblage of indigenous aquatic life capable of reproduction and growth.

(y) "Propagation" means the continuance of species by successful spawning, hatching, and development or natural generation in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

(z) "Public water supply" means only surface water that with conventional treatment will be suitable for human consumption, culinary purposes, or in any food or beverage processing industry and meet state and/or federal regulations for drinking water.

(aa) "Standard" is a numerical value, range of values, or narrative statement promulgated by the department to maintain and protect the waters of the Commonwealth for designated uses.

(bb) "Surface waters" means those waters having well defined banks and beds, either constantly flowing or intermittently; impounded waters; and any subterranean waters flowing in well defined channels and having a clear connection with the surface.

(cc) "Thermocline" means the plane in a body of water in which the maximum rate of decrease in temperature occurs.

(dd) "Toxic substances:"

1. Long lived toxics means toxic substances that are subject to bio-accumulation, bio-concentration, synergistic, and antagonistic characteristics, and are persistent in the environment.

2. Short lived toxics means toxic substances that express an acute or high degree non-persistent effect.

(ee) "Warmwater aquatic habitat" means any surface water and associated substrate capable of supporting indigenous warmwater aquatic life.

(ff) "Watercourse or stream" means a part of a well defined channel in which water flows continuously or seasonally and which is a surface manifestation of the table. A watercourse is described as having a reasonably well defined channel, with bed, banks, and flow.

(2) Abbreviations used in water quality regulations:

(a) BOD_5 means five (5) day biochemical oxygen demand;

(b) °C means degree(s) Centigrade;

(c) COD means chemical oxygen demand;

(d) DO means dissolved oxygen;

(e) °F means degree(s) Fahrenheit;

(f) FWPCA means Federal Water Pollution Control Act as amended;

(g) mg/l means milligrams per liter (same as ppm);

(h) NTU means nephlometric turbidity unit;

(i) pCi/l means picocuries per liter;

(j) ppm means part(s) per million (same as mg/l);

(k) TDS means total dissolved solids;

(l) TSS means total suspended solids;

(m) ug/l means micrograms per liter;

(n) U.S. EPA means the United States Environmental Protection Agency.

Section 2. Non-degradation. (1) It is the purpose of these regulations to safeguard the waters of the Commonwealth, for their designated uses, to prevent the creation of any new pollution of the waters of the Commonwealth; and to abate any existing pollution.

(2) The state water quality standards and continuing planning process designed to provide for the protection of existing water quality and/or the upgrading or enhancement of water quality in all waters of the Commonwealth shall serve as the method for implementation of this policy.

(3) It is recognized that some waters may have higher existing quality than established standards. The criteria and standards shall not be construed as permitting the degradation of these higher quality waters.

(4) No degradation shall be allowed in high quality waters which constitute outstanding resource waters.

(5) Exceptions to this section are permissible only after full satisfaction of the intergovernmental coordination and public participation provisions required to lower a segment designation due to necessary and justifiable economic or social development.

Section 3. Withdrawal of Contaminated Water. Waters will, on occasion, exhibit characteristics less desirable than the standards and criteria established in these regulations. Withdrawal and discharge of these waters at existing withdrawal water quality characteristics into a body of water not meeting water quality standards will not be considered a violation. The department will determine effluent criteria in these situations on a case-by-case basis. The department retains the rights to require modification to best available control technology if characteristics so dictate.

Section 4. Sample Collection and Analytical Methodology. (1) Sample collection will be conducted in a manner consistent with recommendations in "Standard Methods for the Examination of Water and Wastewater" (current edition), "Methods for Chemical Analysis of Water and Wastes" (EPA), and other methods as determined by the department.

(2) Analytical methodology will be those recommended in 40 CFR 136 and other methods approved by the department.

EUGENE F. MOONEY, Secretary

ADOPTED: April 13, 1979

RECEIVED BY LRC: April 13, 1979 at 11:30 a.m.

PUBLIC HEARING: A public hearing will be held at 9 a.m. EDT, June 4, 1979, in the 24th Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. For additional information contact: Robert Blanz, Director, Division of Water Quality, Century Plaza, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Division of Water Quality

401 KAR 5:031. Surface water standards.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 224.020, 224.060
NECESSITY AND FUNCTION: This regulation is pursuant to KRS 224.020 and 224.060 and sets forth water quality standards which consist of designated legitimate uses of the waters of the Commonwealth and the associated water quality criteria necessary to protect those uses. These standards are minimum criteria which apply to all surface waters in order to maintain and protect them for designated uses. Allowance for mixing zones and criteria for nutrients are recognized and included. These water quality standards are established to protect public health and welfare, protect and enhance the quality of water, and fulfill federal and state requirements for the establishment of water quality standards. These water quality standards are subject to periodic review and revision in accordance with federal and state laws.

Section 1. Mixing Zones. The following quidelines are applicable in determining all mixing zones: (1) The department shall specify definable, geometric limits for mixing zones, including the linear distances from the point of discharge, surface area involvement, and volume of receiving water taking into account other nearby mixing zones.

(2) No mixing zone shall be provided for toxic substances including, but not limited to aldrin, chlordane, DDT, dieldrin, heptachlor, kepone, mercury, mirex, polychlorinated biphenyls, silvex, and toxaphene.

(3) The location of a mixing zone shall not significantly interfere with spawning areas, nursery areas, fish migration routes, potable water supply intakes, bathing areas, nor preclude the passage of fish or other aquatic life between a stream and its tributaries.

(4) A mixing zone shall not exceed one-third (⅓) of the width or cross sectional area of the receiving water in a stream unless the department determines that a larger mixing zone will not preclude the designated uses of the receiving waters.

(5) In lakes and other surface impoundments, the combined volume of all mixing zones shall not affect in excess of ten (10) percent of the volume of the receiving waters unless the department determines that a larger mixing zone will not adversely affect the designated uses of the receiving bodies of water.

(6) In all cases, a mixing zone must be limited to an area or volume which will not adversely alter the uses of the receiving water; nor shall a mixing zone be so large as to adversely affect an entire established community of aquatic organisms.

Section 2. Nutrient Limits. (1) In surface impoundments and their tributaries where eutrophication problems may exist, nitrogen, phosphorus, carbon, and contributing trace element discharges will be limited as appropriate by the department.

(2) The affected surface waters will be designated as nutrient limited.

Section 3. Minimum Criteria Applicable to all Surface Waters. The following minimum water quality criteria are applicable to all surface waters. These criteria are also required in the mixing zone. Surface waters shall not be aesthetically or otherwise degraded by substances that:

(1) Settle to form objectionable deposits;

(2) Float as debris, scum, oil, or other matter to form a nuisance;

(3) Produce objectionable color, odor, taste, or turbidity;

(4) Injure, be toxic to or produce adverse physiological or behavioral responses in humans, fish, shellfish, and aquatic life;

(5) Produce undesirable aquatic life or result in the dominance of nuisance species;

(6) Cause the following changes in radionuclides:

(a) Cause the gross total alpha particle activity (including radium-226 but excluding radon and uranium) to exceed fifteen (15) pCi/l;

(b) Cause combined radium-226 and radium-228 to exceed five (5) pCi/l (specific determinations of radium-226 and radium-228 are not necessary if dissolved gross particle activity does not exceed five (5) pCi/l);

(c) Cause the concentration of total gross beta particle activity to exceed fifty (50) pCi/l;

(d) Cause the concentration of tritium to exceed 20,000 pCi/l;

(e) Cause the concentration of total Strontium-90 to exceed eight (8) pCi/l.

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Section 4. Use Classifications and their Associated Criteria. Surface waters may be designated as having one (1) or more of the following identified uses and associated use criteria by the department in accordance with 401 KAR ~~5:030~~ and after public hearings. The classifications in Sections 5, 6, 7 and 8 constitute the most common usage of surface waters but other legitimate uses shall not be excluded. The criteria in Section 3 and the indicated use criteria represent minimum conditions necessary to protect designated surface waters for that use. Water having a specified use must, as a minimum, meet the specific criteria for that use in order to protect that use.

Section 5. Agricultural Use. The values in Table I are maximum allowable concentrations of substances necessary in streams for the protection of agricultural uses.

(Continued on next page)

Table I

Agricultural Criteria

Contaminant	Maximum Concentration Level
Arsenic	0.1 mg/l
Beryllium	0.1 mg/l
Cadmium	0.05 mg/l
Chromium, as Hexavalent	0.1 mg/l
Copper	0.2 mg/l
Fluoride	2 mg /l
Iron	3.5 mg/l
Lead	0.1 mg/l
Manganese *	0.2 mg/l
Mercury	0.01 mg/l
Nickel	0.2 mg/l
Nitrates & Nitrites (NO_3 as N plus NO_2 as N)	100 mg/l
pH	6.0 - 9.0
Pesticides	
Chlordane	0.003 mg/l
Chlorophenoxy Herbicides	
2,4-D	.02 mg/l
2,45-T	.002 mg/l
Silvex	.03 mg/l
Demeton	0.1 mg/l
Endosulfan	0.1 mg/l
Guthion	0.1 mg/l
Heptachlor	0.1 mg/l
Lindane	.004 mg/l
Malathion	0.1 mg/l
Methoxychlor	0.1 mg/l
Mirex	0.1 mg/l
Parathion	0.1 mg/l
Selenium	0.05 mg/l
Zinc	2 mg/l

* This standard is only applicable where agricultural lands are used to grow acidiphilic plants over extended periods of time, utilizing irrigation technology; and where soil pH is less than 6.0.

Section 6. Aquatic Life. (1) Warmwater aquatic habitat. The following parameters and their associated criteria are for the protection of productive, reproducing warmwater aquatic communities:

(a) Alkalinity. Natural alkalinity as $CaCo_3$ shall not be reduced by more than twenty-five (25) percent. Where natural alkalinity is below twenty (20) mg/l $CaCo_3$, no reduction below the natural level is allowed. Alkalinity shall not be reduced to a degree which may adversely affect the aquatic community.

(b) pH shall not be less than 6.0 nor more than 9.0 and shall not fluctuate more than one (1) unit over a period of twenty-four (24) hours.

(c) Flow shall not be altered to a degree which will adversely affect the aquatic community.

(d) Temperature shall not exceed 31.4 degrees Centigrade (eighty-nine (89) degrees Fahrenheit):

1. The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.

2. The maximum temperature rise other than the effects of a mixing zone shall not exceed the natural temperature by 2.8 degrees Centigrade, (five (5) degrees Fahrenheit), with a maximum rate of change not to exceed one (1) degree Centigrade, (1.8 degrees Fahrenheit), degrees per hour. The department will maintain guidelines for maximum daily average temperatures based on available data. The department may determine that deviations from these guidelines will be allowed upon the submission of adequate supporting data on naturally occurring temperatures for a specific location. Furthermore, as a guideline the water temperature for all surface waters should not exceed the maximum limits shown in the following table:

Table II

Stream Maximum Temperature for Each Month in °F and °C

Month	°F	°C
January	50	10.0
February	50	10.0
March	60	15.6
April	70	21.1
May	80	26.7
June	87	30.6
July	89	31.7
August	89	31.7
September	87	30.6
October	78	25.6
November	70	21.1
December	57	13.9

3. The allowable temperature increase in impounded waters shall be limited to 1.7 degrees Centigrade, (three (3) degrees Fahrenheit), above the natural seasonal norm.

(e) Dissolved oxygen:

1. Dissolved oxygen shall be maintained at a minimum concentration of five (5) mg/daily average and should be maintained and at no time should the instantaneous minimum be less than four (4) mg/l.

2. The dissolved oxygen concentration shall be measured at mid-depth in waters having a total depth of ten (10) feet or less and at a depth of five (5) feet in waters having a total depth of greater than ten (10) feet.

(f) Solids:

1. Total dissolved solids: Total dissolved solids shall not be changed to the extent that the indigenous aquatic community is adversely affected.

2. Total suspended solids: Total suspended solids shall not be changed to the extent that the indigenous aquatic community is adversely affected. The addition of settleable solids that may adversely alter the stream bottom is prohibited.

(g) Ammonia: The concentration of the unionized form shall not be greater than 0.05 mg/l at any time in stream after mixing as illustrated in the table entitled "Instream Ammonia-N Concentrations," filed herein by refrence. Copies may be obtained from the Division of Water Quality, Century Plaza, Frankfort, Kentucky 40601.

(h) Toxic substances:

1. The allowable instream concentration of toxic substances which are short-lived or which have non-cumulative effects shall not exceed 0.1 of the ninety-six (96) hour median tolerance (LC_{50}) limits of a representative indigenous aquatic organism.

2. The allowable instream concentration of toxic substances which are long-lived shall not exceed 0.01 of the ninety-six (96) hour median tolerance limit (LC_{50}) of

representative indigenous aquatic organism.

3. Hydrogen sulfide (undissociated). The hydrogen sulfide concentrations shall not exceed 2 mg/l.

4. Chlorine, total residual. The total residual chlorine shall not exceed ten (10) ug/l.

5. Maximum allowable concentrations are outlined in Table III.

Table III

Warmwater Aquatic Habitat Criteria

Contaminant	Maximum Concentration Level
Metals:	
Arsenic	50 ug/l
Beryllium	11 ug/l soft water[1]
	1100 ug/l hard water[1]
Cadmium	4.0 ug/l soft water[1]
	12 ug/l hard water[1]
Chromium as Hexavalent	100 ug/l
Copper	0.1 times 96 hour LC50
Iron	1.0 mg/l[2]
Lead	0.01 times 96 hour LC50
Mercury	0.05 ug/l
Nickel	0.1 times 96 hour LC50
Selenium	.01 times 96 hour LC50
Silver	.01 times 96 hour LC50
Zinc	.01 times 96 hour LC50
Organics	
Cyanide	5 ug/l
Phenol	10 ug/l
Phathalate Esters	3 ug/l
Pesticides[3]	

[1] Soft water has an equivalent concentration of calcium carbonate of 0 to 75 mg/l, and hard water has an equivalent concentration of calcium carbonate of over 75 mg/l.

[2] For low flow streams, the daily average total iron concentration is limited to 3.5 mg/l when it is established that there will be no irretrievable damage to aquatic life.

[3] Pesticides are considered toxic substances and are regulated according to toxic substance guidelines.

(2) Coldwater aquatic habitat. The following parameters and their associated criteria are for the protection of productive, reproducing coldwater aquatic communities and "put and take" trout streams. All of the criteria adopted for the protection of warmwater aquatic life also apply to the protection of coldwater habitats with the following additions:

(a) Dissolved oxygen:

1. A minimum concentration of six (6) mg/l as a daily average and five (5) mg/l as an instantaneous minimum shall be maintained at all times.

2. In impoundments which support trout, the concentration of dissolved oxygen in waters below the epilimnion shall be kept consistent with natural water quality.

(b) Temperature. Water temperature shall not be increased through man's activities above the natural seasonal temperatures.

(c) Total chlorine residual. The total chlorine residual shall not exceed two (2) ug/l as an instream value.

Section 7. Domestic Water Supply Use. Maximum allowable concentrations for domestic water withdrawal from surface water sources are outlined in Table IV.

Table IV

Domestic Water Supply Source Criteria

Contaminant	Maximum Concentration Level
Arsenic	0.05 mg/l
Ammonia (NH_3)	.05 mg/l
Barium	1 mg/l
Cadmium	0.010 mg/l
Chromium, Total	0.05 mg/l
Color	75 Platinum-Cobalt Color Units
Copper	1 mg/l
Cyanide	.005 mg/l
Fecal Coliform	2000/100 ml (Geometric Mean)
Iron	0.3 mg/l
Lead	0.05 mg/l
Manganese	0.05 mg/l
Mercury	0.002 mg/l
Methylene Blue Active Substances	0.5 mg/l
Nitrate (NO_3-N) as Total	10 mg/l
Pesticides	
Chlordane	0.003 mg/l
Chlorophenoxy Herbicides	
2,4-D	0.1 mg/l
2, 4, 5-TP	0.01 mg/l
Endrin	0.0002 mg/l
Lindane	0.004 mg/l
Methoxychlor	0.1 mg/l
Toxaphene	0.005 mg/l
pH	6.0 - 9.0
Phenol	0.001 mg/l
Selenium	0.01 mg/l
Silver	0.05 mg/l
Zinc	5 mg/l
Fluoride, Total	1 mg/l
Chloride, Total	250 mg/l
Sulfate, Total	250 mg/l
Total Dissolved Solids	750 mg/l

Section 8. Recreational Use:

(1) Bathing waters. Bathing waters are waters suitable for swimming and which provide facilities operated during the recreation season of May 1 through October 31.

(a) Fecal coliform content shall not exceed 200 colonies per 100 ml as a monthly geometric mean based on not less than five (5) samples per month; nor exceed 400 colonies per 100 ml in more than ten (10) percent of all samples taken during the month; these limits are applicable during the recreation season.

(b) pH shall be between 6.0 to 9.0 and shall not change more than one (1) pH unit within this range over a period of twenty-four (24) hours.

(2) Primary contact recreation water. Primary contact recreation waters are waters suitable for full body contact recreation without established swimming facilities operated during the recreation season of May 1 through October 31.

(a) Fecal coliform content shall not exceed 1,000 colonies per month; nor exceed 2,000 colonies per 100 ml in

more than ten (10) percent of all samples taken during a month.

(b) The pH shall be maintained between 6.0 to 9.0 and shall not change more than one (1) pH unit within this range over a period of twenty-four (24) hours.

(3) Secondary contact recreation water. Secondary contact recreation waters are waters suitable for partial body contact recreation, with minimal threat to public health as a result of water quality during the recreation season of May 1 through October 1.

(a) Fecal coliform shall not exceed 5,000 colonies per 100 ml in more than ten (10) percent of the samples taken during any thirty (30) day period.

(b) pH shall be between 6.0 to 9.0 and shall not change more than one (1) pH unit within this range over a period of twenty-four (24) hours.

Section 9. Outstanding Resource Waters. "Outstanding resource waters" is a classification category covering certain unique waters of the Commonwealth, the criteria for which will be established by the department upon designation pursuant to this section.

(1) Water for inclusion:

(a) Automatic inclusion. Any surface waters designated under the Kentucky Wild Rivers Act and the Federal Wild and Scenic Rivers Act, or identified under the Kentucky Nature Preserves Act, or that support federally recognized rare or endangered species shall automatically be included in this category.

(b) Permissible consideration. Other surface waters may be included in this category under the procedures of subsection (2) if:

1. They are surface waters flowing through or bounded by state or federal forest land, or of exceptional aesthetic or ecological value or within the boundaries of national, state, or local government parks.

2. An outstanding resource water may be designated if it meets one (1) of the following criteria:

a. The waters are a part of a unique geological or historical area recognized by state or federal designation; the waters are a component part of an undisturbed or relatively undisturbed watershed that can provide basic scientific data and possess outstanding water quality characteristics; or two (2) of the following criteria:

b. Supports a diverse aquatic flora and fauna and has a species diversity index greater than 3.0 using methods recommended by the department; supports a generally recognized unique species either plant or animal; possesses physical or chemical characteristics that provide an unusual and uncommon aquatic habitat; and provides a unique aquatic environment within a physiographic region.

(2) Proposal for outstanding resource waters designation: The classification of waters as outstanding resource waters may be applied by the department to certain waters following a public hearing. The proposal shall be published in accordance with KRS 424.110 to 424.120 in each county containing any part of the watershed to be affected by the classification designation. Water quality criteria must be proposed prior to consideration of such waters for inclusion under this classificaton. Proposals for classifying certain waters as outstanding resource waters shall fairly and fully reflect those aspects of the waters for which the classificaiton is proposed. Such proposals shall be filed with the department and their adequacy determined promptly with any deficiencies noted in writing.

(3) Determination of classification:

(a) Any application or proposal to classify certain waters as outstanding resource waters shall be evaluated by a technical evaluation committee appointed by the secretary. The committee will evaluate the proposal and make recommendaitons to the secretary regarding classification. The following shall be considered:

1. Existing water quality;
2. Current use;
3. Aesthetic, biological, morphological and habitat characteristics of the waters;
4. Occurrence of individuals or populations, indices of diversity and well-being, and abundance of species of any unique biota;
5. Economic and social consequences of the proposed classification;
6. Other justification given for the proposed classification.

(b) After considering the application, the record of the hearing, recommendtions of the technical committee, and other pertinent data, the secretary shall either grant or deny the proposal in whole or in part and designate the waters accordingly.

Section 10. Exceptions. (1) Waters for inclusion. The department may grant an exception to classifications criteria upon adequate demonstration that maintenance of water quality necessary for the preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation is not attainable. This determination must be made on a case-by-case basis with respect to a specific stream segment following an analysis of each area. The analysis must show that the necessary water quality cannot be reasonably achieved due to technological limitations and/or naturally occurring poor water quality. All exceptions will be temporary and subject to review at least every three (3) years.

(2) Designation under this section shall be final orders of the department and may be appealed pursuant to KRS 224.085.

Section 11. 401 KAR 5:025 is hereby repealed.

EUGENE F. MOONEY, Secretary
ADOPTED: April 13, 1979
RECEIVED BY LRC: April 13, 1979 at 11:30 a.m.
PUBLIC HEARING: A public hearing on this proposed regulation will be held at 9 a.m. EST, June 4, 1979, in the 24th Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. For additional information or submission of comments, please contact: Robert Blanz, Director, Division of Water Quality, Century Plaza, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent of Public Instruction

704 KAR 3:292. Title I, ESEA migrant plan.

RELATES TO: KRS 156.035
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: In accordance with Section 435 of the General Education Provisions Act and Sections 141, 142, and 143 of the Amendments to Title I of the Elementary and Secondary Education Act of 1965

(P.L. 95-561), the Department of Education, when applying to the U.S. Office of Education for participation in programs for migratory children under Title I of the Elementary and Secondary Education Act, must submit an approvable plan and satisfactory assurances that all requirements of the law will be met.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.100, the Title I, ESEA Migrant Education Annual Program Plan for fiscal year ending September 30, 1980, is presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

Section 2. Local educational agency program applications, or any amendment thereto, must be approved by the local board of education prior to submission to the Kentucky Department of Education.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent of Public Instruction

704 KAR 3:312. Follow-through plan for technical assistance grant.

RELATES TO: KRS 156.070
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: In accordance with the Economic Opportunity Act of 1964, the Kentucky Department of Education must serve as the administrative agency to allow local school districts participating in the Follow-Through Program to receive the benefits of the Technical Assistance Grant.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.100, the "Follow-Through Technical Assistance Annual Plan" for fiscal year ending June 30, 1980, is presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: March 13, 1979
RECEIVED BY LRC: April 2, 1979 at 11:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health

803 KAR 2:092. Pay during inspection activities.

RELATES TO: KRS 338.111, 338.121(3)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Commissioner of Labor has the authority and responsibility for promulgating regulations necessary to accomplish the purpose of this chapter. Employee participation in walkaround inspections provides a necessary source of information to the representatives of the Commissioner of Labor concerning the presence of work place hazards. Fear of economic loss through denial of pay during the walkaround inspection is a denial of free exercise of the right of an employee representative to participate in the walkaround inspection. The purpose of this regulation is to encourage and to promote employee representative participation in walkaround inspections by providing for pay during the conduct of walkaround inspections and related activity.

Section 1. Employees shall be paid at their regular rate of pay during the conduct of walkaround inspections and other inspection related activities such as responding to questions of compliance officers, or participating in opening and closing conferences. An employer's failure to pay employees for time engaged in these activities is discriminatory under KRS 338.121(3).

JAMES R. YOCOM, Commissioner
ADOPTED: April 9, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 8:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Michael Ragland, Executive Director, Kentucky Occupational Safety & Health Program, Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health

803 KAR 2:122. Application for extension of abatement.

RELATES TO: KRS 338.141(2)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Commissioner of the Department of Labor is empowered to extend abatement periods established pursuant to KRS 338.141(2) and 803 KAR 2:120. The function of this regulation is to detail the form of the application for extension of abatement, steps necessary to make application, content of the application, form and timing for the ruling of the Commissioner of the Department of Labor on the application, and, appeal available to the parties adversely affected by the decision on the application.

Section 1. An employer may make application for extension of abatement date with the Commissioner of the Department of Labor or his designee, the Director of Com-

pliance, when the employer has made a good faith effort to comply with the abatement requirements of a citation, but abatement has not been completed due to factors reasonably beyond his control. Where application for extension of abatement is made, said application shall be filed not later than the close of the day on which abatement was originally required. A later filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

Section 2. An application for extension of abatement may be in writing or may be made orally where time does not permit a writing. The application shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional and technical personnel or materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

Section 3. The Commissioner of the Department of Labor or his designated representative, the Director of Compliance, shall rule on the application for extension of abatement within three (3) days of receipt of same.

(1) Where extension is granted, amended citation shall issue and the employer shall post the amended citation at or near the same location as the original citation as under 803 KAR 2:125. Adversely affected employees may appeal pursuant to KRS 338.141(1) and rules of the KOSHRC.

(2) Where extension is denied, adversely affected employers shall have right of appeal as under KRS 338.141(1) and rules of the KOSHRC.

Section 4. Where jurisdiction of the Review Commission has expired, the Commissioner of the Department of Labor shall again assume authority to modify abatement under KRS 338.131(2).

JAMES R. YOCOM, Commissioner
ADOPTED: April 9, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 8:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Michael Ragland, Executive Director, Kentucky Occupational Safety & Health Program, Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health

803 KAR 2:127. Failure to correct violation, additional penalty.

RELATES TO: KRS 338.141(1), 338.991(4)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Commissioner of the Department of Labor is empowered by KRS 338.141(1) to issue a citation to an employer who has violated any requirement of KRS Chapter 338. KRS 338.991(4) empowers the Commissioner of the Department of Labor to propose penalties for any employer who fails to correct a violation for which a citation has been issued. This regulation is necessary as it prescribes the procedure to be followed by the Department of Labor and by cited employers who have been notified of a failure to correct a violation and permits the commissioner to propose penalties according to KRS 338.991(4) for failure to correct a violation. This regulation spells out the procedures to be used by the Department of Labor in notifying the employer of a failure to correct an alleged violation stating the time limits within which the employer has to contest the notification of failure to correct.

Section 1. If an inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, the district supervisor shall consult with the Director of Compliance who may consult with the general counsel, if appropriate, and he shall notify the employer by certified mail or by personal service by the compliance safety and health officer of such failure and of the additional penalty proposed under KRS 338.991(4) by reason of such failure. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the review commission in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.

Section 2. Any employer receiving a notification of failure to correct a violation and of proposed additional penalty authorized by KRS 338.991(4) may notify the Director of Compliance in writing that he intends to contest such notification or proposed additional penalty before the review commission. Such notice of intention to contest shall be postmarked within fifteen (15) working days of the receipt by the employer of the notification of failure to correct a violation and of proposed additional penalty. The Director of Compliance shall immediately transmit such notice to the review commission in accordance with the rules of procedure prescribed by the commission.

Section 3. Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the review commission and not subject to review by any court or agency unless, within fifteen (15) working days from the date of receipt of such notification, the employer notifies the Director of Compliance in writing that he intends to contest the notification or the proposed additional penalty before the review commission.

JAMES R. YOCOM, Commissioner
ADOPTED: April 9, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 8:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Michael D. Ragland, Executive Director, Kentucky Occupational Safety & Health Program, Department of Labor, U.S. 127 South Building, Bay 4, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:010. Rules of procedure.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.310(2)
NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Utility Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or

any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

(1) Amount and kinds of stock authorized.

(2) Amount and kinds of stock issued and outstanding.

(3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.

(4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.

(5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.

(7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(8) Rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.

(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.

(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with

the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:

(a) A copy of its articles of incorporation. (See Section 7(3).)

(b) The name of the governmental agency offering the franchise.

(c) The type of franchise offered.

(d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.

(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:

(a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.

(b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.

(c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.

(d) Three (3) maps to suitable scale (preferably not more than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.

(e) The manner in detail in which it is proposed to finance the new construction or extension.

(f) An estimated cost of operation after the proposed facilities are completed.

(g) All other information necessary to afford the commission a complete understanding of the situation.

(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

Section 9. Application or Notice for Authority to Adjust Rates. (1) When the utility seeks to adjust any rate, toll, charge, or rental, so as to alter any classification, contract, practice, rule or regulation as to result in any change in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:

(a) Financial exhibit. (See Section 6.)

(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.

(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.

(d) A statement in full of the reason why the adjustment is required.

(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.

(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:

(a) Total amount of interest charged to construction.

(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.

(c) Details of any apportionment used.

(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said application, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a

manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Utility Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or persom complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the com-

mission the following forms shall be followed insofar as practicable:

(a) Formal complaint.
(b) Answer.
(c) Application.
(d) Notice of adjustment of rates.

(2) Forms of Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of complainant) Complainant	)	
vs.	)	No. (To be inserted by the secretary of the commission)
(Insert name of each defendant) Defendant	)	

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complaint asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19___.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of each complainant) Complainant	)	
vs.	)	No. (To be inserted by the secretary of the commission)
(Insert name of each defendant) Defendant	)	

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

(a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

_____
(Name of defendant)

_____
(Name and address of attorney, if any)

(4) Form of Application.

Before the Utility Regulatory Commission

In the matter of the application of (here insert name of each applicant) for (here insert desired order, authorization, permission or certificate, thus: "Order authorizing issue of stocks and bonds")	)	No. (To be inserted by the secretary of the commission)

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

(a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).

(b) That the post office address of each applicant is _____.

(c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Utility Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, Kentucky, this ____ day of _____, 19___.

_____
(Name of applicant)

_____
(Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Utility Regulatory Commission

In the matter of adjustment of rates of the (state name of corporation).	)	No. (To be inserted by the secretary of the commission).

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the ____ day of _____, 19___, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

_____
(Name and address of company)

_____
(Name and address of attorney)

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:020. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to water, sewer and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Utility Regulatory Commission.

(2) "Utility" means a non-energy utility as defined in KRS 278.010(5) with the exception of a combined energy-nonenergy utility as provided in KRS 278.010(2).

(3) "Customer" means any person, firm, corporation or body politic supplied service by any water, sewage or telephone utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by water utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to ex-

ceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half (½) of the time elapsed since the last pervious test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On_____, 19____, the meter bearing identification No._____installed in your building located at_____
(Street and Number)
in_____was tested
(City)
at_____and found to
(On premises or elsewhere)
register_____.
(Percent fast or slow)
The meter was tested on_____
(Periodic, Request, Complaint)
test.

Based upon this we herewith_____
(Charge or Credit)
you with the sum of $_____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least forty-eight (48) hours written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut

off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least forty-eight (48) hours written notice, but the cut-off shall not be effected before twenty (20) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or as to residential services where a written certificate is filed, signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the utility's notification.

(b) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has illegally obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All water utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 25:055.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Utility Regulatory Commission Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each water utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its

property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Water:

Size	Fee
Outlet 1 inch or less	$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (½) of the cost of transportation of the commission's representative between the office of the commission and the point of test.

(b) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Utility Regulatory Commission rules. These procedures shall be filed with the commission.

(2) (a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards, damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Report of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:025. Advertising.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.040, 278.190(3)
NECESSITY AND FUNCTION: KRS 278.190(3) provides that at any hearing involving a rate or charge of a utility for which an increase is sought, the burden of proof shall be on the utility to show that the increased charge or rate is just and reasonable. This regulation specifies that a utility shall have the burden of proving that all advertising expenses proposed for inclusion in a utility's cost of service will produce a benefit to that utility's ratepayers.

Section 1. General. The purpose of this regulation is to insure that no expenditures for advertising may be includable in a utility's cost of service for ratemaking purposes unless the utility demonstrates that such advertising expenditure produces a benefit to that utility's ratepayers.

Section 2. Definitions. (1) The term "advertising" means the commercial use of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public or to utility consumers.

(2) The word "ratepayer" shall mean any person, firm or corporation, municipality or other political subdivision of the state receiving and paying for services delivered by a public utility.

Section 3. Applicability. This regulation shall apply to any utility subject to the jurisdiction of the Utility Regulatory Commission.

Section 4. Advertising Allowed. (1) No advertising expenditure of a utility shall be taken into consideration by the commission for the purpose of establishing rates unless such advertising will produce a benefit for the ratepayers. The utility shall have the burden of proving that any advertising cost or expenditure proposed for inclusion in its operating expenses for ratemaking purposes within a given test year is of direct benefit to its ratepayers.

(2) As used in this regulation, advertising expenditures shall include costs of advertising directly incurred by the public utility and those costs of advertising incurred by contribution to third parties.

(3) Nothing herein shall be construed to prohibit, for the purpose of establishing rates, advertising which promotes conservation or advertising required by state or federal law.

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:030. Tariffs.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.160(1)
NECESSITY AND FUNCTION: KRS 278.160(1) provides that the commission shall prescribe rules under which each utility shall file schedules showing all rates and conditions established by it and collected or enforced.

Section 1. General. All utilities under the jurisdiction of the Utility Regulatory Commission shall file with the secretary of the commission two (2) cover letters and four (4) complete copies of a tariff containing schedules of all its rates, charges, tolls and maps or plats of the area in which it offers service and all its rules and regulations and shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160, in substantially the form and manner hereinafter set out. If a utility furnishes more than one (1) kind of service (water and electricity for example), a separate tariff must be filed for each kind of service. For the purpose of the commission's rules and regulations, the utilities office or place of business shall be deemed a location at which the utility regularly employs and stations one (1) or more employees and is open to the public.

Section 2. Form and Size of Tariffs. (1) All tariffs must be printed from type not smaller than six (6) point or typewritten, mimeographed or produced by similar process, on hard calendared paper of good quality.

(2) The pages of a tariff shall be eight and one-half by eleven (8½ by 11) inches in size.

(3) Utilities shall publish tariffs in loose-leaf form using one (1) side of the paper only, with not more than one (1) schedule to the page.

(4) The front cover page of a tariff shall contain the following:

(a) Name of the utility and location of principal office.
(b) Statement of kind of service offered.
(c) General statement of territory served.
(d) Date of issue and date tariff is to become effective.
(e) Signature of the officer of the utility authorized to issue tariffs.
(f) Identifying designation in the upper right-hand corner as required by Section 4.

(5) The second and succeeding pages shall contain:

(a) All the rules and regulations of the utility.
(b) Rate schedules showing all rates and charges for the several classes of service.
(c) Signature of the officer of the utility authorized to issue tariffs.
(d) Date of issue and date tariff is to become effective.
(e) Identifying designation in upper right-hand corner as required by Section 4.

(6) In that portion of the tariff dealing with rates, the desired information shall be shown under the following captions in the order listed:

(a) Applicable: Show territory covered by tariff.
(b) Availability of service: Show classes of customers affected, such as domestic, commercial, etc.
(c) Rates: List all rates covered by tariff.
(d) Minimum charge: State amount of charge and quantity allowed.
(e) Delayed payment charge: State if penalty or discount.
(f) Term: If contracts are made for certain periods, give length of term.
(g) Special rules: If any special rules and regulations are in effect covering this tariff, list same hereunder.

(7) The secretary of the commission will furnish standard forms of tariffs on request.

Section 3. Contents of Schedules. (1) Each rate schedule in addition to a clear statement of all rates thereunder must state the city, town, village or district in which rates are applicable; provided, however, that schedules applicable in a large number of communities must be accompanied by an accurate index by which each community in which the rates are applicable may be readily ascertained, in which case the applicability of a schedule may be indicated by reference to

the index sheet. (Example: Applicable within the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

(2) Each rate schedule must state that class of service available under the rates stated therein.

(3) For a tariff in which a number of schedules are shown available for various uses, each schedule shall be identified by a number or by a group of letters, and if by a group of letters, the designation shall be indicative of the class of service for which the schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating that the schedule states domestic utility rates.)

(4) (a) Each page of the tariff shall bear the U.R.C. Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.

(b) In the case of a change in the text of any page as hereinafter provided the further designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.

(c) Tariffs may be further divided into sections, and so designated if required by their size and contents.

(5) All schedules shall state whether a minimum charge is made, and if so, they shall set out all such charges, and further state whether such minimum charge is subject to prompt payment discount or delayed payment penalty.

Section 4. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the U.R.C. number thereof. Subsequent tariffs filed as provided by Sections 5 through 8, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the U.R.C. number of the tariff cancelled, changed or modified by it.

Section 5. Change or Withdrawal of Rate Schedules or Regulations. (1) No tariff, or any provision thereof, may be changed, cancelled or withdrawn except upon such terms and conditions as the commission may impose and in compliance with KRS 278.180 and Sections 5 through 8.

(2) (a) All revisions in tariff sheets shall contain a symbol in the margin indicating the change made. These symbols are as follows:

(C) To signify changed regulation.
(D) To signify discontinued rate, regulation or test.
(I) To signify increase.
(N) To signify new rate and/or new test.
(R) To signify reduction.
(T) To signify a change in text.

(b) In the case of a change in the text of any tariff sheet where the rate remains the same, the effective date shall remain the same as that on the amended sheet. The issued date of the change shall be the date the filing is made with the commission.

(c) All tariff filings which involve the furnishing of equipment or services to the customer by the utility shall be accompanied by a description of the equipment or service involved in the filing and a cost of service study justifying the proposed charges.

(3) New tariffs stating changes in any provision of any effective tariff may be issued and put into effect by either of the two (2) following methods:

(a) By order of the commission upon formal application by the utility, and after hearing, as provided by Section 6.

(b) By issuing and filing on at least twenty (20) days notice to the commission and the public a complete new tariff (or revised sheet of an existing tariff) stating all the provisions and schedules proposed to become effective as provided by Sections 7 and 8.

(4) The provisions or rates stated on any sheet or page of a tariff may be modified or changed by the filing of a revision of such sheet or page in accordance with the provisions of this regulation. Such revisions must be identified as required herein.

Section 6. Adjustment of Rates on Application. Upon the granting of authority for a change in rates, the utility shall file a tariff setting out the rate, classification, charge, or rule and regulation authorized by the commission to become effective the order may direct, and each page of the tariff so filed shall state that it is "Issued by authority of an order of the Utility Regulatory Commission in Case No. _____ dated _____, 19_____."

Section 7. Notice to the Public. (1) Notice to the public of a change of rates and charges or rules and regulations shall be given by the utility in the following manner:

(a) The tariff or revised sheet stating the proposed rates, rules, regulations, etc., shall be exhibited at the offices and places of business of the utility in the territory affected for a least twenty (20) days prior to the proposed effective date of such tariff or revised sheet. If after review of said tariff or revision the commission deems it necessary to hold a public hearing in order to determine the reasonableness of the proposed revision, notice of such hearing shall be served on the utility. The tariff or revised sheets shall be exhibited as set out above the twenty (20) days prior to the date of hearing.

(b) If the proposed change will result in an increase of rates or charges to any customer, typewritten notice of the proposed rates or charges shall be mailed by the utility to each customer to be so affected at least twenty (20) days prior to the effective date of the proposed rates or charges, or where a hearing on the proposed increase has been set by the commission, at least twenty (20) days prior to the date of hearing; provided, however, that when more than twenty (20) patrons will be so affected by the proposed change, it will be sufficient within the meaning of this rule if such notice is published once a week for three (3) consecutive weeks prior to the effective date of such proposed rates or charges or when a hearing has been scheduled, for three (3) consecutive weeks prior to the date of hearing, in some newspaper of general circulation in the community or communities in which the customers to be affected reside, and provided further, that the commission, upon requst of the utility, may modify the requirements as to notice other than by posting in any case in which it appears proper to do so. Notice provided for in this section shall contain the proposed rates, and when applicable, the date, time and place of hearing.

(2) The agent or representative of the utility in charge of an office or place of business shall give information regarding its tariffs (present and proposed) requested of him by any consumer or prospective consumer or his agent, and shall accord said persons, or their agents, opportunity to examine any of the tariffs of the utility at any reasonable time.

Section 8. Statutory Notice to the Commission. (1) When a new tariff has been so issued and notice thereof given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and regulations therein be deferred

by an order of the commission pending a hearing concerning the propriety of the proposed rates and regulations under KRS 278.190.

(2) All information and notice required by these rules shall be furnished to the commission at the time of the filing of any proposed revisions in rates or regulations, and the twenty (20) days statutory notice to the commission will not commence to run and will not be computed until such information and notice is filed.

Section 9. Change of Ownership; Adoption Notice. (1) In case of change of ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company (unless authorized to change by the commission), and shall issue, file and post an adoption notice, on a form furnished by the commission, adopting, ratifying and making its own all rates, rules, classifications and regulations of the former operating utility, on file with the commission and effective at the time of such change of ownership or control.

(2) Adoption notices must likewise be filed by receivers and trustees assuming possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(3) Adoption notices filed with the commission by each utility shall be in consecutive numerical order, beginning with U.R.C. Adoption Notice No. 1.

(4) Within ten (10) days after the filing of an adoption notice as aforesaid by a public utility which then had no tariffs on file with the commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof in the form prescribed in Sections 1 through 4 with proper identifying designation. (Example: U.R.C. No. 1 cancels U.R.C. Adoption Notice No. 1.)

(5) Within ten (10) days after the filing of an adoption notice, as required by subsection (2) of this section, by a public utility which then had other tariffs on file with the commission, said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these rules with proper identifying designation. (Example: First Revision of Original Sheet No. 2A, U.R.C. No. 11, cancels Original Sheet No. 2A, also cancels U.R.C. Adoption Notice No. 6; or U.R.C. No. 12 cancels U.R.C. No. 11, also cancels U.R.C. Adoption Notice No. 6.)

(6) When a tariff or revision is issued by a utility in compliance with these rules which states the rates, rules and regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the effect of the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject to Sections 7 and 8.

Section 10. Posting Tariffs, Regulations and Statutes. Every utility shall provide a suitable table or desk in its office and place of business, on which shall be available to the public at all times the following:

(1) A copy of all effective tariffs and supplements setting out its rates, classifications, charges, rules and regulations, together with forms of contracts and applications applicable to the territory served from that office or place of business.

(2) Copies of the Kentucky Revised Statutes applicable to the utility.

(3) A copy of the regulations governing such utility adopted by the Utility Regulatory Commission.

(4) A suitable placard, in large type, giving information to the public that said tariffs, rules and regulations and statutes are kept there for public inspection.

Section 11. Special Contracts. Every utility shall file true copies of all special contracts entered into governing utility service which set out rates, charges or conditions of service not included in its general tariff. The provisions of this regulation applicable to tariffs containing rates, rules and regulations, and general agreements, shall also apply to the rates and schedules set out in said special contracts, so far as practicable.

Section 12. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

Section 13. Forms. In submitting to the commission information required by these rules the following forms shall be followed where applicable:

(1) Form of cover sheet for tariffs.
(2) Form for filing rules and regulations.
(3) Form for filing rate schedules.
(4) Form of certificate of notice to the public of change in tariff where no increase of charges results.
(5) Form of certificate of notice to the public of change in tariff which results in increased charges.
(6) Form of adoption notice.

FORM OF COVER SHEET FOR TARIFFS

_____

U.R.C. NO._____

CANCELS U.R.C. NO._____

_____
(NAME OF COMPANY)

of

_____
(LOCATION OF COMPANY)

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED)

at

_____
(LOCATION SERVED)

_____

_____

FILED WITH UTILITY REGULATORY COMMISSION
OF KENTUCKY

_____

Issued_____, 19___Effective_____, 19___

_____

Issued by_____
(Name of Utility)

By_____

_____

FORM FOR FILING RULES & REGULATIONS

(Page 2 of Tariff)

_____

_____

_____

Name of Utility

RULES & REGULATIONS

Date of Issue Effective Date

Issued By

Name Title

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC OF CHANGE IN TARIFF WHERE NO INCREASE OF CHARGES RESULTS

(2 Copies Required)

To the UTILITY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective_____), I hereby certify that I am_____of the (Name of Utility)_____(Kind of Service)_____service within the Commonwealth of Kentucky, a utility furnishing which on the____day of_____, 19___, issued* Tariff U.R.C. No._____, canceling Tariff U.R.C. No._____, to become effective_____, 19___, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the____day of_____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted)_____and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 7 of said Regulation.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges of any customer.

Given under my hand this____day of_____, 19___.

Address_____

* If a revised sheet, or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as_____Revision of Original Sheet No._____U.R.C. No._____, canceling_____Original Sheet No._____, U.R.C. No._____, canceling U.R.C. Adoption Notice No._____.

FORM FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For_____
Community, Town or City

U.R.C. NO._____

____(Original) Sheet No._____
____(Revised)

Name of Issuing Corporation

Canceling U.R.C. No._____

____(Original) Sheet No._____
____(Revised)

CLASSIFICATION OF SERVICE

APPLICABLE: (Show territory covered by tariff.)

AVAILABILITY OF SERVICE: (Show classes of customers affected, such as domestic, commercial, etc.)

RATES: (List all rates covered by tariff.)

MINIMUM CHARGE: (State if penalty or discount.)

DATE OF ISSUE_____
Month Day Year

DATE EFFECTIVE_____
Month Day Year

ISSUED BY_____
Name of Officer Title Address

ISSUED BY AUTHORITY OF U.R.C.

ORDER NO._____

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC OF CHANGE IN TARIFF WHICH RESULTS IN INCREASED RATES

(2 Copies Required)

To the UTILITY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective_____,) I hereby certify that I am (Title of Officer)_____of the (Name of Utility)_____furnishing_____service within the Commonwealth of Kentucky, a utility which on____day of_____, 19___, issued its *Tariff U.R.C. No._____canceling Tariff U.R.C. No._____to become effective_____, 19___, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the____day of_____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted)_____and that the same will be kept open to public inspection at said office and places of business in conformity with the requirements of Section 7 of said Regulation.

**On the____day of_____, 19___, typewritten or printed notice of the proposed rates or regulations was mailed to each of the_____customers of the company whose rates or charges will be increased thereby, a copy of said notice being attached thereto.

Given under my hand this____day of_____, 19___.

Address_____

* If a revised sheet or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as Revision of Original Sheet No._____U.R.C. No._____, or Original Sheet No._____U.R.C. No._____canceling U.R.C. Adoption Notice No._____.

** If Notice is given by publication as provided by Section 7, use the following:

That more than 20 customers will be affected by said change by way of an increase in their rates or charges, and on the____day of_____, 19___, there was delivered to the_____, a newspaper of general circulation in the community in which the customers affected reside, for publication therein once a week for three consecutive weeks prior to the effective date of said change, a notice of the proposed rates or regulations, a copy of said notice being attached hereto. A certificate of the publication of said notice will be furnished the Utility Regulatory Commission upon the completion of the same in accordance with Section 8(2), of said Regulation.

FORM OF ADOPTION NOTICE
U.R.C. Adoption Notice No._____
ADOPTION NOTICE

The undersigned (Name of Utility)_____of _____hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing (Nature of Service) _____service at_____in the Commonwealth of Kentucky, filed with the Utility Regulatory Commission by (Name of Predecessor)_____of_____, and in effect on the____day of _____, 19___, the date on which the public service business of the said (Name of Predecessor)_____was taken over by it.

This notice is issued on the___day of_____, 19___, in conformity with Section 9 of URC Tariff Regulations adopted by the Utility Regulatory Commission.

_____

By_____

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:040. Telephone.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishings of any commodity by the utility. This regulation establishes general rules which apply to telephone utilities.

Section 1. General Provisions. This regulation governs the furnishing of intrastate telephone service and facilities to the public by telephone utilities subject to the jurisdiction of the commission. The purpose of these rules is to set forth reasonable service standards and procedures to the end that adequate and satisfactory service will be rendered to the public.

Section 2. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use the applicable provisions in the following publications as standards of accepted good engineering practice for the construction and maintenance of plant and facilities, herein incorporated by reference:

(1) National Electric Safety Code; ASA C-2 1977 Edition;

(2) National Electrical Code; NFPA 70 or ANSI C-1, 1978 Edition.

Section 3. Definitions. In the interpretation of this regulation, the following definitions shall be used:

(1) "Commission" means the Utility Regulatory Commission.

(2) "Telephone utility" means any person, firm, partnership, cooperative, organization or corporation engaged in furnishing of telephone service to the public under the jurisdiction of the commission.

(3) "Customer or subscriber" means any person, firm, partnership, corporation, municipality, cooperative, organization or governmental agency provided with telephone service by any telephone utility.

(4) "Exchange" means a geographical area established by a telephone utility for the administration of telephone service. It usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

(5) "Central office" means a unit of a telephone utility, including the switching equipment and appurtenant facilities used to establish connections between customer lines or between customer's lines and trunk or toll lines to other central offices within the same or at other exchanges.

(6) "Outside plant" means the telephone equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customer's location or between central offices.

(7) "Subscriber line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

(8) "Class of service" means the various categories of telephone service generally available to customers, such as business or residence.

(9) "Grade of service" means the number of parties served on a telephone line such as one-party, two-party, four-party, etc.

(10) "Service line" means those facilities owned and maintained by a customer or group of customers which lines are connected with the facilities of a telephone utility at an agreed point for communication service.

(11) "Farmer line" (see service line).

(12) "Message" means a completed customer telephone call.

(13) "Calls" means customer's telephone messages attempted.

(14) "Customer trouble report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or difficulty with the operation of telephone facilities. One (1) report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one (1) customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(15) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications, regulations and rules, adopted by a public utility in accordance with the laws governing the provisions of public utility service.

(16) "Base rate area" means the developed portion or portions within each exchange service area as set forth in the telephone utility's tariffs, maps or descriptions. Main station service within this area is furnished at uniform rates without mileage charges.

(17) "Average busy season; busy hour traffic" means the average traffic volume for the busy season, busy hours.

(18) "Busy hour" means the two (2) consecutive half-

hours during which the greatest volume of traffic is handled in the office.

(19) "Busy season" means that period of the year during which the greatest volume of traffic is handled in the office.

(20) "Switching service" means switching performed for service lines.

(21) "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

(22) "Toll station" means a telephone and associated equipment connected to a toll line or directly to a toll board.

(23) "Direct distance dialing (DDD)" means customer dialing over the nationwide intertoll telephone network of calls to which toll charges are applicable. No operator assistance is required for DDD calls.

(24) "Regular or 'basic' service" includes all one (1), two (2), four (4) and multiparty primary and extension service.

(25) "Special service" means unusual and complex services such as data terminals, teletypewriter, full period circuits, wide area telephone service (WATS), or other items that require special engineering, installation or manufacturing to provide the service.

(26) "Extended area service (EAS)" means extension of a major exchange area to include other surrounding exchange areas. Toll-free dialing is permitted within the extended area in return for metropolitan area rates.

(27) "Intercept service" means a service arrangement provided by the utility whereby calls placed to a disconnected, discontinued, or improperly listed telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, discontinued, changed, etc., or that calls are being received by another telephone. This may be accomplished by recording or by operator.

(28) "Regrade" means an application for a different class and/or grade of service.

(29) "Traffic" means telephone call volume, based on number and duration of messages.

(30) "Service objectives," as construed in these regulations, shall mean a designated number or percentage, applicable to the various service measures, the maintenance of which shall indicate a minimum satisfactory level of service. Each utility shall maintain records of the various service measurements by exchange or district, and shall submit a summary of said records to the commission monthly. If performance by the utility falls below the service objective for two (2) consecutive months, the utility shall also submit to the commission a report by exchange or district setting forth the action taken or planned to correct same.

Section 4. Switching Service. Telephone companies shall not provide switching service to service lines except to dangerous, inaccessible, restricted or remote areas. In such cases the service lines shall meet appropriate technical criteria so as not to impair or interfere with the service of others, or adversely affect the facilities of the telephone company.

Section 5. Basic Utility Obligations. (1) Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this regulation.

(2) Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.

(3) Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review, and such records shall be made available for inspection by the commission upon request.

(4) Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

Section 6. Directories. (1) Telephone directories shall be published at least yearly for each exchange listing the name, address and telephone numbers of all customers, except public telephones and numbers unlisted at a customer's request, who can be called within the service area without a long distance charge.

(2) Upon issuance, a copy of each directory shall be distributed by each utility to all its customers served by that directory, and a copy of each directory shall be furnished the commission.

(3) The name of the telephone utility, the area included in the directory and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(4) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices as may be appropriate to the area served by the directory. Rates between frequently called points may also be included.

(5) (a) Information operators shall have access to records which include all listed telephone numbers (except public telephones and numbers that are nonpublished at the customer's request) in the area for which they are responsible for furnishing information service.

(b) Intercept operators shall have access to records which indicate the status of all telephone numbers in the area for which they are responsible for furnishing intercept service.

(6) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a ninety (90) day period of time provided the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party either upon request or interception.

(7) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a ninety (90) day period of time, and give the calling party the new number if the customer so desires.

(8) When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

Section 7. Exchange Maps. (1) Each telephone utility shall file exchange maps with the commission showing the exchange service area for each telephone exchange operated, and the maps shall be in sufficient detail to reasonably permit locating the exchange service area boun-

daries in the field. A copy of such map shall be included in the utility's tariff, in accordance with the requirements of 807 KAR 25:030.

(2) With every revised map, the telephone utility so filing shall submit proof of notice of the proposed revision to each telephone utility whose exchange area adjoins the exchange area boundary lines or is located reasonably near the territory which would be changed by such revisions. This shall include provision for the signature of an official of each telephone utility concerned on the copy of the exchange maps filed with the commission.

Section 8. Tariffs. Each telephone utility shall file with its tariff the various exchange areas, base rate areas, the conditions and circumstances under which service will be furnished and a definition of the classes and grades of service available to customers, in accordance with 807 KAR 25:030.

Section 9. Extensions of Service. (1) The utility shall extend service to applicants within the base rate area without a construction charge except in cases of special requirements.

(2) Each telephone utility shall make an extension of 750 feet or less, free of charge, from existing plant facilities to provide multiparty service to applicants who shall apply for and contract to use the service for one (1) year or more and provide a guarantee for such service. Not more than 250 feet of the extension shall be over private property. However, when the extension over private property will be used to serve customers in general or the private property routing is selected by the utility, such construction shall be treated as being on public property and the full extension if required shall be made.

(3) Other extensions:

(a) 1. When an extension to serve an applicant or a group of applicants amounts to more than 750 feet per applicant, the utility may, if not inconsistent with their filed tariff, require the total cost of the excessive footage over 750 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

2. Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of 750 feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(b) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 750 feet of the extension installed for each additional customer connected during the year, but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(5) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 750 feet upon a finding by the commission that such extension is reasonable.

(6) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by order of the commission.

Section 10. Grade of Service. (1) Within the base rate area, no telephone utility shall place more than four (4) customers on any local exchange line. Within the service area no telephone utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.

(2) On rural lines where multiparty service is provided no more than eight (8) customers shall be connected to any one (1) circuit. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provisions of this rule.

Section 11. Provision of Service. (1) It shall be the service objective of all utilities to fulfill ninety (90) percent of requests for regular service within five (5) working days of the receipt of the request unless the applicant specifically requests a later date.

(2) The service objective for regular regrades shall be to fulfill ninety (90) percent of requests within thirty (30) days unless the applicant specifically requests a later date.

(3) Applications for special service shall be filled in as expeditious manner as equipment and facilities will permit.

(4) All applications which are not filled within five (5) working days for initial regular service and within thirty (30) days for regular regrades shall be considered as held applications.

(5) When because of circumstances beyond the control of the utility it is not possible to provide service within the time limits specified above, the utility shall promptly notify the applicant of the reason for the delay and give him a commitment date based upon the best available information. Utility personnel shall refrain from making unwarranted commitments without first having ascertained that they can reasonably be met.

(6) It shall be the service objective of all utilities to meet ninety-four (94) percent of all commitments made, except for customer caused delays and Acts of God.

(7) In those instances where commitments cannot be met, the applicant shall be notified at the earliest possible time.

(8) Additionally, the utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new or regrade service to the applicant.

(9) When, because of shortage of facilities, a utility is unable to supply telephone service on dates requested by applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

Section 12. Public Telephone Service. In each exchange, the telephone utility shall supply at least one (1) coin telephone that will be available to the public on a

twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility shall also establish other public telephone service at locations where the public convenience will be served.

Section 13. Discontinuance of Service. (1) When a telephone utility, subject to the jurisdiction of this commission, is notified in writing by this commission or by a federal or state law enforcement agency, or by the Attorney General of Kentucky or by a commonwealth's attorney or by a county attorney acting within its or his apparent jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber. But no damages, penalty or forfeiture, civil or criminal, shall be recovered from any telephone utility for any act done in compliance with any notice received from the commission or law enforcement agency.

(2) Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate judicial determination that such facility should not be discontinued or removed, or should be restored.

(3) As provided by KRS 278.230, any telephone utility subject to the jurisdiction of this commission shall furnish to the commission on its demand any records or information in the possession of such telephone utility that may assist the commission in the enforcement of this rule.

(4) Nothing herein shall be construed to prevent the transmission of information for use in legitimate news reporting of sporting events or contests by recognized news media.

Section 14. Customer Billing. Bills to customers shall be rendered regularly and shall contain clear listings of all charges. The utility shall comply with reasonable customer requests for an itemized statement of charges. All toll charges shall be itemized separately.

Section 15. Adequacy of Service. (1) Each utility shall employ recognized engineering and administrative procedures to determine the adequacy of service being provided to the customer.

(2) Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided at all times including the busy hour, busy season.

(3) Each telephone utility shall provide operator assistance on a twenty-four (24) hour per day basis for both local and long distance service.

(4) Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

Section 16. Dial Service Requirements. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements at all times including busy season-busy hour:

(1) Dial tone within three (3) seconds on at least ninety-five (95) percent of telephone calls.

(2) Complete dialing of called numbers on at least ninety-five (95) percent of telephone calls without encountering an equipment or all-trunk busy condition within the local dialing area.

(3) Each utility shall employ appropriate procedures to determine the adequacy of central office equipment and local inter-office and EAS trunks.

Section 17. Grounded Circuits. No telephone lines shall be construed as single wire with ground return. Any existing ground return telephone lines shall be converted to metallic or equivalent circuits.

Section 18. Metallic Circuits. Telephone utilities shall provide full metallic telephone circuits or equivalent for all customers.

Section 19. Toll Connecting Trunks. Sufficient toll connecting or inter-exchange trunks shall be provided so that at least ninety-seven (97) percent of telephone calls offered to the group will not encounter an all trunks busy condition.

Section 20. Transmission Requirements. Telephone utilities shall furnish and maintain adequate plant equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

Section 21. Minimum Transmission Objectives. (1) The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a forty-eight (48) volt dial central office and measured at a frequency of 1,000 cycles.

(2) Subscriber lines shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment.

(3) Telephone utilities shall have as their objective the design of subscriber loops having a transmission loss of no more than eight and five-tenths (8.5) decibels.

(4) The overall transmission loss, including terminating equipment, on local interoffice trunks shall be no more than seven (7) decibels.

(5) Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and terminating links shall be no more than five (5) decibels. Because these trunks may be only one of several connected links, on some toll routes it may be necessary to provide better facilities of high grade in order to keep overall net circuit losses within reasonable limits and to provide satisfactory message transmission.

Section 22. Provisions for Testing. Each telephone utility shall provide test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

Section 23. Selective Ringing. Each telephone utility shall provide full selective ringing to all subscribers.

Section 24. Traffic Rules. (1) Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and agreeable service to the customers.

(2) Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

(3) All operator-handled calls shall be carefully supervised and disconnects made promptly.

(4) When an operator is notified by a customer that he has reached a wrong number on a direct dialed call, the customer shall be given credit on his bill when the claim has been substantiated.

Section 25. Answering Time. (1) Adequate forces shall be provided for toll and for operator assistance calls to meet the service objective so that ninety (90) percent of the calls will be answered within ten (10) seconds.

(2) The service objective for calls to the business office, and repair service shall be ninety (90) percent within twenty (20) seconds.

(3) The service objective for operator number identification (ONI) on toll calls where ANI is not available shall be ninety (90) percent within five (5) seconds.

(4) The utility shall use sufficient quantities of measuring devices to accurately monitor the above service indices.

Section 26. Maintenance of Plant and Equipment. (1) Each telephone utility shall adopt and pursue a preventative maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(2) Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive maintenance not to be in operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

(3) The utility shall maintain records descriptive of its preventative maintenance program indicating work accomplished and planned, which is carried out on a routine periodic basis, for the various categories of equipment and plant.

(4) Work performed in response to trouble is not considered preventative maintenance.

Section 27. Emergency Operations. (1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increase in traffic, illness of operators, or from fire, storm, or Acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

(2) It is essential that all central offices and toll centers have adequate provision for emergency power. Each central and/or toll office shall have a minimum of four (4) hours of battery reserve. In exchanges exceeding 5,000 lines and in toll offices, a permanent auxiliary power unit shall be installed. In offices without installed emergency power facilities there shall be a mobile power unit available of suitable capacity which can be delivered and connected wihin two (2) hours, or one-half (½) the battery reserve time, whichever is greater.

Section 28. Service Interruption. (1) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay, regardless of weekends or holidays.

(2) Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at night, as well as during regular working hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(3) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer, of service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request, and shall be retained for a minimum time of one (1) year.

(4) The service objective shall be to clear ninety-five (95) percent of out-of-service troubles, not requiring unusual repair such as cable failures, within twenty-four (24) hours of the report received by the utility, unless the customer specifically requests a later time.

(5) Non-out-of-service maintenance items reported by customers such as frayed cords, etc., not affecting the utilization of the telephone equipment may be scheduled for correction within a reasonable time so as to achieve economics in the dispatching of service personnel.

(6) All commitments to customers shall be kept, unless customers are timely notified of unavoidable delays. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(7) It shall be the service objective to so maintain the service that the average rate of customer trouble reports in an exchange is no greater than eight (8) per 100 telephones per month.

(8) When a customer's telephone is reported or found to be out of order. It shall be restored to service as promptly as possible, but in the event it remains out of order in excess of twenty-four (24) consecutive hours, after the utility has notice thereof, the utility shall refund to the customer upon request the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

Section 29. Construction Work near Utility Facilities. Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, and other equipment in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

Section 30. Customer Service. A customer may be required to take service of a different type or insufficient quantity if the use of service interferes unreasonably with the necessary service of other customers.

Section 31. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:050. Water.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to water utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of water utilities operating under the jurisdiction of the Utility Regulatory Commission.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.

(2) Transmission main. The transmission main is used for conveying water to the distribution system, reservoirs, tanks or stand pipes, and has generally no service connections with customers.

(3) Distribution main. The distribution main is one from which service connections with customers are taken at frequent intervals.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) Department for Natural Resources. The term "Department for Natural Resources" means the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Sanitary Engineering.

Section 3. Information Available to Customers. (1) Characteristics of water. A description in writing of the treated water as to chemical constituents and bacteriological standards.

(2) Rates. A schedule of rates for water service applicable to the service to be rendered to the customer.

(3) Reading meters. Information about method of reading meters.

(4) Bill analysis. A statement of the past readings of a customer's meter for a period of two (2) years.

Section 4. Quality of Water. (1) General. Any utility furnishing water service for human consumption or for domestic uses shall provide water that is wholesome, potable, free from objectionable odors and taste, and not harmful or dangerous to public health.

(2) Compliance with Department for Natural Resources. Any utility furnishing water service for human consumption or domestic use shall conform to all legal requirements of the Department for Natural Resources for construction and operation of its water system as pertains to sanitation and potability of the water.

(3) Water supply. In absence of comparable requirements of the Department for Natural Resources, water supplied by any utility shall be:

(a) Adequately protected by artificial treatment to include continuous disinfection throughout the distribution system.

(b) Free from objectionable color, turbidity, taste, and odor.

(c) From a source reasonably adequate to provide a continuous supply of water.

(d) Of such quality at all times as to meet the "Public Health Service Drinking Water Standards," Revised 1962 edition, Publication No. 956, U. S. Government Printing Office, Washington, D. C. 20402; herein filed by reference.

(4) Operation of supply system:

(a) The water supply system, including wells, reservoirs, pumping equipment, treatment works, mains, and service pipes shall be free from sanitary defects.

(b) No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted, unless such other water supply maintains a safe sanitary quality in accordance with this regulation and the inter-connections of the supplies are approved by the commission.

(c) The growth of algae in the water at the source of supply, in reservoirs or other basins, and in the water mains, shall be controlled by proper treatment.

(d) Utilities obtaining water supplies from driven or drilled wells must maintain the tightness of well casings and provide protection at the surface of the ground to prevent the infiltration of water other than that from the strata tapped by such wells and 300 feet from any source of pollution.

(5) Testing of water:

(a) Test. Each utility shall have representative samples of water supplied by it examined by the state or local Department for Natural Resources or by a competent chemist and bacteriologist skilled in the sanitary examination of water, under methods approved by the State Department for Natural Resources, at intervals sufficient to insure a safe water supply.

(b) Report to the commission. In the event that the above prescribed tests show that the water furnished by the utility is contaminated or otherwise unsafe for human consumption, the utility shall forward a report of such test to the commission or other state agency having correctional jurisdiction without delay, and shall take immediate steps to correct the condition.

Section 5. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interrup-

tions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Where an emergency interruption of service affects the service to any public fire protection device, the utility shall immediately notify the fire chief or other public official responsible for the fire protection.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption, stating the time and anticipated duration of the interruption. Whenever possible, scheduled interrruptions shall be made at such hours as will provide least inconvenience to the customers. Where public fire protection is provided by the mains affected by the interruptions, the utility shall notify the fire chief or other officials responsible for fire protection, of the interruption, stating the time and anticipated duration. The fire chief or other official responsible for fire protection shall be notified immediately upon restoration of service.

(3) Standby equipment. When the system pressure is maintained by mechanical means, emergency standby pumping equipment shall be provided to maintain a reasonable pressure in the main in the event of failure of the primary pumping facilities.

(4) Storage. Each utility shall provide water storage to insure a minimum of one (1) days supply of its average daily water usage or such minimum amount deemed adequate by the commission.

(5) Record of interruptions. Each utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. This record shall show the cause of interruption, date, time, duration, remedy and steps taken to prevent recurrence.

Section 6. Pressures. (1) Standard pressure. Each utility shall, subject to the approval of the commission, adopt and maintain a standard pressure in its distribution system at locations to be designated as the point or points of "standard pressure." The selection of such points shall be confined to locations fairly representative of average conditions. In selecting points for fixed standard pressure a utility may divide its distribution system into districts, when division is necessary, due to differences of elevation or loss of pressure because of friction, or due to both of said causes; and may adopt a standard pressure for each such division, or it may establish a single standard pressure for its distribution system as a whole. In no case shall the constant difference between the highest and lowest pressures in a district for which a standard has been adopted exceed fifty percent (50%) of such standard. In the interpretation of this rule it shall be understood that in districts of widely varying elevations or low customer density a utility may undertake to furnish a service which does not comply with the foregoing specifications if the customer is fully advised of the conditions under which average service may be expected. It shall be understood that nothing shall prevent the commission from requiring improvements when, upon investigation, it appears right and proper that such betterments should be made. In 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.

(2) Pressure gauges. Each utility shall provide itself with one (1) or more recording pressure gauges for the purpose of making pressure surveys as required by these rules. These gauges shall be suitable to record the pressure experienced on the utility's system and shall be able to record a continuous twenty-four (24) hour test. One (1) of these recording pressure gauges shall be maintained in continuous service at some representative point on the utility's mains.

(3) Pressure surveys. At least once annually, each utility shall make a survey of pressures in its distribution system of sufficient magnitude to indicate the quality of service being rendered at representative points in its system. The pressure charts for these surveys shall show the date and time of beginning and end of the test and the location at which the test was made. Records of these pressure surveys shall be maintained at the utility's principal office in the state and shall be made available to the commission upon request.

Section 7. Water Supply Measurement. (1) Measuring devices. Each utility shall install a suitable measuring device at each source of supply in order that a record may be maintained of the quantity of water produced by each source.

(2) Records. At least once each month, the quantity produced from each source of supply shall be determined. Twelve (12) month totals by sources shall be recorded and transmitted to the commission in the utility's annual report to the commission.

Section 8. Standards of Construction. The design and construction of the utility's water plant shall conform to good standard engineering practice. The plans and specifications for water supplies shall be prepared by an engineer registered in the State of Kentucky, with the submitted plans bearing the engineer's seal. The plant shall be designed and operated so as to provide adequate and safe service to its consumers and shall conform to the requirements of the Department for Natural Resources with reference to sanitation and potability of water.

Section 9. Distribution Mains. (1) Depth of mains. Water mains shall be placed a minimum of twenty-four (24) inches below ground level and shall be protected sufficiently to prevent freezing during the coldest weather normally experienced in the community in which laid, and to prevent damage by traffic.

(2) Dead ends. Insofar as practicable, the utility shall design its distribution system so as to avoid dead ends in its mains. Where dead ends are necessary, the utility shall provide hydrants or valves for the purpose of flushing the mains. Mains with dead ends shall be flushed as often as necessary to maintain the quality of the water; but in any event they shall be flushed at least once each year.

(3) Segmentation of system. Valves or stopcocks shall be provided at reasonable intervals in the mains so that repairs may be affected with interruptions to the service of as few customers as is practicable.

(4) Disinfection of water mains. All new mains shall be thoroughly disinfected before being connected to the system. The method of disinfecting shall be in compliance with the Department of Natural Resources.

(5) Grid systems. Wherever feasible the distribution system shall be laid out in a grid so that in case of breaks or repairs the interruptions of service to the customers will be at a minimum.

Section 10. Service Lines. (1) Size of service line. The size, design and material and installation of the service line shall conform to such reasonable requirements of the utili-

ty as may be incorporated in its rules and regulations, provided, however, that the minimum size of the line shall not be less than three-fourths (3/4) inch nominal size except under unusual circumstances which shall be clearly defined.

(2) Depth of service line. All service lines shall be laid at a depth sufficient to prevent freezing during the coldest weather normally experienced except where services are not intended for use during freezing weather and are actually drained during such periods.

(3) Inspection of service line. In the installation of a service line, the customer shall leave the trench open and pipe uncovered until it is inspected by the utility and shown to be free from any tee, branch connection, irregularity or defect.

Section 11. Construction Requirements. (1) The system shall be adequate to deliver all reasonable water requirements of its customers and meet the requirements of Section 6(1) except under emergency conditions.

(2) Distribution system:

(a) Minimum pipe sizes. The distribution system shall be of adequate size and so designed in conjunction with related facilities to maintain the minimum pressures required by Section 6(1). The maximum length of any individual small pipe line shall be as follows:

	Circulating	Non-Circulating
1 inch nominal size	150 feet	100 feet
1½ inch nominal size	300 feet	200 feet
2 inch nominal size	500 feet	250 feet

In the case of rural water lines, where hydraulic studies indicate they can comply with Section 6(1) and can provide adequate flow of water to serve the peak requirements of customers, the above maximum extension lengths may be extended with approval of the commission.

(b) Fire protection. Specifications, location, installation, and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and when owned by the utility shall be subject to such conditions as the commission may impose, based upon the compensation received for this service.

(3) Transmission systems. The transmission pipe lines from sources of supply shall be designed to deliver in combination with related storage facilities and to the limits of the capacity of those sources of supply the maximum requirements of that portion of the system which is dependent upon such transmission pipe lines.

(4) Water supply requirements. The quantity of water delivered to the utility's distribution system from all source facilities shall be sufficient to supply adequately, dependably and safely the total reasonable requirements of its customers under maximum consumption, and shall be determined so as to maintain the specified pressures as required by Section 6(1).

(5) Materials. Metallic and non-metallic materials may be used separately and in combination to construct component parts of a water system including, but not limited to, conduits, pipes, couplings, caulking materials, protective linings and coatings, services, valves, hydrants, pumps, tanks and reservoirs, provided:

(a) The material shall have a reasonable useful service life.

(b) The material shall be capable of withstanding with ample safety factors the internal and external forces t which it may be subjected in service.

(c) The material shall not cause the deterioration of the potability of the water supply.

(d) Materials and equipment shall be so selected as to mitigate corrosion, electrolysis and deterioration.

Section 12. Extension of Service. (1) Normal extension. An extension of fity (50) feet or less shall be made by a utility to its existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides a guarantee for such service.

(2) Other extensions:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of fifty (50) feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the commission that such extension is reasonable.

Section 13. Service Connections. (1) Ownership of service:

(a) Utility's responsiblity. In urban areas with well-defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service line from its main to and including the curb box, if curb box is used, otherwise to the curb stop. The curb stop may be installed at a convenient place between the property line and the curb. All services shall include a curb stop.

(b) Customer's responsiblity. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

Section 14. Measurement of Service. (1) Metering. All water sold by a utility shall be upon the basis of metered volume sales except that the utility may at its option provide flat rate or estimated service for the following:

(a) Temporary service where the water used can be readily estimated.

(b) Public and private fire protection service.

(c) Water used for street sprinkling and sewer flushing, when provided for in a contract between the utility and a municipality or other local governmental authority.

(2) Registration of meter. All meters used for metered sales shall have registration devices indicating the volume of water measured in either cubic feet or U.S. gallons. Where a constant or multiplier is necessary to convert the meter reading to cubic feet or gallons, the constant shall be indicated upon the face of the meter.

(3) Charge for service line and meter installation:

(a) No utility shall charge for the installation or the use of its portion of the service line or of any devices for metering service to a customer, except for temporary service where the utility may charge its actual cost of installation and removal of service lines and metering devices.

(b) A water district, organized under KRS Chapter 74, may, subject to the approval of the commission, make a charge or "tapping fee" for installing service to its customers. Said "tapping fee" shall include a service tap, meter, meter vault, and installation thereof.

(4) Standard method of meter and service line installation. Each utility shall adopt a standard method of installing meters and service lines and shall file with the commission a written description and/or drawings in sufficient detail that the requirements are clearly understandable. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of placing pipe for water utilization. All meters shall be set in place by the utility.

Section 15. Meter Test Facilities and Equipment. (1) Test facilities. Each utility furnishing metered water service shall provide the necessary standard facilities, instruments and other equipment for testing its meters in compliance with this regulation.

(2) Shop equipment. The utility's meter test shop shall, insofar as practicable, simulate the actual service conditions of temperature, inlet pressure, and outlet pressure. It shall be provided with the necessary fittings, including a quick acting valve for controlling the starting and stopping of the test and a device for regulating the flow of water through the meter under test within the requirements of this regulation. The overall accuracy of the test equipment and test procedures shall be sufficient to enable test of service meters within the requirements of this regulation. In any event the inherent overall accuracy of the equipment shall permit tests with an overall error not to exceed three-tenths of one percent (.3 of 1%).

(3) Test measurement standards:

(a) Basic standard. Measuring devices for testing meters shall consist of a calibrated tank for volumetric measurement or a tank mounted upon scales for weight measurement. If a volumetric standard is used, it shall be certificated as to its accuracy by the Utility Regulatory Commission within the preceding twenty-four (24) months. If a weight standard is used, the scales shall be tested and calibrated at least once a year and certified as to accuracy by the Utility Regulatory Commission.

(b) Size of basic standards. When meters are tested by weight method, it is required that utilities whose measure of quantity is the cubic foot use test equipment capable of holding not less than two (2) cubic feet of water. Utilities whose measure of quantity is the U.S. gallon shall use equipment holding not less than twenty (20) U.S. gallons.

(c) Standard meter. By special permission of the commission, a standard meter may be provided and used by any utility for the purpose of testing meters in place. This standard meter shall be tested and calibrated periodically to insure its accuracy within the limits required by this regulation. In any event, such test shall be made at least once each week while the standard meter is in use and a record of such tests shall be kept by the utility.

Section 16. Accuracy Requirements of Water Meters. (1) General. All meters used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure.

(2) New or repaired meters. All new meters, and all meters removed from service for repairs or test in accordance with this regulation, shall be tested as specified herein prior to being placed in service.

(a) Test flows. The test flow and normal test flow limits, for the various types of cold water meters, are as follows:

DISPLACEMENT TYPE

Nominal Meter Size Inches	Minimum Test Flow Gallons per Minute	Normal Test Flow Gallons per Minute
5/8	1/4	1 to 20
3/4	1/2	2 to 30
1	3/4	3 to 50
1 1/2	1 1/2	5 to 100
2	2	8 to 160
3	4	16 to 300
4	7	28 to 500
6	12	48 to 1000

CURRENT TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	7	12 to 100
2	10	16 to 160
3	15	24 to 350
4	20	40 to 600
6	30	80 to 1400
8	50	144 to 2500
10	75	224 to 3800
12	100	320 to 5800
16	150	400 to 11500

COMPOUND TYPE Nominal Meter		
Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	½	2 to 100
2	½	2 to 160
3	1	4 to 320
4	1½	6 to 500
6	3	10 to 1000
8	4	16 to 1600
10	8	32 to 2300
12	14	32 to 3100

FIRE SERVICE TYPE Nominal Meter		
Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
3	2	8 to 400
4	2	8 to 700
6	4	16 to 1600
8	7	28 to 2800
10	12	48 to 4400
12	12	48 to 6400

PROPELLER-DRIVEN CURRENT TYPE	
Meter Size Inches	Gallons per Minute
2	15 to 80
3	30 to 200
4	45 to 400
5	75 to 600
6	90 to 900
8	100 to 1200
10	125 to 1500
12	150 to 2000
14	250 to 2500
16	275 to 3500
18	400 to 4500
20	475 to 5500
24	700 to 8000
30	1200 to 12000
36	1500 to 16000

(b) Determination of accuracy. Meters shall be tested at the minimum test flow and at least two (2) test flows in the normal test flow limits, one (1) of which shall be not less than seventy-five percent (75%) of the rated maximum capacity of the meter and the other shall be at approximately twenty-five percent (25%) of the rated maximum capacity. No new meter shall be placed in service if it registers less than ninety-five percent (95%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above. No repaired or reconditioned meter shall be placed in service if it registers less than eighty percent (80%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above.

(3) As found tests. All meters tested in accordance with the rules for periodic, request or complaint tests, shall be tested in the condition as found in the customer's service prior to any alteration or adjustment in order to determine the average meter error. This test shall consist of two (2) rates of flow in the normal test flow range for that type of meter as set out in subsection (2)(a) above and the average meter error shall be the algebraic average of the errors of the two (2) tests. (For example, a meter testing one percent (1%) fast at one (1) rate of flow and three percent (3%) slow at the other would have an average meter error of one percent (1%) slow.)

(4) Determination of meter error for bill adjustment purposes. When upon periodic, request or complaint test, a meter is found to be in error in excess of the limits allowed by the commission's regulations, three (3) additional tests shall be made, one (1) at seventy-five percent (75%) of rated maximum capacity; one (1) at fifty percent (50%) of rated maximum capacity; one at twenty-five percent (25%) of the rated maximum capacity. The average meter error shall be the algebraic average of the errors of the three (3) tests.

Section 17. Periodic Tests. (1) Each utility shall test periodically all water meters so that no meter will remain in service without test for a period longer than specified in the following table:

Size of Meter Inches	Interval Between Tests Years
5/8	5
3/4	5
1	5
1 1/4	4
1 1/2	4
2	4
3	2
4 and larger	1

(2) "Periodic test periods" for testing meters in the systems of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the commission from time to time.

(3) Meters of the current and compound type shall be cleaned at least once each year. When filtered or exceptionally clear water is delivered, the interval between cleaning may, upon application to the commission and upon receipt of authority therefor, be made longer.

(4) Whenever the number of meters of any type which register in error beyond the limits specified in this regulation is found by the commission to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Utility Regulatory Commission

807 KAR 25:060. Sewage.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to sewage utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of sewage utilities operating under the jurisdiction of the Utility Regulatory Commission of Kentucky.

Section 2. Definitions. The following terms when used in these rules, shall have the meaning indicated:
(1) "Commission" means the Utility Regulatory Commission of Kentucky.
(2) "Collecting sewers" means sewers, including force lines, gravity sewers, interceptors, laterals, trunk sewers, manholes, lampholes and necessary appurtenances and including service wyes, which are used to transport sewage and are owned, operated, or maintained by a sewage disposal utility.
(3) "Customer" means any person, partnership, association, corporation or governmental agency being provided with sewage disposal service by a utility.
(4) "Customer's service pipe" means any sewer pipe extending from the customer's residence or other structure receiving and transporting sewage to the utility's collecting sewer, but excluding service wyes.
(5) "Lift station" means that portion of the sewage system which is used to lift the sewage to a higher elevation.
(6) "Premises" means a tract of land or real estate including buildings and other appurtenances thereon.
(7) "Sewage" means ground garbage, human and animal excretions, and all other domestic type waste normally disposed of by a residential, commercial, or industrial establishment, through the sanitary sewer system.
(8) "Sewage treatment facilities" includes all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, and controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for the public, or other beneficial or necessary purpose.
(9) "Sewage utility" means any person except a city, who owns, controls or operates or manages any facility used or to be used for or in connection with the treatment of sewage for the public, for compensation, if the facility is a subdivision treatment facility plant, located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district. (KRS 278.010(5)(c).)

Section 3. Filings with this Commission. In addition to all filing requirements provided by 807 KAR 25:010, Rules of Procedure, the following requirements must also be met for all formal applications (outlined below) by sewage utilities before this commission:
(1) Application for certificates of public convenience and necessity. In addition to the filing requirements provided by 807 KAR 25:010, Sections 7 and 8, the applicant shall submit with its application, the following:
(a) A copy of a valid third-party beneficiary agreement guaranteeing the continued operation of the sewage treatment facilities or other evidence of financial integrity such as will insure the continuity of sewage service.
(b) A copy of a preliminary approval issued by the Division of Water Quality of the Kentucky Department for Natural Resources and Environmental Protection approving the plans and specifications of the proposed construction.
(c) A detailed map of the sewage treatment facilities showing location of plant, effluent discharge, collection mains, manholes, and utility service area.
(d) A detailed estimated cost of construction which should include all capitalized costs (construction, engineering, legal, administrative, etc.).
(e) A financial exhibit as described in Section 6 of 807 KAR 25:010.
(f) The manner in detail in which it is proposed to finance the new construction, specifically stating amount to be invested, recouped through lot sales, or contributions (to be) received, etc.
(g) An estimated cost of operation after the proposed facilities are completed.
(h) An estimate of the total number of customers to be served by the proposed sewage treatment facilities, initially and ultimately the class of customers served (i.e., residential, commercial, apartments, recreational, institutional, etc.) and the average monthly water consumption for each class of customer.
(i) A copy of the latest tax returns (federal and state, if applicable) filed by the applicant.
(j) A detailed depreciation schedule of all treatment plant, property and facilities, both existing and proposed, listing all major components of "package;" treatment plants separately.
(k) The proposed rates to be charged for each class of customers and an estimate of the annual revenues derived from the customers using the proposed rate schedules.
(l) A full and complete explanation of corporate or business relationships between the applicant and a parent or brother-sister corporation, subsidiary(ies), a development corporation(s), or any other party or business to afford the commission a full and complete understanding of the situation.
(m) If the establishment of rates is not sought by the applicant, omit paragraphs (i), (j), and (k) above.
(2) Application for authority to adjust rates. In addition to the filing requirements provided by 807 KAR 25:010, Sections 6, 7, and 9, the applicant shall submit with its application, the following:
(a) A copy of a valid third-party beneficiary agreement guaranteeing the continued operation of the sewage treatment facilities or other evidence of financial integrity such as will insure the continuity of sewage service.
(b) A comparative income statement (URC Form) showing test period; per books, revenues and expenses, pro forms adjustments to those figures, and explanations for each adjusted entry.
(c) A detailed analysis of any expenses contained in the comparative income statement which represent an allocation or proration of the total expense.
(d) A detailed depreciation schedule of all treatment plant properties and facilities, listing all major components of "package;" treatment plants separately.
(e) Copies of all service contracts entered into by the utility for outside services, such as but not limited to:

operation and maintenance, sludge hauling, billing, collection, repairs, etc., in order to justify current contract services and charges or proposed changes in said contracts.

(f) A description of the applicant's property and facilities, including a statement of the net original cost (estimate if not known), the cost thereof to the applicant, and a current breakdown of contributed and non-contributed property and facilities owned by the applicant ("contributed property" means property paid for by others).

(g) A detailed customer listing showing number of customers in each customer class and average water consumption for each class of customers.

(h) If the utility has billing and collection services provided by the Louisville Water Company, remittance advices from the Louisville Water Company showing revenues and collection charges should be submitted for the test period.

(i) A copy of the latest tax returns (federal and state, if applicable) filed by the applicant.

(j) A full and complete explanation of corporate or business relationships between the applicant and a parent or brother-sister corporation, subsidiary(ies), a development corporation(s), or any other party or business, to afford the commission a full and complete understanding of the situation.

(3) Application for authority to issue securities, notes, bonds, stocks, or other evidences of indebtedness. In addition to the filing requirements, provided by 807 KAR 25:010 Sections 6, 7, and 10, the applicant shall submit with its application the following:

(a) Copy of amortization schedules of present and proposed indebtedness.

(b) A full and complete explanation of any corporate or business relationships between the applicant and a parent or brother-sister corporation subsidiary(ies), a development corporation(s), or any other party or business to afford the commission a full and complete understanding of the situation.

Section 4. Information Available to Customers. (1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

(2) Rates, rules, and regulations. A schedule of approved rates for sewage service applicable for each class of customers and the approved rules and regulations of the sewage utility shall be available to any customer or prospective customer upon request.

Section 5. Quality of Service. (1) General. Each utility shall maintain and operate sewage treatment facilities of adequate size and properly equipped to collect, transport, and treat sewage, and discharge the effluent at the degree of purity required by the health laws of the State of Kentucky, and all other regulatory agencies, federal, state, and local, having jurisdiction over such matters.

(2) Limitations of service. No sewage disposal company shall be obliged to receive for treatment or disposal any material except sewage as defined by Section 2(7). In compliance with the regulation, the utility shall make all reasonable efforts to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system. A utility may request assistance from the appropriate state, county, or municipal authorities in its efforts, but such a request does not relieve the utility of its aforementioned responsibilities.

Section 6. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest posible delay consistent with the safety of its customers and the general public.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) Record of interruptions. Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Section 7. Design, Construction, and Operation. (1) General. The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

(2) Design and construction requirements. The design and construction of the sewage utility's collecting sewers, treatment plant and facilities, and all additions thereto and modifications thereof, shall conform to the requirements of the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Water Quality.

(3) Adequacy of facilities. The capacity of the sewage utility's sewage treatment facilities for the collection, treatment and disposal of sewage and sewage effluent must be sufficiently sized to meet all normal demands for service and provide a reasonable reserve for emergencies.

(4) Inspection of facilities. Each sewage utility shall adopt procedures for inspection of its sewage treatment facilities to assure safe and adequate operation of its facilities and compliance with Utility Regulatory Commission rules. These procedures shall be filed with the commission. Unless otherwise authorized in writing by the commission, the sewage utility shall make inspections of collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless conditions warrant more frequent inspections and shall make inspections of all mechanical equipment on a daily basis. The sewage utility shall maintain a record of findings and corrective actions required, and/or taken, by location and date.

Section 8. Service Pipe Connections. (1) Sewage utility's service pipe. The sewage utility shall install and maintain that portion of the service pipe from the main to the boundary line of the easement, public road, or street, under which such main may be located.

(2) Customer's service pipe:

(a) The customer shall install and maintain that portion of the service pipe from the end of the sewage utility's portion into the premises served.

(b) Requirements for customer's service pipe. That portion of the service pipe installed and maintained by the customer shall conform to all reasonable rules of the utility. It shall be constructed of materials approved by the

sewage utility and installed under the inspection of the sewage utility.

(3) Restriction on installation. A sewer service pipe shall not be laid in the same trench with a water pipe.

(4) Inspection. If a governmental agency requires an inspection of the customer's plumbing, the sewage utility shall not connect the customer's service pipe until it has received notice from the inspection agency certifying that the customer's plumbing is satisfactory.

RICHARD S. TAYLOR, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:005. Rules of procedure.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.310(2)
NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Energy Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

(1) Amount and kinds of stock authorized.

(2) Amount and kinds of stock issued and outstanding.

(3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.

(4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.

(5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.

(7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(8) Rate and amount of dividends paid during the five

(5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.
(9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.
(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.
(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:
(a) A copy of its articles of incorporation. (See Section 7(3).)
(b) The name of the governmental agency offering the franchise.
(c) The type of franchise offered.
(d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.
(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:
(a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.
(b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.
(c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.
(d) Three (3) maps to suitable scale (preferably not more than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.
(e) The manner in detail in which it is proposed to finance the new construction or extension.
(f) An estimated cost of operation after the proposed facilities are completed.
(g) All other information necessary to afford the commission a complete understanding of the situation.
(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.
(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

Section 9. Application or Notice for Authority to Adjust Rates. (1) When the utility seeks to adjust any rate, toll, charge, or rental, so as to alter any classification, contract, practice, rule or regulation as to result in any change in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:
(a) Financial exhibit. (See Section 6.)
(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.
(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.
(d) A statement in full of the reason why the adjustment is required.
(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.
(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:
(a) Total amount of interest charged to construction.
(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.
(c) Details of any apportionment used.
(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said ap-

plication, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Energy Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or persom complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented

are, if their nature warrants, taken up by correspondence with the public utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

(a) Formal complaint.
(b) Answer.
(c) Application.
(d) Notice of adjustment of rates.

(See forms below)

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

(2) Forms of Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of complainant) Complainant)
vs.)
(Insert name of each defendant) Defendant)
No. _____ (To be inserted by the secretary of the commission)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19 ___.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of each complainant) Complainant)
vs.)
(Insert name of each defendant) Defendant)
No. _____ (To be inserted by the secretary of the commission)

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

(a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defence. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

_____
(Name of defendant)

_____
(Name and address of attorney, if any)

(4) Form of Application.

Before the Energy Regulatory Commission

In the matter of the application of (here insert name of each applicant) for (here insert desired order, authorization, permission or certificate, thus: "Order authorizing issue of stocks and bonds")
No. _____ (To be inserted by the secretary of the commission)

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

(a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).

(b) That the post office address of each applicant is _____.

(c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Energy Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, Kentucky, this ____ day of _____, 19 ___.

_____
(Name of applicant)

_____
(Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Energy Regulatory Commission

In the matter of adjustment of rates of the (state name of corporation).
No. _____ (To be inserted by the secretary of the commission)

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the ____ day of _____, 19 ____, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

_____
(Name and address of company)

_____
(Name and address of attorney)

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:015. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13. 082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, gas and combined energy-non-energy utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Energy Regulatory Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(4) or combined energy-non-energy utility as provided in KRS 278.040(2).

(3) "Combined energy-non-energy utility" means a utility which is an energy utility that also renders service as a non-energy utility as provided in KRS 278.040(2).

(4) "Customer" means any person, firm, corporation or body politic supplied service by any electric, gas or combined energy-non-energy utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by gas, electric and combined energy-non-energy utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual

bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half (½) of the time elapsed since the last pervious test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On_____, 19___, the meter bearing identification No._____installed in your building located at_____
(Street and Number)
in_____was tested
(City)
at_____and found to
(On premises or elsewhere)
register_____.
(Percent fast or slow)
The meter was tested on_____
(Periodic, Request, Complaint)
test.

Based upon this we herewith_____
(Charge or Credit)
you with the sum of $_____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least ten (10) days' written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before thirty (30) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or as to residential service where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Residential service shall not be discontinued where the customer and the utility have reached agreement on a partial payment plan pursuant to paragraph (b) herein. The written notice for any discontinuance of residential service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance.

(b) Every gas and electric utility subject to the jurisdiction of the Energy Regulatory Commission shall have an employee available during regular working hours to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibilty of the utility to disseminate information to its customers regarding the availability of such budget payment plans. If the commission finds, upon application, that a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

(c) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing, by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and com-

bined energy-non-energy utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 50:035, 807 KAR 50:055, 807 KAR 50:065.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Energy Regulatory Commission Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and combined energy-non-energy utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all con-

struction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and under	$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1,000 cu. ft. per hour and under	$ 4
Over 1,000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Energy Regulatory Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Productions facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater; examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors, and supporting facilities).

(b) At intervals not to exceed one (1) year:
1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.
2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.
(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).
(d) Other facilities:
1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.
2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.
(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:
1. All portions of the system (including those listed above) which are the subject of the report.
2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.
(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended by the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.
(4) The following maximum time intervals are prescribed for: certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified; and certain additional inspections not provided for in such code.
(a) At intervals not to exceed one (1) year or at intervals specified by the U.S. Department of Transportation, Office of Pipeline Safety Operations:
1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.
2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.
3. The curb box on service shall be inspected for accessibility.
4. Valves, the use of which may be necessary for the safe operation of a gas distribution system, shall be checked and serviced, including lubrication where necessary, at sufficiently frequent intervals (at least once each year) to assure their satisfactory operation. Inspection shall include checking of alignment to permit use of a key or wrench and cleaning from the valve box or vault any debris which would interfere with or delay the operation of the valve. A similar inspection shall be made of distribution curb valve boxes one (1) year after installation where the alignment may be subject to movement and at meter change intervals thereafter.
(b) Other facilities:
1. Utility buildings inspected for compliance with safety codes at least annually.
2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.
(c) At intervals not to exceed the periodic meter test intervals: individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.
(d) One (1) year after installation and thereafter at meter change intervals: All necessary curb valves on the service line shall be inspected for operable condition.
(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:
1. All portions of the system (including those listed above) which are the subject of the report.
2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.
(5) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.
1. Source of supply:
a. Dams, physical and structural, annually.
b. Intake structures, physical and structural, annually.
c. Traveling screens, physical and structural and safety of operation, annually.
2. Purification:
a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.
b. Chemical feed equipment, for proper and safe operation, annually.
c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.
d. Hydrants, for proper and safe operation, annually.
e. Utility buildings, inspection for compliance with safety codes, annually.
f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.
g. Mains and valves, leaks, annually.
(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:
1. All portions of the system (including those listed above) which are the subject of the report.
2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Report of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:020. Advertising.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.040, 278.190(3)
NECESSITY AND FUNCTION: KRS 278.190(3) provides that at any hearing involving a rate or charge of a utility for which an increase is sought, the burden of proof shall be on the utility to show that the increased charge or rate is just and reasonable. This regulation specifies that a utility shall have the burden of proving that all advertising expenses proposed for inclusion in a utility's cost of service will produce a benefit to that utility's ratepayers.

Section 1. General. The purpose of this regulation is to insure that no expenditures for advertising may be includable in a utility's cost of service for ratemaking purposes unless the utility demonstrates that such advertising expenditure produces a benefit to that utility's ratepayers.

Section 2. Definitions. (1) The term "advertising" means the commercial use of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public or to utility consumers.

(2) The word "ratepayer" shall mean any person, firm or corporation, municipality or other political subdivision of the state receiving and paying for services delivered by a public utility.

Section 3. Applicability. This regulation shall apply to any utility subject to the jurisdiction of the Energy Regulatory Commission.

Section 4. Advertising Allowed. (1) No advertising expenditure of a utility shall be taken into consideration by the commission for the purpose of establishing rates unless such advertising will produce a benefit for the ratepayers. The utility shall have the burden of proving that any advertising cost or expenditure proposed for inclusion in its operating expenses for ratemaking purposes within a given test year is of direct benefit to its ratepayers.

(2) As used in this regulation, advertising expenditures shall include costs of advertising directly incurred by the public utility and those costs of advertising incurred by contribution to third parties.

(3) Nothing herein shall be construed to prohibit, for the purpose of establishing rates, advertising which promotes conservation or advertising required by state or federal law.

PERRY WHITE, JR., Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:025. Tariffs.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.160(1)
NECESSITY AND FUNCTION: KRS 278.160(1) provides that the commission shall prescribe rules under which each utility shall file schedules showing all rates and conditions established by it and collected or enforced.

Section 1. General. All utilities under the jurisdiction of the Energy Regulatory Commission shall file with the secretary of the commission two (2) cover letters and four (4) complete copies of a tariff containing schedules of all its rates, charges, tolls and maps or plats of the area in which it offers service and all its rules and regulations and shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160, in substantially the form and manner hereinafter set out. If a utility furnishes more than one (1) kind of service (water and electricity for example), a separate tariff must be filed for each kind of service. For the purpose of the commission's rules and regulations, the utilities office or place of business shall be deemed a location at which the utility regularly employs and stations one (1) or more employees and is open to the public.

Section 2. Form and Size of Tariffs. (1) All tariffs must be printed from type not smaller than six (6) point or typewritten, mimeographed or produced by similar process, on hard calendared paper of good quality.

(2) The pages of a tariff shall be eight and one-half by eleven (8½ by 11) inches in size.

(3) Utilities shall publish tariffs in loose-leaf form using one (1) side of the paper only, with not more than one (1) schedule to the page.

(4) The front cover page of a tariff shall contain the following:

(a) Name of the utility and location of principal office.
(b) Statement of kind of service offered.
(c) General statement of territory served.
(d) Date of issue and date tariff is to become effective.
(e) Signature of the officer of the utility authorized to issue tariffs.
(f) Identifying designation in the upper right-hand corner as required by Section 4.

(5) The second and succeeding pages shall contain:

(a) All the rules and regulations of the utility.
(b) Rate schedules showing all rates and charges for the several classes of service.
(c) Signature of the officer of the utility authorized to issue tariffs.
(d) Date of issue and date tariff is to become effective.
(e) Identifying designation in upper right-hand corner as required by Section 4.

(6) In that portion of the tariff dealing with rates, the desired information shall be shown under the following captions in the order listed:

(a) Applicable: Show territory covered by tariff.
(b) Availability of service: Show classes of customers affected, such as domestic, commercial, etc.
(c) Rates: List all rates covered by tariff.
(d) Minimum charge: State amount of charge and quantity allowed.
(e) Delayed payment charge: State if penalty or discount.

(f) Term: If contracts are made for certain periods, give length of term.

(g) Special rules: If any special rules and regulations are in effect covering this tariff, list same hereunder.

(7) The secretary of the commission will furnish standard forms of tariffs on request.

Section 3. Contents of Schedules. (1) Each rate schedule in addition to a clear statement of all rates thereunder must state the city, town, village or district in which rates are applicable; provided, however, that schedules applicable in a large number of communities must be accompanied by an accurate index by which each community in which the rates are applicable may be readily ascertained, in which case the applicability of a schedule may be indicated by reference to the index sheet. (Example: Applicable within the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

(2) Each rate schedule must state that class of service available under the rates stated therein. (Example: Available for domestic lighting, or available for all purposes, etc.)

(3) For a tariff in which a number of schedules are shown available for various uses, each schedule shall be identified by a number or by a group of letters, and if by a group of letters, the designation shall be indicative of the class of service for which the schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating that the schedule states domestic utility rates.)

(4) (a) Each page of the tariff shall bear the Energy Regulatory Commission Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.

(b) In the case of a change in the text of any page as hereinafter provided the further designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.

(c) Tariffs may be further divided into sections, and so designated if required by their size and contents.

(5) All schedules shall state whether a minimum charge is made, and if so, they shall set out all such charges, and further state whether such minimum charge is subject to prompt payment discount or delayed payment penalty.

Section 4. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the Energy Regulatory Commission number thereof. Subsequent tariffs filed as provided by Sections 5 through 8, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the Energy Regulatory Commission number of the tariff cancelled, changed or modified by it.

Section 5. Change or Withdrawal of Rate Schedules or Regulations. (1) No tariff, or any provision thereof, may be changed, cancelled or withdrawn except upon such terms and conditions as the commission may impose and in compliance with KRS 278.180 and Sections 5 through 8.

(2) (a) All revisions in tariff sheets shall contain a symbol in the margin indicating the change made. These symbols are as follows:

(C) To signify changed regulation.
(D) To signify discontinued rate, regulation or test.
(I) To signify increase.
(N) To signify new rate and/or new test.
(R) To signify reduction.
(T) To signify a change in text.

(b) In the case of a change in the text of any tariff sheet where the rate remains the same, the effective date shall remain the same as that on the amended sheet. The issued date of the change shall be the date the filing is made with the commission.

(c) All tariff filings which involve the furnishing of equipment or services to the customer by the utility shall be accompanied by a description of the equipment or service involved in the filing and a cost of service study justifying the proposed charges.

(3) New tariffs stating changes in any provision of any effective tariff may be issued and put into effect by either of the two (2) following methods:

(a) By order of the commission upon formal application by the utility, and after hearing, as provided by Section 6.

(b) By issuing and filing on at least twenty (20) days notice to the commission and the public a complete new tariff (or revised sheet of an existing tariff) stating all the provisions and schedules proposed to become effective as provided by Sections 7 and 8.

(4) The provisions or rates stated on any sheet or page of a tariff may be modified or changed by the filing of a revision of such sheet or page in accordance with the provisions of this regulation. Such revisions must be identified as required herein.

Section 6. Adjustment of Rates on Application. Upon the granting of authority for a change in rates, the utility shall file a tariff setting out the rate, classification, charge, or rule and regulation authorized by the commission to become effective the order may direct, and each page of the tariff so filed shall state that it is "Issued by authority of an order of the Energy Regulatory Commission in Case No. _____ dated _____, 19_____."

Section 7. Notice to the Public. (1) Notice to the public of a change of rates and charges or rules and regulations shall be given by the utility in the following manner:

(a) The tariff or revised sheet stating the proposed rates, rules, regulations, etc., shall be exhibited at the offices and places of business of the utility in the territory affected for a least twenty (20) days prior to the proposed effective date of such tariff or revised sheet. If after review of said tariff or revision the commission deems it necessary to hold a public hearing in order to determine the reasonableness of the proposed revision, notice of such hearing shall be served on the utility. The tariff or revised sheets shall be exhibited as set out above the twenty (20) days prior to the date of hearing.

(b) If the proposed change will result in an increase of rates or charges to any customer, typewritten notice of the proposed rates or charges shall be mailed by the utility to each customer to be so affected at least twenty (20) days prior to the effective date of the proposed rates or charges, or where a hearing on the proposed increase has been set by the commission, at least twenty (20) days prior to the date of hearing; provided, however, that when more than twenty (20) patrons will be so affected by the proposed change, it will be sufficient within the meaning of this rule if such notice is published once a week for three (3) consecutive weeks prior to the effective date of such proposed rates or charges or when a hearing has been scheduled, for three (3) consecutive weeks prior to the date of hearing, in some newspaper of general circulation in the community or communities in which the customers to be affected reside, and provided further, that the commission, upon requst of the utility, may modify the requirements as to notice other than by posting in any case in which it appears proper to do

so. Notice provided for in this section shall contain the proposed rates, and when applicable, the date, time and place of hearing.

(2) The agent or representative of the utility in charge of an office or place of business shall give information regarding its tariffs (present and proposed) requested of him by any consumer or prospective consumer or his agent, and shall accord said persons, or their agents, opportunity to examine any of the tariffs of the utility at any reasonable time.

Section 8. Statutory Notice to the Commission. (1) When a new tariff has been so issued and notice thereof given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and regulations therein be deferred by an order of the commission pending a hearing concerning the propriety of the proposed rates and regulations under KRS 278.190.

(2) All information and notice required by these rules shall be furnished to the commission at the time of the filing of any proposed revisions in rates or regulations, and the twenty (20) days statutory notice to the commission will not commence to run and will not be computed until such information and notice is filed.

Section 9. Change of Ownership; Adoption Notice. (1) In case of change of ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company (unless authorized to change by the commission), and shall issue, file and post an adoption notice, on a form furnished by the commission, adopting, ratifying and making its own all rates, rules, classifications and regulations of the former operating utility, on file with the commission and effective at the time of such change of ownership or control.

(2) Adoption notices must likewise be filed by receivers and trustees assuming possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(3) Adoption notices filed with the commission by each utility shall be in consecutive numerical order, beginning with Energy Regulatory Commission Adoption Notice No. 1.

(4) Within ten (10) days after the filing of an adoption notice as aforesaid by a public utility which then had no tariffs on file with the commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof in the form prescribed in Sections 1 through 4 with proper identifying designation. (Example: Energy Regulatory Commission No. 1 cancels Energy Regulatory Commission Adoption Notice No. 1.)

(5) Within ten (10) days after the filing of an adoption notice, as required by subsection (2) of this section, by a public utility which then had other tariffs on file with the commission, said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these rules with proper identifying designation. (Example: First Revision of Original Sheet No. 2A, Energy Regulatory Commission No. 11, cancels Original Sheet No. 2A, also cancels Energy Regulatory Commission Adoption Notice No. 6; or Energy Regulatory Commission No. 12 cancels Energy Regulatory Commission No. 11, also cancels Energy Regulatory Commission Adoption Notice No. 6.)

(6) When a tariff or revision is issued by a utility in compliance with these rules which states the rates, rules and regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the effect of the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject to Sections 7 and 8.

Section 10. Posting Tariffs, Regulations and Statutes. Every utility shall provide a suitable table or desk in its office and place of business, on which shall be available to the public at all times the following:

(1) A copy of all effective tariffs and supplements setting out its rates, classifications, charges, rules and regulations, together with forms of contracts and applications applicable to the territory served from that office or place of business.

(2) Copies of the Kentucky Revised Statutes applicable to the utility.

(3) A copy of the regulations governing such utility adopted by the Energy Regulatory Commission.

(4) A suitable placard, in large type, giving information to the public that said tariffs, rules and regulations and statutes are kept there for public inspection.

Section 11. Special Contracts. Every utility shall file true copies of all special contracts entered into governing utility service which set out rates, charges or conditions of service not included in its general tariff. The provisions of this regulation applicable to tariffs containing rates, rules and regulations, and general agreements, shall also apply to the rates and schedules set out in said special contracts, so far as practicable.

Section 12. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

Section 13. Forms. In submitting to the commission information required by these rules the following forms shall be followed where applicable:

(1) Form of cover sheet for tariffs.

(2) Form for filing rules and regulations.

(3) Form for filing rate schedules.

(4) Form of certificate of notice to the public of change in tariff where no increase of charges results.

(5) Form of certificate of notice to the public of change in tariff which results in increased charges.

(6) Form of adoption notice.

FORM OF COVER SHEET FOR TARIFFS

E.R.C. KY. NO._____

CANCELS E.R.C. KY. NO._____

(NAME OF COMPANY)

of

(LOCATION OF COMPANY)

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED)

at

(LOCATION SERVED)

FILED WITH ENERGY REGULATORY COMMISSION

Issued_____, 19___ Effective _____, 19__

Issued by _____
(Name of Utility)

By_____

FORM FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For_____
Community, Town or City

E.R.C. NO._____

_____(Original) Sheet No._____
(Revised)

Name of Issuing Corporation

Canceling E.R.C. No._____

_____(Original) Sheet No. _____
(Revised)

CLASSIFICATION OF SERVICE

APPLICABLE: (Show territory covered by tariff.)

AVAILABILITY OF SERVICE: (Show classes of customers affected, such as domestic, commercial, etc.)

RATES: (List all rates covered by tariff.)

MINIMUM CHARGE: (State if penalty or discount.)

DATE OF ISSUE_____
Month Day Year

DATE EFFECTIVE_____
Month Day Year

ISSUED BY_____
Name of Officer Title Address

ISSUED BY AUTHORITY OF E.R.C.
ORDER NO. _____

FORM FOR FILING RULES & REGULATIONS

(Page 2 of Tariff)

Name of Utility

RULES & REGULATIONS

Date of Issue Effective Date

Issued By

Name Title

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC
OF CHANGE IN TARIFF WHERE NO
INCREASE OF CHARGES RESULTS

(2 Copies Required)

To the ENERGY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am _____ of the (Name of Utility) _____ a utility furnishing (Kind of service) _____ service within the Commonwealth of Kentucky, which on the _____ day of _____, 19_____, issued *Tariff E.R.C. No. _____, canceling Tariff E.R.C. No. _____, to become effective _____ 19_____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the _____ day of _____, 19___, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to-wit, at the following places: (Give location of offices where rates are posted) _____ and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 7 of said Regulation.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges of any customer.

Given under my hand this _____ day of _____, 19_____.

Address_____

* If a revised sheet, or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as _____ Revision of Original Sheet No. _____E.R.C. No._____, canceling _____Original Sheet No. _____; E.R.C. No._____, canceling E.R.C. Adoption Notice No. _____.

FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC
OF CHANGE IN TARIFF WHICH RESULTS
IN INCREASED CHARGES

(2 Copies Required)

To the ENERGY REGULATORY COMMISSION, FRANKFORT, KENTUCKY

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am (Title of Officer) _____ of the (Name of Utility) _____ a utility furnishing _____ service within the Commonwealth of Kentucky, which on ____ day of _____, 19____, issued its *Tariff E.R.C. No. _____ canceling Tariff E.R.C. No. _____ to become effective _____, _____, 19____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 7 of said Regulation, as follows:

On the _____ day of _____, 19____, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the folloiwng places: (Give location of offices where rates are posted) _____ and that the same will be kept open to public inspection at said office and places of business in conformity with the requirements of Section 7 of said Regulation.

**On the _____ day of _____, 19____, a typewritten or printed notice of the proposed rates or regulations was mailed to each of the _____ customers of the company whose rates or charges will be increased thereby, a copy of said notice being attached thereto.

Given under my hand this _____ day of _____, 19____.

Address_____

_____

* If a revised sheet or additional sheet of a loose-lead tariff is used to state changes in rates or regulations, the filing should be described as Revision of Original Sheet No.____, E.R.C. No.____, or Original Sheet No. ____ E.R.C. No. ____canceling E.R.C. Adoption Notice No. _____.

** If Notice is given by publication as provided by Section 7, use the following:
That more than 20 customers will be affected by said change by way of an increase in their rates or charges, and on the ____ day of _____, 19____, there was delivered to the _____, a newspaper of general circulation in the community in which the customers affected reside, for publication therein once a week for three consecutive weeks prior to the effective date of said change, a notice of the proposed rates or regulations, a copy of said notice being attached hereto. A certificate of the publication of said notice will be furnished the ENERGY REGULATORY COMMISSION upon the completion of the same n accordance with Section 8(2), of said Regulation.

FORM OF ADOPTION NOTICE
E.R.C. Adoption Notice No. _____
ADOPTION NOTICE

The undersigned (Name of Utility) _____ of _____ (hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing (Nature of Service) _____ service at _____ in the Commonwealth of Kentucky, filed with the ENERGY REGULATORY COMMISSION by (Name of Predecessor)_____ of _____, and in effect on the _____ day of _____, 19____, the date on which the public service business of the said (Name of Predecessor) _____ was taken over by it.

The notice is issued on the _____ day of _____, 19____, in conformity with Section 9 of ERC Tariff Regulations adopted by the ENERGY REGULATORY COMMISSION.

_____

By _____

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:035. Gas.

RELATES TO: KRS 278.485, 278.502
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to gas utilities.

Section 1. General. (1) The purpose of this regulation is to provide standard rules governing the service of gas utilities operating under the jurisdiction of the Energy Regulatory Commission.

(2) Utilities serving customers under KRS 278.485 or other retail customers, under the jurisdiction of this commission, directly from transmission or gathering lines are exempt from Sections 6, 7, 8, 9, 10, 12, 14, 15, 16, and 17 insofar as they apply to these customers.

(3) Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Planned interruptions shall always be preceded by adequate notice to all affected customers.

(4) (a)Every utility transmitting gas by any pipeline intended to be subjected to pressures in excess of 100 psig shall:

1. Within ninety (90) days from the date of the effective date of this regulation file with the Energy Regulatory Commission a report setting forth the respects in which such pipeline and its appurtenances conform or do not conform, as the case may be, to the standards, requirements and safeguards enumerated in these rules. Such statement shall be based upon records of the utility, including records of tests, specifications or other available data, and upon current investigations and surveys, not requiring excavation or interruption of service.

2. In each instance where any gas corporation required by subparagraph 1. to file a report claims that it is not possible or practicable to obtain the necessary data to prepare the same, a report setting forth such claim shall nevertheless be filed within the period required by subparagraph 1., and the basis for such claim shall be set forth in such verified statement.

3. In each instance in which the report required to be filed by this section states that any portion of such pipeline or its appurtenances does not conform to the standards, requirements and safeguards enumerated in these rules or that it is not possible or practicable to obtain the necessary data to prepare such a statement, the report shall state whether or not in the opinion of the person preparing the report, such portion of pipeline and its appurtenances is in safe operating condition.

(b) In each instance where it is stated that such pipeline or its appurtenances or any portion thereof is in safe operating condition, the basis for such statement shall be set forth including the operating conditions under which the opinion is expressed, and such report may be accompanied by an application of the gas corporation to the Energy Regulatory Commission for an exemption from the application of the rules herein enumerated.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of gas delivered by a utility to a customer.

(2) Transmission line. "Transmission line" means a pipeline other than a gathering line that:

(a) Transports gas from a gathering line or storage facility;

(b) Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

(c) Transports gas within a storage field.

(3) Distribution line. "Distribution line" means a pipeline other than a gathering line or transmission line.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) The term "cubic foot of gas" as used in these rules shall have the following meanings:

(a) In cases where gas is supplied and metered to customers at the standard distribution pressure, a cubic foot of gas shall be defined to be the volume of gas which, at the temperature and pressure existing in the meter, occupies one (1) cubic foot.

(b) In cases where gas is supplied to customers through orifice or positive displacement meters at other than standard distribution pressure a cubic foot of gas shall be defined to be that volume of gas which, at sixty (60) degrees Fahrenheit and at absolute pressure of 14.73 pounds per square inch, (thirty (30) inches of mercury), occupies one (1) cubic foot; except that in cases where different bases that are considered by the commission to be fair and reasonable are provided for in gas sales contracts or in rules or practices of a utility, such different bases shall be effective.

(c) The standard cubic foot of gas for testing the gas itself for heating value, shall be that volume of gas which, when saturated with water vapor and at a temperature of sixty (60) degrees Fahrenheit, and under a pressure equivalent to that of thirty (30) inches of mercury (mercury at thirty-two (32) degrees Fahrenheit, and under standard gravity) occupies one (1) cubic foot.

(7) The term "British thermal unit" shall mean the quantity of heat required to raise the temperature of one (1) pound of water one (1) degree Fahrenheit.

(8) The term "therm" shall mean a unit of heating value equivalent to 100,000 British thermal units.

Section 3. Construction Standards. (1) The following publications and codes are hereby adopted, and filed by reference, as standards of accepted good practice to be followed by all utilities under the jurisdiction of the Energy Regulatory Commission except when such codes or publications conflict with the regulations of this commission.

(a) The commission being certified and financed by the Office of Pipeline Safety Operations, U. S. Department of Transportation, hereby adopts the "Minimum Federal Safety Standards, Title 49 CFR Part 192," as published in the Federal Register on August 19, 1970, (35 F.R. 13247) and revisions as of December 31, 1976 as Minimum Gas Safety Standards for the Energy Regulatory Commission. The said federal minimum standards shall apply except where the rules adopted by this commission are more stringent than and not inconsistent with the federal standards. Nothing contained in these standards, however, shall prevent the commission from adopting, after due notice and hearing, additional or more stringent standards for intrastate gas facilities now under the commission's jurisdiction, provided that such standards are not inconsistent with the federal standards.

(b) National Fire Protection Association Standard No. 54, "National Fuel Gas Code" 1974 edition as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210.

(c) National Fire Protection Association Standard No. 59, "LP Gases At Utility Gas Plants" 1974 edition as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

(d) "Standard Methods of Gas Testing," Circular No. 48, National Bureau of Standards, 1916.

(e) "Testing Large Capacity Rotary Gas Meters," Research Paper No. 1741, National Bureau of Standards Journal of Research, September 1946.

(f) "Standard Method Test for Calorific Value of Gaseous Fuels by the Water-flow Calorimeter," American Society for Testing Materials, Standard D 900-55, 1974 edition as published by the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania.

(2) Reports and records of proposed construction:

(a) At least thirty (30) days prior to the construction or major reconstruction of any gas pipeline intended to be subjected to pressure in excess of 100 psig, or twenty percent (20%) of minimum yield strength, whichever is lower, a report shall be filed with the Energy Regulatory Commission setting forth the specifications for such pipeline and the maximum allowable operating pressure.

(b) Every gas utility shall, on the 15th day of each month, submit a report to the Energy Regulatory Commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.

(c) Before any gas pipeline or main is placed in operation intended to be subjected to pressures in excess of 100 psig, or twenty percent (20%) of minimum yield strength, whichever is lower, a report shall be filed with the Energy Regulatory Commission certifying the maximum pressure to which the line is intended to be subject and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed, and a further report shall be filed within sixty (60) days thereafter including the results of all tests made pursuant thereto. No gas pipeline or main shall be operated at pressures in excess of the pressure for which it was certified to the Energy Regulatory Commission.

(d) The responsibility for the maintenance of necessary records to establish that compliance with the rules and regulations has been accomplished rests with the utility. Such records shall be available for inspection at all times by the commission or the commission's staff.

(3) The Minimum Federal Safety Standards, Title 49 CFR Part 192, as published in the Federal Register on August 19, 1970, (35 F.R. 13247) and revisions as of December 31, 1976 being the presently effective code the commission hereby adopts the following modifications and changes thereto:

(a) To 192.163 add: (The following is numbered in accordance with Title 49 CFR Part 192.):

"(f) Air Piping System:

"(1) All air piping within gas compressing stations shall be constructed in accordance with Section 2 of the USAS B31.1 Code for Pressure Piping.

"(2) The starting air pressure, storage volume, and size of connecting piping shall be adequate to rotate the engine

at the cranking speed and for the number of revolutions necessary to purge the fuel gas from the power cylinder and muffler. The recommendations of the engine manufacturer may be used as a guide in determining these factors. Consideration should be given to the number of engines installed and to the possibility of having to start several of these engines within a short period of time.

"(3) A check valve shall be installed in the starting air line near each engine to prevent backflow from the engine into the air piping system. A check valve shall also be placed in the main air line on the immediate outlet side of the air tank or tanks. It is recommended that equipment for cooling the air and removing the moisture and entrained oil be installed between the starting air compressor and the air storage tanks.

"(4) Suitable provision shall be made to prevent starting air from entering the power cylinders of an engine and activating moving parts while work is in progress on the engine or on equipment driven by the engines. Acceptable means of accomplishing this are installation of a blind flange, removal of a portion of the air supply piping or locking closed a stop valve and locking open a vent downstream from it.

"(g) Air receivers. Air receivers or air storage bottles, for use in compressor stations, shall be constructed and equipped in accordance with Section VIII, Unfired Pressure Vessels, of the ASME Boiler and Pressure Vessel Code.

"(h) Lubricating oil piping. All lubricating oil piping with gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B31.3.

"(i) Water and steam piping. All water and steam piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Power Piping, USAS B31.1.0.

"(j) Hydraulic piping. All hydraulic power piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B31.3."

(b) To 192.167 add: "(d) All emergency valves and controls shall be identified by signs. All important gas pressure piping shall be identified by signs or color codes as to their function."

(c) To 192.171 add: "(f) All fuel gas lines within a compressor station, serving the various buildings and residential areas, shall be provided with master shutoff valves located outside of any building or residential area."

(d) To 192.183 add: "(d) Vault or pit openings shall be located so as to minimuze the hazards of tools or other objects falling upon the regulator, piping or other equipment. The control piping and the operating parts of the equipment installed shall not be located under a vault or pit opening where workmen can step on them when entering or leaving the vault or pit, unless such parts are suitably protected. "(e) Whenever a vault or pit opening is to be located above equipment which could be damaged by a falling cover, a circular cover should be installed or other suitable precautions taken."

(e) To 192.279 add: "Copper pipe shall be joined by using either a compression type coupling or a brazed or soldered lap joint. The fillet material used for brazing, shall be a copper-phosphorous alloy or silver base alloy. Butt welds are not permissible for joining copper pipe or tubing. Connections using a copper or cast bronze service line tee or extension fitting sweat-brazed to the copper main, are recommended for service line connections to copper mains."

(f) To 192.305 add: "The inspector shall have authority to order the removal and replacement of any section that fails to meet the standards of this code."

(g) To 192.307 add: "Plastic pipe and tubing shall be adequately supported during storage and thermoplastic pipe, tubing and fittings shall be protected from long term exposure to direct sunlight."

(h) To 192.321 add to (a): " . . . and shall conform to the applicable provisions of 192.327 except that plastic pipelines and mains shall be installed with a minimum cover of twenty-four (24) inches at all stress levels" unless encased or otherwise protected.

(i) To 192.357(b) delete and add: "(b) The use of standard weight close (all thread) nipples is prohibited."

(j) To 192.361 add: "(g) Joining of Service Lines. All underground steel service lines shall be joined by threaded and coupled joints, compression type fittings, or by qualified welding procedures and operators.

"(h) When coated steel pipe is to be installed as a service line in a bore, care shall be exercised to prevent damage to the coating during installation. For all installations to be made by boring, driving, or similar methods or in a rocky type soil, the following practices or their equivalents are recommended.

"(1) The coated pipe should not be used as the bore pipe or drive pipe and left in the ground as part of the service line. It is preferable to make such installations by first making an average bore, removing the pipe used for boring and then inserting the coated pipe.

"(2) Coated steel pipe preferably should not be inserted through a bore in exceptionally rocky soil when there is a likelihood of damage to the coating resulting from the insertion.

"(3) The recommendations in 1 and 2 do not apply where coated pipe is installed under conditions where the coating is not likely to be damaged, such as in sandy soil."

(k) To 192.467(f) add: "A study must be made in collaboration with the electric company on the common problems of corrosion and electrolysis taking the following factors into consideration:

"(1) The possibility of the pipeline carrying either unbalanced line currents or fault currents.

"(2) The possibility of lightning or fault currents inducing voltages sufficient to puncture pipe coatings or pipe.

"(3) Cathodic protection of the pipeline, including location of ground beds, especially if the electric line is carried on steel towers.

"(4) Bonding connections between the pipeline and either the steel tower footings or the buried ground facilities or the ground-wire of the overhead electric system."

(l) To 192.503 delete (c) and add: "(c) Except as provided in 192.505(a), if air is used as the test medium, the following maximum hoop stress limitations apply:

Maximum Hoop Stress Permissible During Test

	Percent of Specified Minimum Yield			
Location Class	1	2	3	4
Test Medium Air	75	75	50	40

(m) To 192.505 delete entirely and add: "192.505 Strength test requirements for steel pipeline to operate at a hoop stress of thirty (30) percent or more of SMYS:

"(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of thirty (30) percent of more of SMYS must be strength tested in accordance with this section to substantiate the proposed

maximum allowable operating pressure. In Class 1 locations, pipelines shall be tested to 1.25 times the maximum operating pressure and in Class 2 locations pipelines shall be tested to 1.50 times the maximum operating pressure. The test medium may be either air, water or inert gas except that if there is a building intended for human occupancy within 300 feet of the pipeline water must be used as the test media while the hoop stress exceeds fifty (50) percent of SMYS unless the buildings are evacuated during the test. Pipelines and mains in Class 3 and 4 locations shall be tested hydrostatically to a pressure not less than 1.50 times the maximum operating pressure.

"(b) In a Class 1 or Class 2 location, each compressor station, regulator station, and measuring station, must be tested to at least Class 3 location test pressure requirements.

"(c) Test pressure shall be maintained until the pressure has stabilized as far as possible in all portions of the test sections giving due consideration to changes in ambient temperatures. In no event shall the duration of the test be less than twenty-four (24) hours following such stabilization except that, in the case of a length of pipeline, main or piping which has not been backfilled prior to the test where, throughout its entire length, its entire circumference can be readily examined visually for the detection of leakage, the duration of the test shall be not less than four (4) hours following such stabilization.

"(d) Where water is utilized as the test medium, adequate provisions shall be made for disposal of the water and steps shall be taken to guard against contamination.

"(e) Requirements for hydrostatic testing of mains and pipelines in Class locations 3 and 4 do not apply if at the time the pipeline or main is first ready for test the ground temperature at pipe depth is thirty-two (32) degrees Fahrenheit or less, or might fall to that temperature before the hydrostatic test could be completed. In such cases an air test to 1.50 times the maximum operating pressure shall be made. Precautions shall be taken to protect the public.

"(f) Other provisions of these rules notwithstanding pipelines and mains crossing highways and railroads may be tested in each case in the same manner and to the same pressure as the pipelines on each side of the crossing.

"(g) If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that:

"(1) The component was tested to at least the pressure required for the pipeline to which it is being added; or

"(2) The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added.

"(h) For fabricated units and short sections of pipe, for which a post installation test is impractical, a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least four (4) hours."

(n) To 192.507 delete entirely and add: "192.507 Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and above 100 psig must be tested in accordance with the following table except that air may be used as the test medium within the maximum limits set in 192.503(c).

Test Requirements for Pipelines and Mains to Operate at Hoop Stresses of thirty percent (30%) or less of the Specified Minimum Yield Strength of the Pipe and above 100 psig

Location Class	Permissible Test Fluid	Prescribed Test Pressure Minimum	Maximum
1	Water	1.25 x m.o.p.	None
	Air	1.25 x m.o.p.	1.25 x d.p.
2	Water	1.50 x m.o.p.	None
	Air	1.50 x m.o.p.	1.25 x d.p.
3	Water	1.50 x m.o.p.	None
4	Water	1.50 x m.o.p.	None

m.o.p. maximum operation pressure
d.p. design pressure

"(a) The pipeline operator must use a test procedure that will insure discovery of all potentially hazardous leaks in the segment being tested.

"(b) If during the test, the segment is to be stressed to twenty (20) percent or more of SMYS and air is the test medium:

"(1) A leak test must be made at a pressure between 100 psig and the pressure required to produce a hoop stress of twenty (20) percent of SMYS; or

"(2) The line must be walked to check for leaks while the hoop stress is held at approximately twenty (20) percent of SMYS.

"(c) The pressure must be maintained at or above the test pressure for at least one (1) hour."

(o) To 192.509 add: "(c) If substantial protective coatings are used that would seal a split pipe seam the leak test pressure shall be 90 psig.

(p) To 192.511(c) change fourth line to read as follows: " . . . must be tested to the maximum operating pressure or ninety (90) psig, whichever is greater, except . . ."

(q) To 192.55 add: "(f) New or used pipe of unknown specification and all used pipe the strength of which is impaired by corrosion or other deterioration, shall be retested hydrostatically either length by length in a mill type test or in the field after installation before being placed in service, and the test pressure used shall establish the maximum allowable operating pressure subject to the following limitations:

"(1) P for furnace butt welded pipe shall not exceed sixty (60) percent of the mill test pressure.

"(2) P shall not exceed eighty-five (85) percent of the mill test pressure for all other pipes; provided however, that pipe, mill tested to a pressure less than eighty-five (85) percent of the pressure required to produce a stress equal to the specified minimum yield, may be retested with a mill type hydrostatic test or tested in place after installation. In the event the pipe is retested to a pressure in excess of the mill test pressure, then P shall not exceed eighty-five (85) percent of the retest pressure rather than the initial test pressure. It is mandatory to use a liquid as the test medium in all tests in place after installation where the test pressure exceeds the mill test pressure."

(r) To 192.619(2)(ii) change Factor Table to read as follows:

Class Location	Factor Segment Installed before (Nov. 12, 1970)	Segment Installed after (Nov. 11, 1970)
1	1.10	1.25
2	1.40	1.50
3	1.40	1.50
4	1.40	1.50

(s) To 192.723 delete (b)—(1) and add: "(1) At least once a year a gas detector survey shall be conducted in business districts, involving tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, and where access is not denied at inside basement walls of public and commercial buildings located adjacent to gas mains and service lines, at cracks in pavement and sidewalks and at other locations providing an opportunity for finding gas leaks."

(t) To 192.723(b) add: "(3) Each gas utility shall maintain a record of gas leaks reported by the public, employees or detected by leakage surveys. This record shall be maintained for a period of five (5) years."

(u) To 192.749(a) change 4th line to read: " . . . content of 100 cubic feet or more, must be . . . "

(v) To 192.751 add: "(d) When a pipeline or main can be kept full of gas during a welding or cutting operation, the following procedures are recommended:

"(1) Keep a slight flow of gas moving toward the point where cutting or welding is being done.

"(2) The gas pressure at the site of the work shall be controlled by suitable means.

"(3) Close all slots or open ends immediately after they are cut with tape, and/or tightly fitted canvas or other suitable material.

"(4) Do not permit two (2) openings to remain uncovered at the same time. This is doubly important if the two (2) openings are at different elevations.

"(e) No welding or acetylene cutting may be done on a pipeline, main or auxiliary apparatus that contains air if it is connected to a source of gas, unless a suitable means has been provided to prevent the leakage of gas into the pipeline or main.

"(f) In situations where welding or cutting must be done on facilities which are filled with air and connected to a source of gas and precautions recommended above cannot be taken, one or more of the following precautions, depending upon circumstances at the job, are required.

"(1) Purging of the pipe or equipment upon which welding or cutting is to be done, with combustible gas or inert gas.

"(2) Testing of the atmosphere in the vicinity of the zone to be heated before the work is started and at intervals as the work progresses, with a combustible gas indicator or by other suitable means.

"(3) Careful verification before the work starts that the valves that isolate the work from a source of gas do not leak.

"(g) When the main is to be separated a bonding conductor must be installed across the point of separation and maintained while the pipeline is separated. If overhead electric transmission lines parallel the pipeline right-of-way the current carrying capacity of the bonding conductor should be at least one-half (½) of the capacity of the overhead line conductors.

"(h) For additional purging procedures see A.G.A. publication "Purging Principals and Practices" (1975 Edition)."

(4) Venting of customer's service regulators. Each gas utilities' customers service regulator installed indoors shall be vented to the outside atmosphere and shall have a vent pipe sized no smaller than the manufacturer's vent connection built into the regulator.

(5) Exterior shut-off valves. Exterior shut-off valves shall be installed on all lines entering and leaving regulator stations for use in an emergency to stop the flow of gas, such valves to be installed at an accessible point and location where such valves can be operated in case of an emergency but in any event at least forty (40) feet from the regulator station if operation is below sixty (60) psig. If operating above sixty (60) psig, the valve shall be placed at least 100 feet from the station; if operated above 100 psig, the valve location shall be at least 200 feet from the station. A check valve may be used as the exterior shut-off valve on the downstream line in lieu of other valve if forty (40) feet from regulator. No connection shall be made between the inlet and the outlet shut-off valves, except the connections to the regulating station. A regulator station may contain metering equipment or other similar apparatus. The shut-off valve may be a sectionalizing valve. For the purpose of this rule the maximum pressure possible on the regulator station shall be controlling. Such valve shall be operated, tested and checked at least once a year to insure proper operating condition.

Section 4. Waste. All practices in the production, distribution, consumption, or use of natural gas which are wasteful, such as flambeau lights and the like, are hereby expressly prohibited.

Section 5. Measuring Production and Shipment into and out of the State. (1) All gas produced and purchased by a utility in Kentucky shall be measured and the quantity thereof recorded.

(2) All gas piped out of or brought into the state of Kentucky by a utility shall be measured and quantity thereof recorded.

Section 6. Odorization. (1) Any gas distributed to customers through gas mains or gas services, used for domestic purposes or in compressor plants or transmitted through Class 3 or Class 4 locations shall have a distinctive odor of sufficient intensity so that the presence of the gas may be detected down to a concentration in air of one percent (1%) by volume (approximately twenty percent (20%) of the lower explosive limit) to normal or average olfactory senses of a person coming from fresh ungasified air into a closed room, or by appropriate instruments. Whenever necessary to maintain this level of intensity, a suitable odorant shall be added in accordance with the specification in this rule.

(2) Odorants in the concentrations used shall be: harmless to humans, noncorrosive to steel, iron, brass, copper and leather and not soluble in water to an extent greater than 2.5 parts by weight of odorant to 100 parts by weight of water.

(3) Odorizing equipment shall be designed to maintain a reasonable uniform level of odor in the gas.

(4) Each utility shall make periodic checks to determine that proper level of odorization is maintained and keep records of same.

Section 7. Purity of Gas. (1) All gas supplied to customers shall contain no more than: a trace of hydrogen sulphide; thirty (30) grains of total sulphur per 100 cubic

feet, or five (5) grains of ammonia per 100 cubic feet. No gas shall contain impurities which may cause excessive corrosion of mains or piping or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

(2) When necessary, tests for the presence of hydrogen sulphide shall be made at least once each day, except Sundays and holidays, with the standard lead acetate paper method. Results shown by these test papers shall be properly recorded and filed, as specified by the commission.

(3) Manufactured and mixed gas shall be tested at least once each month for the presence of total sulphur and ammonia, except that any gas containing no coal gas need not be tested for ammonia. Approved methods of testing shall be used. Records of all tests shall be preserved as specified by the commission.

Section 8. Heating Value of Gas. (1) Each utility shall establish and maintain a standard heating value for its gas. The heating value standard adopted shall comply with the following conditions:

(a) It shall be consistent with good service.

(b) It shall be that value which the utility, from its experience, determines is the most practicable and economical to manufacture and/or supply to its customers.

(2) Each utility shall file with the commission as a part of its schedule of rates or rules and regulations, the average total heating value of the gas, together with the indicated maximum expected fluctuation above and below the average total heating value which may be expected of a gas supplied by it in each district, division or community served.

(3) The utility shall be prepared to justify to the commission the standards adopted. The BTU standard adopted shall be expressed as part of the schedule of rates on file with the commission and shall not be changed without approval of the commission.

(4) The utility shall maintain the heating value of the gas with as little variation as is practicable, but such variation shall not be more than five percent (5%) above, or five percent (5%) below the standard adopted.

(5) The standard adopted shall be the monthly average total heating value of the gas, as delivered to customers at any point within one (1) mile of the manufacturing plant or center of distribution, and shall be obtained in the following manner: To obtain the monthly average, the results of all tests of heating value made on any day during the calendar month shall be averaged and the average of all such daily averages shall be used in computing the monthly average. Each utility selling more than 300,000,000 cu. ft. of gas annually shall make tests of heating value to conform at least to the minimum requirements of the following schedule:

Annual Sales of Gas - M Cubic Feet	Minimum Number of Tests Per Week Day	Minimum Interval Between Consecutive Tests in Hours
300,000 to 500,000	2	4
500,000 to 1,000,000	4	2
1,000,000 upward	6	2

(6) Definition of total heating value. The total heating value of a gas is the number of British thermal units produced by the combustion at constant pressure, of the amount of gas which would occupy a volume of one (1) cubic foot at a temperature of sixty (60) degrees Fahrenheit, if saturated with water vapor and under a pressure equivalent to that of thirty (30) inches of mercury at thirty-two (32) degrees Fahrenheit and under standard gravity, with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air, and when the water formed by combustion is condensed to the liquid stage.

(7) Compressed gas. Gas which has been compressed to more than five (5) pounds per square inch shall be tested for heating value after compression.

(8) Testing equipment. Each utility selling more than 300,000,000 cu. ft. of gas annually shall provide and maintain an approved standard calorimeter and all necessary accessories therefor for testing the heating value of gas. Such equipment shall be subject to approval and calibration by the commission. Utilities served directly from transmission lines shall be exempt from this rule if there is a provision for measuring the heating value of the gas on the transmission line and if such calorimeters are available to the commission for testing and certification.

(9) Whenever the standard heating value of the gas supplied is changed sufficiently to necessitate readjustment of appliances, it shall be incumbent upon the utility to properly adjust the customer's appliances to the new heating value as adopted under this rule.

(10) Where any unusual conditions exist any utility may apply to the commission to be relieved in part of the requirements of this rule.

(11) Any change in the heating value greater than subsection (4) of this section shall not be made without the approval of the commission and without adequate notice to the affected customers. In such event, the utility shall make any necessary adjustments to the customer's appliances without charge and shall conduct the adjustment program with a minimum of inconvenience to the customers.

Section 9. Extension of Service. (1) Normal Extensions. An extension of 100 feet or less shall be made by a utility to an existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides guarantee for such service.

(2) Other extensions:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than 100 feet per customer, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over 100 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: each year for a period of not less than ten (10) years which, for the purpose of this rule, shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage, the cost of the 100 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed, and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten

(10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of the 100 feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than 100 feet upon a finding by the commission that such extension is reasonable.

Section 10. Service Connections. (1) Ownership of service.

(a) Utility's responsibility. In urban areas with well defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service pipe from its main to the property line or to and including the curb stop and curb box if used. The curb stop may be installed at a convenient place between the property line and the curb. In cases where meters are located outdoors, the curb box and curb stop may be omitted if the meter installation is provided with a stopcock and the connection to the distribution main is made with a service tee that incorporates a positive shutoff device that can be operated with ordinary, readily available tools and the service tee is not located under pavement.

(b) Customers responsibility. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(c) Inspection. In the installation of a service line the customer shall not install any tees or branch connections and must leave the trench open and pipe uncovered until it is examined by an inspector of the utility and shown to be free from any irregularity or defect. The utility shall test the customer's piping for gas leaks, each time the gas is turned on by the utility, by observing that no gas passes through the meter when all appliances are turned off. The utility shall refuse to serve until all gas leaks so disclosed have been properly repaired.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

(3) All services shall be equipped with a stopcock near the meter. If the service is not equipped with an outside shut-off, the inside shut-off shall be of a type which can be sealed in the off position.

Section 11. Method of Measuring Service. (1) All gas sold by a utility and all gas consumed by a utility in the State of Kentucky shall be metered through approved type meters except in cases of emergency or when otherwise authorized by the commission. Each meter shall bear an identifying number. When gas is sold at high pressures or large volumes, the contract or rate schedule shall specify the standards used to calculate the gas volume. Prepayment meters shall not be used except where there is no other satisfactory method of collecting payment for the service rendered.

(2) All gas delivered as compensation for leases, rights of way, or for other reasons, not charged for at the utility's regular schedule of charges, shall be metered and a record kept thereof. All meters and regulators installed for the purpose of measuring gas and for the purpose of regulating the pressure of gas shall be under the control of the utility and subject to the rules of the utility and the rules of the commission.

(3) The utility shall make no charge for furnishing and installing any meter or meter accessories necessary to measure the gas furnished, except by mutual agreement in special cases or except where duplicate or check meters are requested by the customer.

(4) Each gas utility shall adopt a standard method of meter and service line installation insofar as practicable. Such methods shall be set out with a written description and/or with drawings to the extent necessary for a clear understanding of the requirements, all of which shall be filed with the commission. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of installing pipe for gas utilization. All meters shall be set in place by the utility.

(5) Each customer shall be metered separately except in cases of multi-occupants under the same roof with a common entrance or within an enclosure where it is unreasonable or uneconomical to measure each unit separately.

(6) The utility may render temporary service to a customer and may require the customer to bear all of the cost of installing and removing the service in excess of any salvage realized. In this respect, a temporary service shall be considered to be service that is not required or used for more than one (1) year.

Section 12. Location of Meters. (1) Meters shall be easily accessible for reading, testing and making necessary adjustments and repairs, and where indoor type meters are necessary they shall be installed in a clean, dry, safe, convenient place. Unless absolutely unavoidable, meters shall not be installed in any location where the visits of the meter reader or tester will cause annoyance to the customer or a severe inconvenience to the utility. Existing meters which are located in places not permitted by this rule shall be relocated by the customer or owner to an approved location.

(2) Proper provision shall be made by the customer for the installation of the utility's meter. At least six (6) inches clear space shall be available, if possible, on all sides of the meter and not less than thirty (30) inches in front of it.

(3) When a number of meters are placed in the same location, each meter shall be tagged or marked to indicate the customer metered by it and such identification shall be preserved and maintained by the owner of the premises served.

(4) When the distance between the utility's main and the nearest point of consumption is more than 150 feet, the meter shall be located as near to the utility's main as may be practicable. This shall apply whether or not all or part

of the service line shall have been constructed by either the customer or utility.

(5) When customers are served from high pressure lines, the meters, regulator or regulators and safety devices shall be located as near to the utility's main as practicable.

Section 13. Accuracy Requirements for Meters. All tests to determine the accuracy of registration of any gas meters shall be made by a qualified meter man and with suitable facilities.

(1) Positive displacement meters:

(a) Before being installed for the use of any customer, every positive displacement gas meter, whether new, repaired or removed from service for any cause shall be in good order and shall be adjusted to be correct to within one-half (½) of one (1) percent, plus or minus when passing gas at approximately twenty percent (20%) and 100 percent of the rated capacity of the meter as given by the manufacturer at .5″ H20 differential. A pilot test to determine that the meter will register at one-half of one percent (½ of 1%) of the rated capacity shall be made before placing meters in service.

(b) Meters removed from service for any reason shall be tested for accuracy as soon as practical after removal. An "as found" test shall be made at a flow-rate of approximately twenty percent (20%) and 100 percent of the rated capacity of .5″ H20 differential and results of said tests algebraically averaged to determine the accuracy. If the error is less than two percent (2%) this shall be reported as the "as found" test. If the error is more than two percent (2%) two (2) additional tests shall be made at twenty percent (20%) and 100 percent and the average of the three tests shall be reported as the "as found" test. The three (3) test procedures shall apply to any customer request test, complaint test, or bill adjustment made on the basis of the meter.

(2) Large capacity meters:

(a) All meters other than positive displacement meters, regardless of type, shall be tested at approved intervals by the utility meter man using flow provers or other approved methods either in the shop or on location of use at the option of the utility and with the approval of the commission of facilities and methods used.

1. The accuracy of these meters shall be maintained as near 100 percent as possible.

2. Test ranges and procedures shall be as prescribed in adopted standards or approved by the commission.

(b) All meter installations shall be inspected for proper design and construction and all instruments, regulators and valves used in conjunction with the installation shall be tested for desired operation and accuracy before being placed in service. This inspection shall be made by a competent meter man employed by the utility or by a competent person employed by the manufacturer of the meter installation. Test data as to conditions found, corrected if in error, and conditions as left shall be made available for inspection by the commission. Subsequent test results shall be a portion of regular meter test reports to the commission by the utility.

Section 14. Pressure Gauges. (1) Each utility shall keep continually in use on its distribution system or systems one (1) or more accurate recording pressure gauges at each point of supply to the system or systems. These gauges must be located at such point or points and in such a manner as to give continuous record of the gas pressure and character of service being furnished.

(2) In addition to the recording pressure gauges required in subsection (1) of this section, all utilities distributing gas shall provide themselves with one (1) or more portable recording pressure gauges with which pressure surveys shall be made in sufficient number to indicate the service furnished and to satisfy the commission of the utility's compliance with pressure requirements.

(3) All recording pressure gauge charts shall be preserved and filed in a systematic manner and each chart shall show the date and location when the record was made. All charts must be kept on file by the utility for a period of at least two (2) years.

Section 15. Standard Pressure. (1) All utilities supplying gas for light, heat, power or other purposes shall, subject to the approval of the commission, adopt and maintain a standard pressure as measured at the customer's meter outlet. In adopting such standard pressure the utility may divide its distribution system into districts and establish a separate standard pressure for each such district, or the utility may establish a single standard pressure for its distribution system as a whole.

(2) The standard pressure to be adopted as herein provided shall be a part of the utility's schedule of rates and general rules and regulations.

(3) No change shall be made by a utility in the standard pressure or pressure adopted except in case of emergency.

Section 16. Allowable Variations of Standard Service Pressure. (1) The variations of standard pressure as established under the preceding rule shall not exceed the adopted pressure by more than fifty percent (50%) plus or minus.

(2) A utility supplying gas shall not be deemed to have violated subsection (1) of this section, if it can be shown that variations from said pressures are due to:

(a) Use of gas by the customer in violation of contract of the rules of the utility.

(b) Infrequent fluctuations of short duration due to unavoidable conditions of operation.

(3) Allowable variations in standard pressure other than those covered by subsection (1) of this section will be established by the commission when application is made and good cause shown therefor.

(4) The gas pressures required above shall be maintained at the outlet of the meter in such a manner to provide safe and efficient utilization of gas in properly adjusted appliances supplied through adequately sized customer's facilities.

Section 17. Continuity of Service. (1) The utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. The record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence. The commission shall be notified of major interruptions as soon as they come to the attention of the utility and a complete report made after restoration of service.

(2) An interruption of service, as the term is used here, shall also mean the interval of time during which the pressure drops below fifty percent (50%) of such adopted standard pressure on the entire system, or on one (1) or more entire major division or divisions for which an average standard pressure has been adopted.

Section 18. Meter Testing Facilities and Equipment. (1) Meter shop:

(a) Each utility, unless specifically excused by the commission, shall maintain a meter shop for the purpose of inspecting, testing, and repairing meters. The shop shall be open for inspection by authorized representatives of the commission at all reasonable times, and the facilities and equipment, as well as the methods of measurements and testing employed, shall be subject to the approval of the commission.

(b) The meter shop shall consist of a repair room or shop proper and a proving room. The proving room shall be designed so that the meters and meter testing apparatus are protected from excessive changes in temperature and other disturbing factors. The proving room or the entire meter shop shall be air conditioned if necessary to achieve satisfactory temperature control.

(c) The proving room shall be well lighted and preferably not on an outside wall of the building. Temperature changes in the room shall be no greater than five (5) degrees Fahrenheit over a twenty-four (24) hour period. Temperatures at any one point in the room shall not vary from a simultaneous temperature at any other point in the room by more than one (1) degree Fahrenheit.

(2) Working standards:

(a) Each utility, unless specifically excused by the commission, shall own and make proper provision to operate at least one (1) approved belltype meter prover, preferably of ten (10) cubic feet capacity, but in no case of less than five (5) cubic feet capacity. The prover shall be equipped with suitable thermometers and other necessary accessories, and such equipment shall be maintained in proper condition and adjustment so that it shall be capable of determining the accuracy of any service meter, practical of test by it, to within one-half of one percent (½ of 1%) plus or minus.

(b) The prover shall be accurate to within three tenths (.3) of one percent (1%) at each point used in testing meters.

(c) The prover shall not be located near any radiator, heater, steam pipe, or hot or cold air duct. Direct sunlight shall not be allowed to fall on the prover or the meters under test.

(d) During conditions of satisfactory operation the temperature of the air in the prover shall be within one (1) degree Fahrenheit of the ambient temperature, and the temperature of the oil in the prover shall not differ from the temperature of the ambient air by more than one (1) degree Fahrenheit.

(e) The meters to be tested shall be stored in such manner that the temperature of the meters is substantially the same as the temperature of the prover. In order to achieve this the meters shall be placed in the environment of the prover for a minimum of about five (5) hours, and preferably overnight.

(3) All testing instruments and other equipment shall at all times be accompanied by a certificate giving the date when it was last tested and adjusted and must be signed by a proper authority or a tag referring to such certificate may be attached when practicable. These certificates, when superseded, shall be kept on file in the office of the utility.

(4) Sixty (60) days after the effective date of this regulation, each utility shall advise the commission in writing as to the kind and amount of testing equipment available.

Section 19. Periodic Tests. (1) Periodic tests (of all meters) shall be made according to the following schedule:

(a) All positive-displacement meters, with a rated capacity up to and including 500 cubic feet per hour, shall be tested at least once every ten (10) years.

(b) All positive-displacement meters, with a rated capacity above 500 cubic feet per hour, up to and including 1,500 cubic feet per hour, shall be tested at least once every five (5) years.

(c) All positive-displacement meters above 1,500 cubic feet per hour shall be tested at least once every year.

(d) All orifice meters shall have their recording gauges tested at least once every six (6) months and the constant of the orifice plate tested every five (5) years.

(2) All meters in service on and after the effective date of this regulation for which there is on file in the utility's office no record of test within the time equal to the period of test for that class and rating of meter as specified in subsection (1) of this section shall be tested as soon thereafter as circumstances will permit and the meters with the greatest time elapsed since the last test shall be tested first. In no case shall the time of test of said meters, subsequent to the effective date of this regulation exceed one-half (½) of the required period of test for meters of that class and rating as specified in subsection (1) of this section. Whenever the number of meters of any type which register in error beyond the limits specified in these rules is deemed to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

Section 20. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:045. Gas service; service lines.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.485(3)
NECESSITY AND FUNCTION: KRS 278.485(1) provides that gas service shall be furnished at rates and charges as determined by the commission. KRS 278.485(3) requires that the installation and standards of safety for the installation of service lines may be prescribed by the commission. This regulation establishes the rules which apply to service from natural gas gathering pipeline systems.

Section 1. Construction Standards. Instances not covered by this regulation must meet, where applicable, the requirements of the "American National Standard Code for Pressure Piping, Gas Transmission and Distribution Piping Systems (ANSI B31.8)" 1975 edition as published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017; herein filed by reference.

Section 2. Definitions. (1) "Gathering line" means any pipeline gathering gas from a producing gas well; excluding pipelines on the discharge side of compressor stations.

(2) "Service line" means any pipeline beginning at the point of connection to the gathering line and ending at the point or points of consumption.

(3) "Gas company" means the owner of any producing gas well and/or gathering line.

Section 3. Requirements for Service. (1) Persons desiring gas service under KRS 278.485 shall file applications at the local gas company office, which shall contain the following information:

(a) Name and address of the applicant.

(b) Purpose for which gas is requested.

(c) Name and address of contractor installing service line and other facilities required to be furnished by applicant.

(d) Name and address of gas company from which service is requested.

(2) Gas company shall furnish applicant with construction drawing showing installation and material meeting the company's specifications as approved by the commission for service installation.

(3) After receipt of the application, the gas company shall furnish the commission in Frankfort the name and address of the applicant and forward a copy of the application to the commission's representative in that area.

(4) Applicant's gas service line shall be inspected and approved by the commission representative before service is commenced. No service line will be inspected for which an application has not been received.

(5) The commission will notify the applicant by mail if the service line does not meet the requirements of its rules and regulations. If the defects are not corrected within the time permitted, the commission will notify the gas company and the application shall be discontinued by the company until such defects are corrected.

(6) The gas company shall furnish, install and maintain the meter which shall remain its property.

(7) The service tap including saddle and first service shutoff valve shall be installed by the gas company and shall remain its property.

(8) All other equipment and material required for such service shall be furnished, installed and maintained by applicant at his expense and shall remain applicant's property.

(9) If leaks or other hazardous conditions are detected in the service line, the gas company shall discontinue service until such leaks or other hazardous conditions are repaired or remedied by consumer.

Section 4. Connections to High Pressure Gathering Lines. (1) Connections shall be two (2) inches or less in diameter but smaller than the diameter of the gathering line.

(2) Connections shall be on the upper one-half (½) of the pipe surface, preferably at an angle of forty-five (45) degrees.

(3) Connections shall be at right angles to the center line of the gathering line.

(4) A service shutoff shall immediately follow the connection to the gathering line.

(5) A drip tank shall be installed preceding the regulating equipment, but may be omitted upon approval of the commission's representative.

Section 5. Control and Limiting of Gas Pressure. (1) When maximum pressures may exceed sixty (60) p.s.i. a service regulator and a secondary regulator located upstream from the service regulator shall be installed. The regulators shall be spring type, and the secondary regulator shall in no case be set to maintain a pressure higher than sixty (60) p.s.i. A spring type relief valve shall be installed between the secondary regulator and the service regulator to limit the pressure on the inlet of the service regulator to sixty (60) p.s.i. or less in case the secondary regulator fails to function properly.

(2) Every service line shall be equipped with an adequate spring type relief valve on the outlet side of the meter installation.

(3) Regulators shall not be by-passed.

(4) Each relief valve shall be vented into the outside air.

(5) Vents shall be covered to prevent water and insects from entering.

(6) All metering and regulating equipment shall be as near to the gathering line as practicable, in accordance with safe and accepted operating practices.

(7) Each service shall have an insulating joint which shall follow the regulating units.

(8) Regulating equipment shall be properly protected by the applicant.

Section 6. Service Lines and Metering Facilities. (1) The customer shall furnish and install the service line from tap to point of consumption. The customer shall also secure all rights-of-way, railroad, highway and other crossing permits. The customer's service line shall be laid on undistributed or well compacted soil in a separate trench avoiding all structures and hazardous locations. Where service line passes through cultivated land, the trench shall be of sufficient depth to permit a backfill cover of twenty-four (24) inches above the service line. In other locations, the trench depth shall be eighteen (18) inches where practicable. No structure shall be erected over the service line.

(2) No branch tee or other connection shall be permitted on the line to serve any user other than the applicant except with the prior written consent of the gas company and the applicant, in which event the service to each user shall have an automatic shutoff valve with manual reset located on the riser in a horizontal position. Such shutoff valve shall have an operating pressure of eight (8) ounces with a shutoff pressure setting of not less than two (2) ounces.

(3) Service lines shall be constructed so as to avoid subsurface structures but in no case shall service lines be constructed within a distance of less than thirty-six (36) inches from any subsurface structure or parallel thereto closer than thirty-six (36) inches.

(4) Service lines shall be purged for at least fifteen (15) minutes after testing to remove any air accumulations.

(5) Metering pressure shall not exceed eight (8) ounces.

(6) Service lines shall be constructed of new black steel pipe from the gas meter to the outlet side of the stopcock located on the riser entering into the building and shall be of a size not less than one and one-fourth (1¼) inches.

(7) Service lines shall enter buildings above the ground level with shutoff valve located on the riser.

(8) Each service shall have an automatic cut-off valve with manual reset to shut off gas if gas pressure fails. The valve may be part of the final stage regulator when only one (1) customer is served from the service line.

Section 7. Payment of Bills or Other Default. (1) The customer shall pay the installation charge and thereafter

pay the gas company for all gas delivered at rates determined therefor by the commission. The gas company shall render statements to the customer at regular monthly or bimonthly intervals for gas delivered, which said statements shall be rendered not later than ten (10) days following each billing period. No gas company shall discontinue service to any customer for nonpayment of bills (including delayed payment charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least forty-eight (48) hours written notice, but the cutoff shall not be effected before fifteen (15) days after the mailing date of the original bill. Service shall not be re-establsihed until the customer has paid the gas company all amounts due for gas delivered plus a turn-on charge of five dollars ($5), and placed himself in full compliance with the regulations of the commission pertaining to such service. In the event the customer fails or refuses to pay such unpaid bill(s) and turn-on charge and/or place himself in compliance with the regulations of the commission within thirty (30) days from the date the gas is turned off, the gas company may disconnect customer's service line from its gathering line and service shall not be re-established until the customer has complied with the regulations of the commission pertaining to initial service.

(2) The gas company shall have the right, if it so elects, to require a cash deposit or other guaranty from the customer to secure payments of bills.

Section 8. General Provisions. The gas company shall at all times have access to the premises where the connection is made and the meter is located with the right to shut off the gas and remove its property from said premises upon reasonable notice for any of the following reasons: for repairs or because of leakage; for non-payment of any bills; for failure to make a cash deposit, if such be required; for any violation of this regulation; moving of the customer from the presmises; for fraudulent tampering with the meter, regulators or connections; for shortage of gas or reasons of safety; for larceny of gas; for any action by a customer to secure through his meter gas for purposes other than those requested, or for any other party without the written consent of the gas company; for false representation with respect to the ownership of property to which service is furnished.

Section 9. Rates and Charges. (1) Each gas company may make and collect an initial charge of fifty dollars ($50) for each service tap, including saddle and first shutoff valve which, under this regulation, are required to be furnished and installed by the gas company. No part of this charge shall be refunded by the gas company.

(2) The monthly charges for gas service, except as hereinafter expressly provided, shall be as follows:

For the First	2 MCF	$ .80 per MCF
For the Next	28 MCF	.60 per MCF
For the Next	570 MCF	.50 per MCF
All Over	600 MCF	.40 per MCF
The minimum bill shall be		1.60 per month

(3) The only exception to the charges outlined above shall be that when any gas producing area is served by one (1) company, such company may elect to apply its own tariffs which have been filed and approved by the commission, plus the fifty-dollar ($50) charge for the service tap, including saddle and first service shutoff valve.

(4) The provisions contained herein shall apply only to connections and services made pursuant to the provisions of KRS 278.485 and subsequent to the effective date of this regulation.

Section 10. Deviation from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:050. Gas well determinations.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.010(4)(b), 278.040(3), 278.110
NECESSITY AND FUNCTION: KRS 278.010(4)(b) and 278.040 subject the production of natural or manufactured gas, or a mixture of same, to or for the public for compensation, for heat or other uses, to the jurisdiction and regulation of the Energy Regulatory Commission. The federal Natural Gas Policy Act of 1978 became effective on December 1, 1978. This Act sets forth and defines certain classifications of natural gas to which are assigned maximum lawful prices that may be obtained by gas producers. The Act further provides that it shall be the duty of each state agency possessed of appropriate regulatory jurisdiction to make determinations as to the applicability of the statutorily defined classifications to particular gas wells within that state. Such determinations are to be forwarded to the Federal Energy Regulatory Commission for final determination.

KRS 278.110 empowers the Energy Regulatory Commission to contract for services of persons in a professional or scientific capacity to perform the duties and exercise the powers conferred by law on the commission. The commission has contracted with the Department of Mines and Minerals for the purpose of securing the assistance of that department's Division of Oil and Gas Conservation in collecting and analyzing data necessary for the making of the determinations described hereinabove.

It is the purpose of this regulation to set forth the manner whereby the Energy Regulatory Commission will discharge the duties conferred upon it by the Natural Gas Policy Act of 1978.

Section 1. Applications for Determinations. (1) Any owner or operator of a well productive of natural gas within this state may obtain a determination as to whether such well qualifies for one or more of the classifications set forth in sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978 by making application to the Depart-

ment of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

(2) Each application shall include the following items:

(a) A completed Federal Energy Regulatory Commission (FERC) Form Number 121;

(b) All information, records, documents, notices and affirmations required by 18 Code of Federal Regulations (CFR) Part 274, subpart B;

(c) Any other information, record, document, or affirmation necessary to substantiate and support the determination sought;

(d) A certified check or United State Postal Money Order in the amount of fifty ($50) dollars made payable to the Department of Mines and Minerals.

(3) Each application shall be submitted on forms available upon request to the Department of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

Section 2. General Requirements. (1) An applicant shall not be limited to one (1) determination per well, but may obtain all determinations to which a given well is entitled pursuant to the Natural Gas Policy Act of 1978.

(2) A separate application must be completed for each determination sought.

(3) If the person filing an application is an individual, the filing shall be signed by such individual, or in the case of a minor or other legally disabled person, his qualified legal representative. If the person making the filing is a corporation, partnership or trust, the filing shall be signed by a responsible official of the corporation, a general partner of the partnership or the trustee of the trust. In the case of any other legal entity, the operator of the well may sign the application.

(4) An operator under a joint operating agreement may sign an application for a well covered by the operating agreement if notice of the application is given by the operator to all other parties to the joint operation agreement and that fact is certified in the application.

(5) Where an application for a determination is sought for natural gas for which the applicant has an identified purchaser, the application shall include a statement that the applicant has delivered or mailed a copy of the completed FERC Form No. 121 to the purchaser.

(6) The confidentiality of any information, record or document submitted by an applicant shall be governed by KRS 61.870 to 61.884.

Section 3. Processing of Applications. (1) Upon receipt of each application submitted in accordance with this regulation, the Department of Mines and Minerals will date-stamp the application and analyze the data submitted to determine whether the applicant is entitled to the determination sought pursuant to the Natural Gas Policy Act of 1978 and 18 CFR Parts 271 and 274, subpart B.

(2) Based upon its review of the application, the Department of Mines and Minerals will make a recommended determination and forward the application and recommended determination to the Energy Regulatory Commission.

(3) Upon receipt of an application and recommended determination, the Energy Regulatory Commission shall cause to be made public notice of the recommended order of the Department of Mines and Minerals by publication in the legal notice section of a newspaper of statewide circulation.

(4) Any interested person may request a hearing on any application by written notification to the Energy Regulatory Commission specifically stating the grounds for such request.

(5) If the request for a hearing is received by the commission within ten (10) days of the publication of the recommended determination and the hearing request states grounds which, if proven, would support a reversal or remand of the recommended determination, then the commission will schedule and conduct a hearing in accordance with the procedures set forth in regulation 807 KAR 50:005(1), (2), (3), (4) and (5).

(6) On the basis of the substantial evidence adduced at the hearing, the Energy Regulatory Commission shall issue a final order affirming or reversing the recommended determination of the Department of Mines and Minerals.

(7) If no hearing is requested within ten (10) days of the public notice of the recommended order, the commission shall issue a final order affirming the recommended determination unless upon review of the application it finds that:

(a) The recommended determination is not supported by substantial evidence in the record upon which it was made; or

(b) The recommended determination is not consistent with information contained in any public record which is not a part of the record upon which it was made.

(8) The provisions of subsections (6) and (7) notwithstanding, the commission may remand any application to the Department of Mines and Minerals for further consideration if as a result of evidence received at a hearing or upon its own review, it finds the existence of material information not made a part of the application record which would be outcome determinative.

(9) Within fifteen (15) days after issuing a final order pursuant to this regulation, the Energy Regulatory Commission shall forward the order and the entire record upon which it was made to the Federal Energy Regulatory Commission in the manner prescribed by 18 CFR 274.104.

PERRY WHITE, JR., Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Richard D. Heman, Secretary, Energy Regulatory Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:055. Water.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to water utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of water utilities operating under the jurisdiction of the Energy Regulatory Commission.

Section 2. Definitions. (1) Meter. The word "meter" shall be construed to mean any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.

(2) Transmission main. The transmission main is used for conveying water to the distribution system, reservoirs, tanks or stand pipes, and has generally no service connections with customers.

(3) Distribution main. The distribution main is one from which service connections with customers are taken at frequent intervals.

(4) Service line. The term "service line" shall be construed to mean the line from the property line to the place of consumption.

(5) Service connection. The term "service connection" shall be construed to mean the line from the main to the customer's property line, and shall include all of the pipe fittings and valves necessary to make the connection.

(6) Department for Natural Resources. The term "Department for Natural Resources" means the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Sanitary Engineering.

Section 3. Information Available to Customers. (1) Characteristics of water. A description in writing of the treated water as to chemical constituents and bacteriological standards.

(2) Rates. A schedule of rates for water service applicable to the service to be rendered to the customer.

(3) Reading meters. Information about method of reading meters.

(4) Bill analysis. A statement of the past readings of a customer's meter for a period of two (2) years.

Section 4. Quality of Water. (1) General. Any utility furnishing water service for human consumption or for domestic uses shall provide water that is wholesome, potable, free from objectionable odors and taste, and not harmful or dangerous to public health.

(2) Compliance with Department for Natural Resources. Any utility furnishing water service for human consumption or domestic use shall conform to all legal requirements of the Department for Natural Resources for construction and operation of its water system as pertains to sanitation and potability of the water.

(3) Water supply. In absence of comparable requirements of the Department for Natural Resources, water supplied by any utility shall be:

(a) Adequately protected by artificial treatment to include continuous disinfection throughout the distribution system.

(b) Free from objectionable color, turbidity, taste, and odor.

(c) From a source reasonably adequate to provide a continuous supply of water.

(d) Of such quality at all times as to meet the "Public Health Service Drinking Water Standards," Revised 1962 edition, Publication No. 956, U. S. Government Printing Office, Washington, D. C. 20402; herein filed by reference.

(4) Operation of supply system:

(a) The water supply system, including wells, reservoirs, pumping equipment, treatment works, mains, and service pipes shall be free from sanitary defects.

(b) No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted, unless such other water supply maintains a safe sanitary quality in accordance with this regulation and the inter-connections of the supplies are approved by the commission.

(c) The growth of algae in the water at the source of supply, in reservoirs or other basins, and in the water mains, shall be controlled by proper treatment.

(d) Utilities obtaining water supplies from driven or drilled wells must maintain the tightness of well casings and provide protection at the surface of the ground to prevent the infiltration of water other than that from the strata tapped by such wells and 300 feet from any source of pollution.

(5) Testing of water:

(a) Test. Each utility shall have representative samples of water supplied by it examined by the state or local Department for Natural Resources or by a competent chemist and bacteriologist skilled in the sanitary examination of water, under methods approved by the State Department for Natural Resources, at intervals sufficient to insure a safe water supply.

(b) Report to the commission. In the event that the above prescribed tests show that the water furnished by the utility is contaminated or otherwise unsafe for human consumption, the utility shall forward a report of such test to the commission or other state agency having correctional jurisdiction without delay, and shall take immediate steps to correct the condition.

Section 5. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Where an emergency interruption of service affects the service to any public fire protection device, the utility shall immediately notify the fire chief or other public official responsible for the fire protection.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption, stating the time and anticipated duration of the interruption. Whenever possible, scheduled interrruptions shall be made at such hours as will provide least inconvenience to the customers. Where public fire protection is provided by the mains affected by the interruptions, the utility shall notify the fire chief or other officials responsible for fire protection, of the interruption, stating the time and anticipated duration. The fire chief or other official responsible for fire protection shall be notified immediately upon restoration of service.

(3) Standby equipment. When the system pressure is maintained by mechanical means, emergency standby pumping equipment shall be provided to maintain a reasonable pressure in the main in the event of failure of the primary pumping facilities.

(4) Storage. Each utility shall provide water storage to insure a minimum of one (1) days supply of its average daily water usage or such minimum amount deemed adequate by the commission.

(5) Record of interruptions. Each utility shall keep a

complete record of all interruptions on its entire system or on major divisions thereof. This record shall show the cause of interruption, date, time, duration, remedy and steps taken to prevent recurrence.

Section 6. Pressures. (1) Standard pressure. Each utility shall, subject to the approval of the commission, adopt and maintain a standard pressure in its distribution system at locations to be designated as the point or points of "standard pressure." The selection of such points shall be confined to locations fairly representative of average conditions. In selecting points for fixed standard pressure a utility may divide its distribution system into districts, when division is necessary, due to differences of elevation or loss of pressure because of friction, or due to both of said causes; and may adopt a standard pressure for each such division, or it may establish a single standard pressure for its distribution system as a whole. In no case shall the constant difference between the highest and lowest pressures in a district for which a standard has been adopted exceed fifty percent (50%) of such standard. In the interpretation of this rule it shall be understood that in districts of widely varying elevations or low customer density a utility may undertake to furnish a service which does not comply with the foregoing specifications if the customer is fully advised of the conditions under which average service may be expected. It shall be understood that nothing shall prevent the commission from requiring improvements when, upon investigation, it appears right and proper that such betterments should be made. In 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.

(2) Pressure gauges. Each utility shall provide itself with one (1) or more recording pressure gauges for the purpose of making pressure surveys as required by these rules. These gauges shall be suitable to record the pressure experienced on the utility's system and shall be able to record a continuous twenty-four (24) hour test. One (1) of these recording pressure gauges shall be maintained in continuous service at some representative point on the utility's mains.

(3) Pressure surveys. At least once annually, each utility shall make a survey of pressures in its distribution system of sufficient magnitude to indicate the quality of service being rendered at representative points in its system. The pressure charts for these surveys shall show the date and time of beginning and end of the test and the location at which the test was made. Records of these pressure surveys shall be maintained at the utility's principal office in the state and shall be made available to the commission upon request.

Section 7. Water Supply Measurement. (1) Measuring devices. Each utility shall install a suitable measuring device at each source of supply in order that a record may be maintained of the quantity of water produced by each source.

(2) Records. At least once each month, the quantity produced from each source of supply shall be determined. Twelve (12) month totals by sources shall be recorded and transmitted to the commission in the utility's annual report to the commission.

Section 8. Standards of Construction. The design and construction of the utility's water plant shall conform to good standard engineering practice. The plans and specifications for water supplies shall be prepared by an engineer registered in the State of Kentucky, with the submitted plans bearing the engineer's seal. The plant shall be designed and operated so as to provide adequate and safe service to its consumers and shall conform to the requirements of the Department for Natural Resources with reference to sanitation and potability of water.

Section 9. Distribution Mains. (1) Depth of mains. Water mains shall be placed a minimum of twenty-four (24) inches below ground level and shall be protected sufficiently to prevent freezing during the coldest weather normally experienced in the community in which laid, and to prevent damage by traffic.

(2) Dead ends. Insofar as practicable, the utility shall design its distribution system so as to avoid dead ends in its mains. Where dead ends are necessary, the utility shall provide hydrants or valves for the purpose of flushing the mains. Mains with dead ends shall be flushed as often as necessary to maintain the quality of the water; but in any event they shall be flushed at least once each year.

(3) Segmentation of system. Valves or stopcocks shall be provided at reasonable intervals in the mains so that repairs may be affected with interruptions to the service of as few customers as is practicable.

(4) Disinfection of water mains. All new mains shall be thoroughly disinfected before being connected to the system. The method of disinfecting shall be in compliance with the Department of Natural Resources.

(5) Grid systems. Wherever feasible the distribution system shall be laid out in a grid so that in case of breaks or repairs the interruptions of service to the customers will be at a minimum.

Section 10. Service Lines. (1) Size of service line. The size, design and material and installation of the service line shall conform to such reasonable requirements of the utility as may be incorporated in its rules and regulations, provided, however, that the minimum size of the line shall not be less than three-fourths (3/4) inch nominal size except under unusual circumstances which shall be clearly defined.

(2) Depth of service line. All service lines shall be laid at a depth sufficient to prevent freezing during the coldest weather normally experienced except where services are not intended for use during freezing weather and are actually drained during such periods.

(3) Inspection of service line. In the installation of a service line, the customer shall leave the trench open and pipe uncovered until it is inspected by the utility and shown to be free from any tee, branch connection, irregularity or defect.

Section 11. Construction Requirements. (1) The system shall be adequate to deliver all reasonable water requirements of its customers and meet the requirements of Section 6(1) except under emergency conditions.

(2) Distribution system:

(a) Minimum pipe sizes. The distribution system shall be of adequate size and so designed in conjunction with related facilities to maintain the minimum pressures required by Section 6(1). The maximum length of any individual small pipe line shall be as follows:

	Circulating	Non-Circulating
1 inch nominal size	150 feet	100 feet
1½ inch nominal size	300 feet	200 feet
2 inch nominal size	500 feet	250 feet

In the case of rural water lines, where hydraulic studies indicate they can comply with Section 6(1) and can provide adequate flow of water to serve the peak requirements of customers, the above maximum extension lengths may be extended with approval of the commission.

(b) Fire protection. Specifications, location, installation, and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and when owned by the utility shall be subject to such conditions as the commission may impose, based upon the compensation received for this service.

(3) Transmission systems. The transmission pipe lines from sources of supply shall be designed to deliver in combination with related storage facilities and to the limits of the capacity of those sources of supply the maximum requirements of that portion of the system which is dependent upon such transmission pipe lines.

(4) Water supply requirements. The quantity of water delivered to the utility's distribution system from all source facilities shall be sufficient to supply adequately, dependably and safely the total reasonable requirements of its customers under maximum consumption, and shall be determined so as to maintain the specified pressures as required by Section 6(1).

(5) Materials. Metallic and non-metallic materials may be used separately and in combination to construct component parts of a water system including, but not limited to, conduits, pipes, couplings, caulking materials, protective linings and coatings, services, valves, hydrants, pumps, tanks and reservoirs, provided:

(a) The material shall have a reasonable useful service life.

(b) The material shall be capable of withstanding with ample safety factors the internal and external forces to which it may be subjected in service.

(c) The material shall not cause the deterioration of the potability of the water supply.

(d) Materials and equipment shall be so selected as to mitigate corrosion, electrolysis and deterioration.

Section 12. Extension of Service. (1) Normal extension. An extension of fity (50) feet or less shall be made by a utility to its existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides a guarantee for such service.

(2) Other extensions:

(a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of fifty (50) feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the commission that such extension is reasonable.

Section 13. Service Connections. (1) Ownership of service:

(a) Utility's responsiblity. In urban areas with well-defined streets the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service line from its main to and including the curb box, if curb box is used, otherwise to the curb stop. The curb stop may be installed at a convenient place between the property line and the curb. All services shall include a curb stop.

(b) Customer's responsiblity. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations.

(2) Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

Section 14. Measurement of Service. (1) Metering. All water sold by a utility shall be upon the basis of metered volume sales except that the utility may at its option provide flat rate or estimated service for the following:

(a) Temporary service where the water used can be readily estimated.

(b) Public and private fire protection service.

(c) Water used for street sprinkling and sewer flushing, when provided for in a contract between the utility and a municipality or other local governmental authority.

(2) Registration of meter. All meters used for metered sales shall have registration devices indicating the volume of water measured in either cubic feet or U.S. gallons. Where a constant or multiplier is necessary to convert the meter reading to cubic feet or gallons, the constant shall be indicated upon the face of the meter.

(3) Charge for service line and meter installation:

(a) No utility shall charge for the installation or the use of its portion of the service line or of any devices for metering service to a customer, except for temporary service where the utility may charge its actual cost of installation and removal of service lines and metering devices.

(b) A water district, organized under KRS Chapter 74, may, subject to the approval of the commission, make a charge or "tapping fee" for installing service to its customers. Said "tapping fee" shall include a service tap, meter, meter vault, and installation thereof.

(4) Standard method of meter and service line installation. Each utility shall adopt a standard method of installing meters and service lines and shall file with the commission a written description and/or drawings in sufficient detail that the requirements are clearly understandable. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of placing pipe for water utilization. All meters shall be set in place by the utility.

Section 15. Meter Test Facilities and Equipment. (1) Test facilities. Each utility furnishing metered water service shall provide the necessary standard facilities, instruments and other equipment for testing its meters in compliance with this regulation.

(2) Shop equipment. The utility's meter test shop shall, insofar as practicable, simulate the actual service conditions of temperature, inlet pressure, and outlet pressure. It shall be provided with the necessary fittings, including a quick acting valve for controlling the starting and stopping of the test and a device for regulating the flow of water through the meter under test within the requirements of this regulation. The overall accuracy of the test equipment and test procedures shall be sufficient to enable test of service meters within the requirements of this regulation. In any event the inherent overall accuracy of the equipment shall permit tests with an overall error not to exceed three-tenths of one percent (.3 of 1%).

(3) Test measurement standards:

(a) Basic standard. Measuring devices for testing meters shall consist of a calibrated tank for volumetric measurement or a tank mounted upon scales for weight measurement. If a volumetric standard is used, it shall be certificated as to its accuracy by the Energy Regulatory Commission within the preceding twenty-four (24) months. If a weight standard is used, the scales shall be tested and calibrated at least once a year and certified as to accuracy by the Energy Regulatory Commission.

(b) Size of basic standards. When meters are tested by weight method, it is required that utilities whose measure of quantity is the cubic foot use test equipment capable of holding not less than two (2) cubic feet of water. Utilities whose measure of quantity is the U.S. gallon shall use equipment holding not less than twenty (20) U.S. gallons.

(c) Standard meter. By special permission of the commission, a standard meter may be provided and used by any utility for the purpose of testing meters in place. This standard meter shall be tested and calibrated periodically to insure its accuracy within the limits required by this regulation. In any event, such test shall be made at least once each week while the standard meter is in use and a record of such tests shall be kept by the utility.

Section 16. Accuracy Requirements of Water Meters. (1) General. All meters used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure.

(2) New or repaired meters. All new meters, and all meters removed from service for repairs or test in accordance with this regulation, shall be tested as specified herein prior to being placed in service.

(a) Test flows. The test flow and normal test flow limits, for the various types of cold water meters, are as follows:

DISPLACEMENT TYPE

Nominal Meter Size Inches	Minimum Test Flow Gallons per Minute	Normal Test Flow Gallons per Minute
5/8	1/4	1 to 20
3/4	1/2	2 to 30
1	3/4	3 to 50
1 1/2	1 1/2	5 to 100
2	2	8 to 160
3	4	16 to 300
4	7	28 to 500
6	12	48 to 1000

CURRENT TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	7	12 to 100
2	10	16 to 160
3	15	24 to 350
4	20	40 to 600
6	30	80 to 1400
8	50	144 to 2500
10	75	224 to 3800
12	100	320 to 5800
16	150	400 to 11500

COMPOUND TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
1½	½	2 to 100
2	½	2 to 160
3	1	4 to 320
4	1½	6 to 500
6	3	10 to 1000
8	4	16 to 1600
10	8	32 to 2300
12	14	32 to 3100

FIRE SERVICE TYPE Nominal Meter

Size Inches	Flow Gallons per Minute	Flow Gallons per Minute
3	2	8 to 400
4	2	8 to 700
6	4	16 to 1600
8	7	28 to 2800
10	12	48 to 4400
12	12	48 to 6400

PROPELLER-DRIVEN CURRENT TYPE

Meter Size Inches	Gallons per Minute
2	15 to 80
3	30 to 200
4	45 to 400
5	75 to 600
6	90 to 900
8	100 to 1200
10	125 to 1500
12	150 to 2000
14	250 to 2500
16	275 to 3500
18	400 to 4500
20	475 to 5500
24	700 to 8000
30	1200 to 12000
36	1500 to 16000

(b) Determination of accuracy. Meters shall be tested at the minimum test flow and at least two (2) test flows in the normal test flow limits, one (1) of which shall be not less than seventy-five percent (75%) of the rated maximum capacity of the meter and the other shall be at approximately twenty-five percent (25%) of the rated maximum capacity. No new meter shall be placed in service if it registers less than ninety-five percent (95%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above. No repaired or reconditioned meter shall be placed in service if it registers less than eighty percent (80%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1½%) in the normal test flow limits as set out in paragraph (a) above.

(3) As found tests. All meters tested in accordance with the rules for periodic, request or complaint tests, shall be tested in the condition as found in the customer's service prior to any alteration or adjustment in order to determine the average meter error. This test shall consist of two (2) rates of flow in the normal test flow range for that type of meter as set out in subsection (2)(a) above and the average meter error shall be the algebraic average of the errors of the two (2) tests. (For example, a meter testing one percent (1%) fast at one (1) rate of flow and three percent (3%) slow at the other would have an average meter error of one percent (1%) slow.)

(4) Determination of meter error for bill adjustment purposes. When upon periodic, request or complaint test, a meter is found to be in error in excess of the limits allowed by the commission's regulations, three (3) additional tests shall be made, one (1) at seventy-five percent (75%) of rated maximum capacity; one (1) at fifty percent (50%) of rated maximum capacity; one at twenty-five percent (25%) of the rated maximum capacity. The average meter error shall be the algebraic average of the errors of the three (3) tests.

Section 17. Periodic Tests. (1) Each utility shall test periodically all water meters so that no meter will remain in service without test for a period longer than specified in the following table:

Size of Meter Inches	Interval Between Tests Years
5/8	5
3/4	5
1	5
1 1/4	4
1 1/2	4
2	4
3	2
4 and larger	1

(2) "Periodic test periods" for testing meters in the systems of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the commission from time to time.

(3) Meters of the current and compound type shall be cleaned at least once each year. When filtered or exceptionally clear water is delivered, the interval between cleaning may, upon application to the commission and upon receipt of authority therefor, be made longer.

(4) Whenever the number of meters of any type which register in error beyond the limits specified in this regulation is found by the commission to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:065. Electric.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by the utility. This regulation establishes general rules which apply to electric utilities.

Section 1. General Requirements. Every utility shall furnish adequate service and facilities at the rates filed with the commission, and in accordance with the regulations of the commission and the rules of the utility applicable thereto. The energy shall be generated, transmitted, converted and distributed by the utility, and utilized, whether by the utility or the customer, in such manner as to obviate undesirable effects upon the operation of standard services or equipment on the utility, its customers and other utilities.

Section 2. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use the applicable provisions in the following publications as standards of accepted good engineering practice for the con-

struction and maintenance of plant and facilities, herein incorporated by reference:

(1) National Electric Safety Code; ANSI C-2. 1977 Edition;

(2) National Electrical Code; NFPA 70. 1978 Edition;

(3) American National Standard Code for Electricity Metering; ANSI C-12. 1975 Edition;

(4) USA Standard Requirements, for Instrument Transformers; USAS C57.13. 1968 Edition.

Section 3. Generating Station Meter Records. Every utility shall install such watt-hour meters as may be necessary to obtain a record of the output of its generating station or stations. Every utility purchasing electrical energy shall install such meters as may be necessary to furnish a proper record of its purchases, unless such instrument or instruments are installed by the selling company.

Section 4. Maintenance or Continuity of Service. (1) Each utility shall make all reasonable efforts to prevent interruptions of service, and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay. Whenever the service is necessarily interrupted or curtailed for the purpose of working on equipment, it shall be done at a time, which if at all practicable, will cause the least inconvenience to customers, and those customers which may be seriously affected shall be notified in advance, except in cases of emergency.

(2) Each utility shall keep a record of: the time of starting and shutting down the principal units of its power station equipment and feeders for major divisions; the indications of sufficient switchboard instruments to show the voltage and quantity of the load; of all interruptions to service affecting the entire distribution system of any single community or an important division of a community, and include in such record the date and time of interruption, the date and time of restoring service, and when known, the cause of each interruption.

(3) When complete distribution systems or portions of communities have service furnished from unattended stations, these records shall be kept to the extent practicable. The record of unattended stations shall show interruptions which require attention to restore service, with the estimated time of interruption. Breaker or fuse operations affecting service shall also be indicated even though duration of interruption may not be known.

Section 5. Voltage and Frequency. (1) Each utility shall adopt a standard nominal voltage or standard nominal voltages, as may be required by its distribution system for its entire constant-voltage service, or for each of the several districts into which the systems may be divided, which standard voltages shall be stated in every schedule of rates of each utility or in its terms and conditions of service.

(2) The voltage at the customer's service entrance or connection shall be maintained as follows:

(a) For service rendered primarily for lighting purposes, the variation in voltage between 5 p.m. and 11 p.m. shall not be more than five (5) percent plus or minus the nominal voltage adopted and the total variation of voltage from minimum to maximum shall not exceed six (6) percent of the nominal voltage.

(b) 1. For service rendered primarily for power purposes, the voltage variation shall not at any time exceed ten (10) percent above or ten (10) percent below standard nominal voltage.

2. Where a limited amount of lighting is permitted under these contracts, the entire load shall be considered power as far as voltage variation is concerned.

(c) Where the utility's distribution facilities supplying customers are reasonably adequate and of sufficient capacity to carry the actual loads normally imposed, the utility may require that equipment on customer's premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four (4) percent of the standard voltage or cause objectionable flicker in other customer's lights.

(d) Equipment supplying constant current circuits shall be so adjusted as to furnish as nearly as practicable the rated current of the circuit supplied, and in no case shall the current vary more than four (4) percent above or below the rating of the circuit.

(3) Each utility supplying alternating current shall adopt a standard frequency of sixty (60) cycles which shall be stated in the schedule of rates of each utility. The utility shall maintain this frequency to within three (3) percent above and three (3) percent below the standard at all times; provided, however, that momentary variations in frequency greater than three (3) percent, which are not due to lack of reasonable care on the part of the utility in the selection and operation of equipment, shall not be considered a violation of this rule.

(4) A standard clock shall be maintained to control each system frequency. The accuracy of the standard clock shall be checked each day and the frequency shall be governed within the limits given above so that the clocks on the system are correct once daily.

(5) Variations in voltage in excess of those specified caused by the operation of power apparatus on customer's premises which necessarily required large starting currents and affecting alone the user of such apparatus, by the action of the elements and infrequent, and unavoidable fluctuations of short duration due to system operation, shall not be considered a violation of this rule.

(6) A greater variation of voltage and frequency than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where customers are so widely scattered and/or that the business done does not justify close voltage regulation. In such cases the best voltage regulation shall be provided that is practicable under the circumstances.

Section 6. Voltage Surveys and Records. (1) Every utility shall provide itself with two (2) or more portable indicating voltmeters and one (1) or more recording or graphic voltmeters of type and capacity suited to the voltage supplied. Every utility shall make a sufficient number of voltage surveys to indicate the service furnished from each center of distribution, and to satisfy the commission of its compliance with the voltage requirements, shall keep at least one (1) of these instruments in continuous service at some representative point on its system. All records shall be available for inspection by the utility's customers.

(2) Each graphic recording voltmeter shall be checked with a working standard indicating voltmeter when it is placed in operation and when it is removed, or periodically if the instrument is in a permanent location. Notations on each chart shall indicate when the registration began (time and date) and when the chart was removed, as well as the point where the voltage was taken, and the results of the check with indicating voltmeter.

Section 7. Servicing Utilization Control Equipment. (1) Utilities shall service and maintain any equipment they use on customer's premises and shall adjust thermostats, clocks, relays, or time switches, if such devices must be so adjusted to provide service in accordance with their rate provisions.

(2) The time switches used by the utility for controlling equipment such as water heaters and street lights shall be of such quality that the timing mechanism may be adjusted so as to be accurate within ten (10) minutes per month. Time switches used by the utility for controlling street lighting or display lighting shall be inspected or operation observed at least once a month and if in error, adjusted, and also adjusted upon complaint if found in error or when service interruptions cause them to be in error by one-half (½) hour or more. Time switches and control devices used by the utility for controlling off-peak appliances shall be inspected or operation observed periodically and adjusted if in error, and also adjusted upon complaint if found in error or whenever service interruptions result in error of two (2) hours or more or in supplying service to off-peak appliances during peak periods.

Section 8. Measuring Customer Service. (1) All energy sold within the State of Kentucky shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impracticable to meter loads, such as multiple street lighting, temporary or special installations, in which case the consumption may be calculated. The utility shall meter electrical energy used by itself except when such service is for the purpose of emergency or incidental lighting as outdoor substations, or at remote points on its transmission or distribution lines. All other electrical quantities which the utility's tariff indicates are to be metered shall be metered by commercially acceptable instruments owned and maintained by the utility.

(2) The utility shall regard each point of delivery as an independent customer and meter the power delivered thereat. The practice of combining meter readings taken at separate points, or of measuring the energy used by more than one (1) residence or place of business on one (1) meter for the purpose of obtaining a lower rate, is absolutely prohibited.

(3) Metering facilities located at any point where energy may flow in either direction and where the quantities measured are used for billing purposes shall consist of meters equipped with ratchets or other devices to prevent reverse registration and be so connected as to meter separately energy flow in each direction.

(4) Reactive meters required to meet the conditions of a given rate schedule shall be either all ratcheted or none shall be ratcheted. Reactive metering shall not be employed for determining average power factor for billing purposes where energy may flow in either direction or where a customer may generate an appreciable amount of his own requirements.

(5) Meters which are not direct reading and those operating from instrument transformers shall have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked and all charts taken from recording meters shall be marked with the date of the record, the meter number, customer and chart multiplier.

(6) The register ratio shall be marked on all meter registers. Meters already in service may be so marked when they are tested.

(7) The watt-hour constant for the meter itself shall be placed on all watt-hour meters. Meters already in service shall be so marked when they come to the meter shop.

Section 9. Service Connections. (1) The utility shall pay the entire cost of a service drop or an initial connection to its line with the customer's service outlet, except the attaching of the wire support to the customer's premises. When the customer's outlet for any reason is inaccessible to the utility, or for any reason the customer desires that the service outlet on any building be at a location other than that closest to the utility's line, the cost of such special construction as may be found necessary shall be borne by the customer. The customer may require the utility to furnish at its expense an amount of wire, labor and material equivalent to that furnished for a like service connection not requiring such special construction.

(2) Underground service requirements and regulations shall be established by each utility and be on file with the commission.

(3) All equipment and material furnished by the utility at its own expense shall remain the property of the utility and may be removed by it at any reasonable time after the discontinuance of service.

Section 10. Distribution Line Extensions. (1) Normal extensions. An extension of 1,000 feet or less shall be made by a utility to its existing distribution line without charge for a prospective customer who shall apply for and contract to use the service for one (1) year or more and provides guarantee for such service. The "service drop" to the house from the distribution line at the last pole shall not be included in the foregoing measurements.

(2) Other extensions:

(a) When an extension of the utility's line to serve an applicant or group of applicants amounts to more than 1,000 feet per customer, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over 1,000 feet per customer to be deposited with the utility by the applicant or applicants, based on the average estimated cost per foot of the total extension.

(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of 1,000 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period no refund will be required to be made.

(3) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 1,000 feet of the extension installed for each additional customer connected during the year, but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension no refund will be required to be made.

(4) Nothing contained herein shall be construed as to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater exten-

sions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 1,000 feet upon a finding by the commission that such extension is reasonable.

Section 11. Distribution Line Extensions to Mobile Homes. (1) All extensions of up to 150 feet from the nearest facility shall be made without charge.

(2) Extensions greater than 150 feet from the nearest facility and up to 300 feet shall be made provided the customer shall pay the utility a "customer advance for construction" of fifty dollars ($50) in addition to any other charges required by the utility for all customers. This advance shall be refunded at the end of one (1) year if the service to the mobile home continues for that length of time.

(3) For extensions greater than 300 feet and less than 1,000 feet from the nearest facility, the utility may charge an advance equal to the reasonable costs incurred by it for that portion of the service beyond 300 feet plus fifty dollars ($50). Beyond 1,000 feet the extension policies set forth in Section 10 apply.

(a) This advance shall be refunded to the customer over a four (4) year period in equal amounts for each year the service is continued.

(b) If the service is discontinued for a period of sixty (60) days, or should the mobile home be removed and another not take its place within sixty (60) days, or be replaced by a permanent structure, the remainder of the advance shall be forfeited.

(c) No refunds shall be made to any customer who did not make the advance originally.

(4) All utilities which have mobile home rules on file which differ from the provisions set out above shall within ninety (90) days after the effective date of this regulation file revised regulations complying with the above provisions.

Section 12. Testing Equipment and Standards. (1) Each utility shall maintain sufficient laboratories, meter testing shops, standards, instruments and facilities to determine the accuracy of all types of meters and measuring devices used by the utility except as provided in 807 KAR 50:015, Section 13.

(2) The following testing equipment shall be available as minimum requirements for each utility, and/or agency making tests or checks for a utility pursuant to 807 KAR 50:015, Section 13(2):

(a) One (1) or more working rotating standards and associated devices of capacity and voltage range adequate to test all watt-hour meters used by the utility.

(b) One (1) or more rotating standards, which shall be the utilities master rotating standards, used for testing the working rotating standards of the utility. These standards shall be of an approved type, shall be well compensated for both classes of temperature errors, practically free from errors due to ordinary voltage variations, and free from erratic registration due to any cause. These master rotating standards shall be of capacity and voltage range adequate to test all working rotating standards at all loads and voltages at which they are used, and shall be kept permanently at one place and not used for routine testing.

(c) Working indicating instruments, such as ammeters, voltmeters and wattmeters, of such various types as are required to determine the quality of service to customers.

(d) A voltmeter and ammeter, which shall be master indicating instruments, and which shall be used for the testing of working indicating and recording instruments. These instruments shall be of an approved type and of accuracy class and range sufficient to determine the accuracy of working instruments to within five-tenths (0.5) percent of all ranges and scale deflections at which working instruments are used. They shall be kept permanently at one place and not used for routine testing.

(3) The utility's master rotating standards shall not be in error by more than plus or minus three-tenths (0.3) percent at 100 percent power factor, nor more than plus or minus five-tenths (0.5) percent at fifty (50) percent power factor at loads and voltages at which they are used, and shall not be used to check or calibrate working standards unless the master standard has been certified as to accuracy by the Energy Regulatory Commission within the preceding twelve (12) months. Each master rotating standard shall have a history card and calibration data available, and when used to calibrate working standards, correction for any error of the master standard shall be applied.

(4) All working rotating standards when regularly used shall be compared with a master standard at least once in every two (2) weeks. Working rotating standards infrequently used shall be compared with a master standard before they are used.

(5) Working rotating standards shall be adjusted, if necessary, so that their accuracy will be within plus or minus three-tenths (0.3) percent at 100 percent power factor and within plus or minus five-tenths (0.5) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working rotating standard showing all pertinent data and the name of person performing tests.

(6) After having adjusted working rotating standards to the accuracy specified above, service measuring equipment shall be adjusted to within the accuracies required, assuming the working rotating standards to be 100 percent accurate.

(7) If calibration charts are attached to working rotating standards and the error indicated is applied to all tests run and the accuracy on any range has not varied more than two-tenths (0.2) percent during the past twelve (12) regular test periods, the accuracy limits may be extended to plus or minus five-tenths (0.5) percent at 100 percent power factor and plus or minus seven-tenths (0.7) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used.

(8) The utility's master indicating instruments shall not be in error by more than plus or minus five-tenths (0.5) percent of indication at commonly used scale deflections and shall not be used to check or calibrate working indicating instruments unless the master instrument has been checked and adjusted, if necessary, and certified as to accuracy by the Energy Regulatory Commission within the preceding twenty-four (24) months. A calibration record shall be maintained for each instrument.

(9) All working indicating instruments shall be checked against master indicating instruments at least once in each six (6) months. If the working instrument is found appreciably in error at zero (0) or in error by more than one (1) percent of indication at commonly used scale deflections, it shall be adjusted. A calibration record shall be maintained for each instrument showing all pertinent data and the name of person performing tests.

Section 13. Check of Standards by Commission. (1)

Each utility, and/or agency making tests or checks for a utility, shall submit to the Energy Regulatory Commission Meter Standards Laboratory, its master rotating standard once in each year, and its master indicating voltmeter and ammeter once in each two (2) years.

(2) At the discretion of the commission any or all of these required tests may be made at the utility's or agency's testing facility by means of portable transfer standards maintained by the commission. If the standards satisfy the requirements of the rules and regulations of the commission a Certificate of Accuracy shall be issued by the Commission's Division of Engineering.

(3) Each utility which normally checks its own master rotating standards, and master indicating instruments against primary standards such as precision wattmeters, volt boxes, resistances, standard cells, potentiometers, and timing devices, shall calibrate the master rotating standards and indicating instruments before they are submitted to the commission for test, and attach to them a record of such calibration.

Section 14. Testing of Metering Equipment. (1) The test of any unit of metering equipment shall consist of a comparison of its accuracy with a standard of known accuracy. All metering equipment shall be in good order, and shall be adjusted to as close to zero (0) error as possible.

(2) No meter or measuring device shall be deliberately set in error by any amount. Because of unavoidable irregularities of work done on a commercial scale, some accuracy tolerance must be allowed. In a properly run shop, most meters can be set within one-half (½) percent and virtually all can be set within one (1) percent. Further, meters with defective parts shall be repaired regardless of their accuracy.

(3) When tests will be made. Metering equipment, including instrument transformers and demand meters, shall be tested for accuracy within one (1) year prior to being placed in service, periodically in accordance with the schedule below, upon complaint, when suspected of being in error, and when removed from service for any cause.

Period Test Schedule	
Self-Contained Meters	
Single phase	8 years
3 wire network	8 years
Polyphase	6 years
Meters used with instrument transformers	
Single phase	6 years
Polyphase	4 years
Demand Meters	
Indicating block-interval and lagged-demand meters	same as associated watthour meter
Graphic and pulse operated recording demand meters	2 years
Instrument Transformers	
Current: high burden test	same as associated watthour meter
Potential: secondary voltage test	same as associated watthour meter
Var-hour Meters	same as associated watthour meter
Direct Current Watthour Meters:	
Up to and including 6 KW	4 years
Over 6 KW thru 100 KW	2 years
Over 100 KW	1 year

(4) Where tests will be made. Tests may be made at a meter shop, on the customer's premises, or in a mobile shop.

Section 15. Sample Testing of Single Phase Meters. A utility desiring to adopt a scientific sample meter testing plan for single phase meters rated twelve (12) KVA and less shall submit its application to the commission for approval. Upon such approval the sample testing plan may be followed in lieu of the periodic test prescribed in Section 14(3). The plan shall include the following:

(1) Meters shall be divided into separate groups to recognize differences in operating characteristics due to changes in design, taking into consideration date of manufacture and serial number.

(2) The sampling procedure shall be based upon accepted statistical principles.

(3) The same sampling procedure shall be applied to each group.

(4) Each utility authorized to test meters by sample meter testing plan shall comply with the following conditions:

(a) Each year, after the sampling procedure has been applied to each group of meters and the accuracy of the groups determined, the utility shall use the following table to determine the percentage of the total meters in each group to be tested. The number of meters in the sample tested may be included in the total when determining the number of additional meters required to be tested from the table below. The number of meters in addition to the sample shall be taken from those meters in each group longest in service since the last previous test.

Percentage of Meters Within Limits of 2% Fast or Slow (Indicated by Sample)		Percentage of Meters to be Tested Annually
99.0	100.0	2
98.0	98.9	4
97.0	97.9	6
96.0	96.9	8
95.0	95.9	10
93.0	94.9	12
91.0	92.9	14
Less than	91.0	16

(b) Provided, however, that no meter shall remain in service without periodic test for a period longer than twenty-five (25) years.

(5) Whenever a meter is found to be more than two (2) percent fast or slow, refunds or back billing shall be made for the period during which the meter error is known to have existed or if not known for one-half (½) the elapsed time since the last previous test but in no case to exceed three (3) years.

Section 16. Test Procedures and Accuracy Requirements. (1) Meters and/or associated devices shall be tested at the loads indicated below and adjusted as close as practicable to zero (0) error when found to exceed the tolerance prescribed below.

A. C. Watt-hour Meters

% of Test Current	Power Factor	Allowable Tolerance
100	1.0	+ or - 1.0%
10	1.0	+ or - 1.0%
100	0.5	+ or - 1.0%

D. C. Watt-hour Meters

% of Test Current	Allowable Tolerance
100	1.0%
10	1.0%

(a) Only one (1) test run shall normally be required at each test configuration. However if the test indicates the meter is more than two (2) percent in error fast or slow, one (1) or more additional tests shall be made to verify the accuracy prior to refunding or back billing the customer.

(b) When a meter is tested on complaint or request, additional test runs should be made and care exercised to insure that any trouble with the meter will be detected.

(c) For refund and back billing purposes the accuracy of the meter shall be determined by adding the average registration at light load (ten (10) percent of test current) and the average registration at full load (100 percent of test current) and dividing by two (2).

(2) Demand meters. A demand meter, demand register, or demand attachment used to measure customer's service shall:

(a) Be in good mechanical and electrical condition.

(b) Have proper constants, indicating scale, contact device, and resetting device.

(c) Not register at no load.

(d) Be accurate to the following degrees:

1. Graphic meters which record quantity-time curves and integrated-demand meters shall be accurate to within plus or minus two (2) percent of full scale throughout their working range. Timing elements measuring specific demand intervals shall be accurate to within plus or minus two (2) percent and the timing element which serves to provide a record of the time of day when the demand occurs shall be accurate to within plus or minus four (4) minutes in twenty-four (24) hours.

2. Lagged-demand meters shall be accurate to within plus or minus two (2) percent at final indication.

(3) Instrument transformers:

(a) Instrument transformers used in conjunction with metering equipment to measure customer's service shall:

1. Be in proper mechanical condition and have electrical insulation satisfactory for the service on which used.

2. Have characteristics such that the combined inaccuracies of all transformers supplying one (1) or more meters in a given installation will not exceed the following:

	100% Power Factor		50% Power Factor	
	10% Current	100% Current	10% Current	100% Current
Purchased after Jan. 1, 1942	1%	.75%	3%	2%
Purchased prior to Jan. 1. 1942	2%	1.50%	5%	3%

(b) Meters used in conjunction with instrument transformers shall be adjusted so that the over-all accuracies will come within the limits specified in this regulation.

(c) Instrument transformers shall be tested with the meter with which they are associated by making an over-all test, or may be checked separately. If the transformers are tested separately, the meters shall also be checked to see that the over-all accuracy of the installation is within the prescribed accuracy requirements.

(d) The results of tests of instrument transformers shall be kept on record and be available for use during the life of the transformer.

(e) Phase shifting transformers shall have secondary voltages under balanced line voltage conditions within one (1) percent plus or minus of the voltage impressed on the primary.

Section 17. Location of meters. (1) Meters shall be installed in a clean, dry, safe, convenient place as free as possible from vibration. Meters shall be easily accessible for reading, testing, and making necessary adjustments and repairs, and where indoor type meters are necessary they shall not be placed in coal or wood bins or on the partitions forming same, nor on any unstable supports. Unless absolutely unavoidable, meters shall not be installed in attics, sitting rooms, bathrooms, bedrooms, restaurant kitchens, over doors, over windows, or in any location where the visits of the meter reader or tester will cause annoyance to the customer or a severe inconvenience to the utility.

(2) Districts subject to flood are excepted from this rule as far as it applies to the location of meters.

(3) Proper provision shall be made by the customer for the installation of the utility's meter. Unless the meter is to be mounted upon a panel or installed within a cabinet, such provision shall consist of a board not less than three-quarters (¾) of an inch in thickness which shall be mounted not less than five (5) or not more than seven (7) feet from the floor, and in general as near as possible to the point of entrance of the service. At least six (6) inches clear space shall be available, on all sides of the meter board and not less than thirty (30) inches in front of it. The above provisions as to method of mounting and height from floor do not apply to the installation of outdoor meters of the weatherproof type. Electric meters shall not be installed in close proximity to either water or gas meters or anything liable to cause damage to the meter, thereby constituting a hazard to customer's safety and continuous service.

(4) When more than one (1) meter is installed without a meter cabinet in the same building, proper space shall be allotted and provision made by the customer for locating the meters at one (1) place. When a number of meters are placed in the same cabinet or upon the same board, each meter shall be tagged or marked to indicate the circuit metered by it.

Section 18. Overhead and Underground Wire Entrances. (1) The overhead wire entrance shall be located on the exterior of the building nearest the utility's lines at a point not less than twelve (12) nor more than thirty (30) feet above the ground. When proper ground clearance cannot be obtained due to height of building, a proper supporting structure shall be provided by the customer unless arrangements can be made with the utility whereby their overhead service wires can be carried to the building in such a manner that these wires will not constitute an obstruction to the free passage of vehicles or fire fighting apparatus.

(2) Approval shall be obtained from the utility as to the proper location for a service entrance.

(3) New service entrances, both overhead and underground, shall be installed in accordance with the Na-

tional Electric Safety Code and the National Electrical Code heretofore adopted.

Section 19. The Operation of Illegal Gambling Devices. (1) When an electric utility, subject to the jurisdiction of this commission, is notified in writing by a federal or state law enforcement agency, or by the Attorney General of Kentucky or by a Commonwealth's Attorney or by a County Attorney acting in his official capacity, that the electric energy furnished by it is being used or will be used for the purpose of operating an illegal gambling device, it shall discontinue rendering electric service to such customer, after reasonable notice to the customer, but no damages, penalty or forfeiture, civil or criminal, shall be found against any electric utility for any act done in compliance with any such notice received from the law enforcement agency or officer. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate judicial determination that such service should not be discontinued, or should be restored.

(2) As provided by KRS 278.230, any electric utility subject to the jurisdiction of this commission shall furnish to the commission on its demand any records or information in the possession of such electric utility that may assist in the enforcement of this rule.

Section 20. Undergound Electric Distribution Systems for New Residential Subdivisions. (1) Purpose of rules. To formulate requirements for underground electric distribution systems in new residential subdivisions, which will insure safe and adequate service and which will be uniformly applicable within a utility's service area.

(2) Applicability. New residential subdivisions as defined below after the effective date of this rule.

(3) Definitions. The following words and terms, when used in these rules, shall have the meaning indicated:

(a) Applicant: the developer, builder or other person, partnership, association, corporation or governmental agency applying for the installation of an underground electric supply system.

(b) Building: a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for less than five (5) family occupancy.

(c) Multiple-occupancy buildings: a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain five (5) or more individual dwelling units.

(d) Distribution system: electric service facilities consisting of primary and secondary conductors, transformers, and necessary accessories and appurtenances for the furnishing of electric power at utilization voltage.

(e) Commission: the Energy Regulatory Commission.

(f) Subdivision: a tract of land which is divided into ten (10) or more lots for the construction of new residential buildings, or for the construction of two (2) or more new multiple occupancy buildings.

(4) Rights of way and easements:

(a) The utility shall construct, own, operate and maintain distribution lines only along easements, public streets, roads and highways which are by legal right accessible to the utility's equipment and which the utility has the legal right to occupy, and on the public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.

(b) Rights of way and easements suitable to the utility for the underground distribution facilities must be furnished by the applicant in reasonable time to meet service requirements. The utility may require that the applicant make the area in which the underground distribution facilities are to be located accessible to the company's equipment, remove all obstructions from such area, stake to show property lines and final grade, perform rough grading to a reasonable approximation of final grade, and maintain clearing and grading during construction by the utility. The utility may require that suitable land rights be granted to it, obligating the applicant and subsequent property owners to provide continuing access to the utility for operation, maintenance or replacement of its facilities, and to prevent any encroachment in the utility's easement or substantial changes in grade or elevation thereof.

(5) Installation of underground distribution system within new subdivision:

(a) Where appropriate contractual arrangements have been made, the utility shall install within the subdivision an underground electric distribution system of sufficient capacity and suitable materials which, in its judgment, will assure that the property owners will receive safe and adequate electric service for the foreseeable future.

(b) Facilities required to be underground:

1. All single phase conductors installed by the utility shall be undergound. Appurtenances such as transformers, pedestal-mounted terminals, switching equipment and meter cabinets may be placed above ground.

2. Three (3) phase primary mains or feeders required within a subdivision to supply local distribution or to serve individual three (3) phase loads may be overhead unless underground is required by governmental authority or chosen by the applicant, in either of which case the differential cost of underground shall be borne by the applicant.

(c) If the applicant has complied with the requirements herein and with the utility's specifications on file with the commission, and has given the utility not less than 120 days written notice prior to the anticipated date of completion (i.e., ready for occupancy) of the first building in the subdivision, the utility shall complete the installation thirty (30) days prior to the estimated completion date. (Subject to weather and ground conditions and availability of materials and barring extraordinary or emergency circumstances beyond the reasonable control of the utility.) However, nothing in these regulations shall be interpreted to require the utility to extend service to portions of the subdivisions not under active development.

(6) Schedule of charges:

(a) Within sixty (60) days after the effective date of these rules, each utility shall file with the commission a statement setting forth the utility's policy with respect to electric underground extensions in residential subdivisions. Such policy shall provide for a payment to be made by the applicant for the purpose of giving effect to the difference between the cost of providing underground facilities and that of providing overhead facilities. The payment to be made by applicant shall be expressed in terms of an amount per foot of conductor or other appropriate measure.

(b) The utility's policy as filed with the commission shall set forth an "estimated average cost differential," if any, between the average or representative cost of underground distribution systems in residential subdivisions and of equivalent overhead distribution systems within the utility's service areas. The payment to be made by the applicant

as provided for in paragraph (a) above shall not be more than such estimated average cost differential and shall be non-refundable.

(c) Detailed supporting data used to determine the estimated average cost differential shall be concurrently filed by the utility with the commission and shall be updated annually.

(d) The applicant may be required to deposit the entire estimated cost of the extension. If this is done, the amount deposited in excess of the normal charge for underground extensions, as provided in paragraph (a) above, shall be refunded to the applicant over a ten (10) year period as provided in Section 10.

(e) Upon agreement by both parties, if the applicant should choose to perform all necessary trenching and backfilling in accordance with utility specifications, the utility shall credit the applicant's cost in an amount equal to the utility's cost for trenching and backfilling.

(f) Utility extension from the boundary of the subdivision to its existing supply facilities shall normally be made overhead; and any deposit required therefor is subject to refund under Section 10. Upon request, such extension may be made underground, if the applicant agrees to pay the excess cost for the underground extension, which excess cost shall be non-refundable.

(g) 1. Point of service shall be that point where the facilities of the utility join the customer's facilities, irrespective of the location of the meter and such point of service will normally be either at the property line or at the corner of the building nearest the point at which the underground systems enter the property to be served, depending upon whether the utility or the customer owns the underground service lateral.

2. If established utility practice dictates service termination at the customer's property line, the utility shall credit the applicant fifty ($50) or the equivalent cost of an overhead service line to the applicant's meter base, whichever is greater.

3. Where established utility practice does not dictate service termination at the customer property line, the utility shall include in its underground plan, the furnishing, installation, ownership, and maintenance of the service lateral to the meter base providing the applicant installs in the building adequate electric service entrance capacity to the satisfaction of the utility to assure that the underground service conductors will be adequate to handle present and future load requirements of the building; and in this instance the utility will determine the size and type of the service lateral conductors and appurtenances to be used in any installation.

4. If, by mutual agreement of the parties, service terminates at some other point on the building or property, the applicant shall pay the full cost of any additional extension required in excess of that provided for in paragraph (g)1, 2 and 3 of this subsection.

(h) When an existing utility-owned supply circuit or service lateral required replacement or reinforcement due to added loads, etc., the utility at its expense will replace or reinforce it.

(i) Nothing herein contained shall be construed to prevent any utility from assuming all or any part of the cost differential of providing underground distribution systems within subdivisions, provided the utility demonstrates to the satisfaction of the commission that such practice will not result in increased rates to the general body of rate payers.

(j) The utility shall not be obligated to install any facility within a subdivision until satisfactory arrangements for the payment of charges have been completed by the applicant.

(7) Cooperation by applicant. The charges specified in these rules are based on the premise that each applicant will cooperate with the utility in an effort to keep the cost of construction and installation of the underground electric distribution system as low as possible and make satisfactory arrangements for the payment of the above charges prior to the installation of the facilities.

(8) Construction. All electrical facilities shall be installed and constructed to comply with applicable codes and the rules and regulations of the Energy Regulatory Commission.

Section 21. Deviations from Rules. In special cases for good cause shown applications to and approval by, the commission may permit deviations from these rules.

PERRY WHITE, Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:075. Fuel adjustment clause.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.030(1)
NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by an electrical utility subject to the jurisdiction of the Energy Regulatory Commission shall be fair, just and reasonable. This regulation prescribes the requirements with respect to the implementation of automatic fuel adjustment clauses by which electric utilities may immediately recover increases in fuel costs subject to later scrutiny by the Energy Regulatory Commission.

Section 1. Fuel Adjustment Clause. Fuel adjustment clauses which are not in conformity with the principles set out below are not in the public interest and may result in suspension of those parts of such rate schedules:

(1) The fuel clause shall provide for periodic adjustment per KWH of sales equal to the difference between the fuel costs per KWH sale in the base period and in the current period according to the following formula:

$$\text{Adjustment Factor} = \frac{F(m)}{S(m)} - \frac{F(b)}{S(b)}$$

Where F is the expense of fossil fuel in the base (b) and current (m) periods; and S is sales in the base (b) and current (m) periods, all as defined below:

(2) FB/SB shall be so determined that on the effective date of the commission's approval of the utility's application of the formula, the resultant adjustment will be equal to zero (0).

(3) Fuel costs (F) shall be the most recent actual monthly cost of:

(a) Fossil fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants, plus the cost of fuel which would have been used in plants suffering forced generation or transmission outages, but less the greater of either the cost of fuel related to substitute generation, or the cost of fuel related to lost generation; plus

(b) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (c) below, but excluding the greater of either the cost of fuel related to purchases to substitute the forced outages, or the cost of fuel related to the lost generation; plus

(c) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less

(d) The cost of fossil fuel recovered through inter-system sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

(e) All fuel costs shall be based on weighted average inventory costing.

(4) Forced outages are all nonscheduled losses of generation or transmission which require substitute power for a continuous period in excess of six (6) hours. Where forced outages are not as a result of faulty equipment, faulty manufacture, faulty design, faulty installations, faulty operation, or faulty maintenance, but are Acts of God, riot, insurrection or acts of the public enemy, then the utility may, upon proper showing, with the approval of the commission, include the fuel cost of substitute energy in the adjustment. Until such approval is obtained, in making the calculations of fuel cost (F) in subsection (3)(a) and (b) above the forced outage costs to be subtracted shall be no less than the fuel cost related to the lost generation.

(5) Sales (S) shall be all KWH's sold, excluding inter-system sales. Where, for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (i) generation, (ii) purchases, (iii) interchange-in, less (iv) energy associated with pumped storage operations, less (v) inter-system sales referred to in subsection (3)(d) above, less (vi) total system losses. Utility used energy shall not be excluded in the determination of sales (S).

(6) The cost of fossil fuel shall include no items other than the invoice price of fuel less any cash or other discounts. The invoice price of fuel includes the cost of the fuel itself and necessary charges for transportation of the fuel from the point of acquisition to the unloading point, as listed in Account 151 of FERC Uniform System of Accounts for Public Utilities and Licenses.

(7) At the time the fuel clause is initially filed, the utility shall submit copies of each fossil fuel purchase contract not otherwise on file with the commission and all other agreements, options or similar such documents, and all amendments and modifications thereof related to the procurement of fuel supply and purchased power. Incorporation by reference is permissible. Any changes in the documents, including price escalations, or any new agreements entered into after the initial submission, shall be submitted at the time they are entered into. Where fuel is purchased from utility-owned or controlled sources, or the contract contains a price escalation clause, those facts shall be noted and the utility shall explain and justify them in writing. Fuel charges which are unreasonable shall be disallowed and may result in the suspension of the fuel adjustment clause. The commission on its own motion may investigate any aspect of fuel purchasing activities covered by this regulation.

(8) Any tariff filing which contains a fuel clause shall conform that clause with this regulation within three (3) months of the effective date of this regulation. The tariff filing shall contain a description of the fuel clause with detailed cost support.

(9) The monthly fuel adjustment shall be filed with the commission ten (10) days before it is scheduled to go into effect, along with all the necessary supporting data to justify the amount of the adjustment which shall include data and information as may be required by the commission.

(10) Copies of all documents required to be filed with the commission under this regulation shall be open and made available for public inspection at the office of the Energy Regulatory Commission pursuant to the provisions of KRS 61.870 to 61.884.

(11) At six (6) month intervals, the commission will conduct public hearings on a utility's past fuel adjustments. The commission will order a utility to charge off and amortize, by means of a temporary decrease of rates, any adjustments it finds unjustified due to improper calculation or application of the charge or improper fuel procurement practices.

(12) Every two (2) years following the initial effective date of each utility's fuel clause the commission in a public hearing will review and evaluate past operations of the clause, disallow improper expenses and to the extent appropriate re-establish the fuel clause change in accordance with subsection (2).

PERRY WHITE, Chairman

ADOPTED: April 12, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET
Energy Regulatory Commission

807 KAR 50:085. Sewage.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to sewage utilities.

Section 1. General. The purpose of this regulation is to provide standard rules and regulations governing the service of sewage utilities operating under the jurisdiction of the Energy Regulatory Commission of Kentucky.

Section 2. Definitions. The following terms when used in these rules, shall have the meaning indicated:

(1) "Commission" means the Energy Regulatory Commission of Kentucky.

(2) "Collecting sewers" means sewers, including force lines, gravity sewers, interceptors, laterals, trunk sewers, manholes, lampholes and necessary appurtenances and including service wyes, which are used to transport sewage and are owned, operated, or maintained by a sewage disposal utility.

(3) "Customer" means any person, partnership, association, corporation or governmental agency being provided with sewage disposal service by a utility.

(4) "Customer's service pipe" means any sewer pipe extending from the customer's residence or other structure receiving and transporting sewage to the utility's collecting sewer, but excluding service wyes.

(5) "Lift station" means that portion of the sewage system which is used to lift the sewage to a higher elevation.

(6) "Premises" means a tract of land or real estate including buildings and other appurtenances thereon.

(7) "Sewage" means ground garbage, human and animal excretions, and all other domestic type waste normally disposed of by a residential, commercial, or industrial establishment, through the sanitary sewer system.

(8) "Sewage treatment facilities" includes all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, and controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for the public, or other beneficial or necessary purpose.

(9) "Sewage utility" means any person except a city, who owns, controls or operates or manages an energy utility which also renders sewer service for the public for compensation and is regulated by the Energy Regulatory Commission pursuant to KRS 278.040(2), or if the facility is a subdivision treatment facility plant located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district. (KRS 278.010(5)(c).)

Section 3. Filings with this Commission. In addition to all filing requirements provided by 807 KAR 50:005, Rules of Procedure, the following requirements must also be met for all formal applications (outlined below) by sewage utilities before this commission:

(1) Application for certificates of public convenience and necessity. In addition to the filing requirements provided by 807 KAR 50:005, Sections 7 and 8, the applicant shall submit with its application, the following:

(a) A copy of a valid third-party beneficiary agreement guaranteeing the continued operation of the sewage treatment facilities or other evidence of financial integrity such as will insure the continuity of sewage service.

(b) A copy of a preliminary approval issued by the Division of Water Quality of the Kentucky Department for Natural Resources and Environmental Protection approving the plans and specifications of the proposed construction.

(c) A detailed map of the sewage treatment facilities showing location of plant, effluent discharge, collection mains, manholes, and utility service area.

(d) A detailed estimated cost of construction which should include all capitalized costs (construction, engineering, legal, administrative, etc.).

(e) A financial exhibit as described in Section 6 of 807 KAR 50:005.

(f) The manner in detail in which it is proposed to finance the new construction, specifically stating amount to be invested, recouped through lot sales, or contributions (to be) received, etc.

(g) An estimated cost of operation after the proposed facilities are completed.

(h) An estimate of the total number of customers to be served by the proposed sewage treatment facilities, initially and ultimately the class of customers served (i.e., residential, commercial, apartments, recreational, institutional, etc.) and the average monthly water consumption for each class of customer.

(i) A copy of the latest tax returns (federal and state, if applicable) filed by the applicant.

(j) A detailed depreciation schedule of all treatment plant, property and facilities, both existing and proposed, listing all major components of "package;" treatment plants separately.

(k) The proposed rates to be charged for each class of customers and an estimate of the annual revenues derived from the customers using the proposed rate schedules.

(l) A full and complete explanation of corporate or business relationships between the applicant and a parent or brother-sister corporation, subsidiary(ies), a development corporation(s), or any other party or business to afford the commission a full and complete understanding of the situation.

(m) If the establishment of rates is not sought by the applicant, omit paragraphs (i), (j), and (k) above.

(2) Application for authority to adjust rates. In addition to the filing requirements provided by 807 KAR 50:005, Sections 6, 7, and 9, the applicant shall submit with its application, the following:

(a) A copy of a valid third-party beneficiary agreement guaranteeing the continued operation of the sewage treatment facilities or other evidence of financial integrity such as will insure the continuity of sewage service.

(b) A comparative income statement (ERC Form) showing test period; per books, revenues and expenses, pro forms adjustments to those figures, and explanations for each adjusted entry.

(c) A detailed analysis of any expenses contained in the comparative income statement which represent an allocation or proration of the total expense.

(d) A detailed depreciation schedule of all treatment plant properties and facilities, listing all major components of "package;" treatment plants separately.

(e) Copies of all service contracts entered into by the utility for outside services, such as but not limited to: operation and maintenance, sludge hauling, billing, collection, repairs, etc., in order to justify current contract services and charges or proposed changes in said contracts.

(f) A description of the applicant's property and facilities, including a statement of the net original cost (estimate if not known), the cost thereof to the applicant, and a current breakdown of contributed and non-contributed property and facilities owned by the applicant ("contributed property" means property paid for by others).

(g) A detailed customer listing showing number of customers in each customer class and average water consumption for each class of customers.

(h) If the utility has billing and collection services provided by the Louisville Water Company, remittance advices from the Louisville Water Company showing revenues and collection charges should be submitted for the test period.

(i) A copy of the latest tax returns (federal and state, if applicable) filed by the applicant.

(j) A full and complete explanation of corporate or business relationships between the applicant and a parent or brother-sister corporation, subsidiary(ies), a development corporation(s), or any other party or business, to afford the commission a full and complete understanding of the situation.

(3) Application for authority to issue securities, notes, bonds, stocks, or other evidences of indebtedness. In addition to the filing requirements, provided by 807 KAR 50:005 Sections 6, 7, and 10, the applicant shall submit with its application the following:

(a) Copy of amortization schedules of present and proposed indebtedness.

(b) A full and complete explanation of any corporate or business relationships between the applicant and a parent or brother-sister corporation subsidiary(ies), a development corporation(s), or any other party or business to afford the commission a full and complete understanding of the situation.

Section 4. Information Available to Customers. (1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

(2) Rates, rules, and regulations. A schedule of approved rates for sewage service applicable for each class of customers and the approved rules and regulations of the sewage utility shall be available to any customer or prospective customer upon request.

Section 5. Quality of Service. (1) General. Each utility shall maintain and operate sewage treatment facilities of adequate size and properly equipped to collect, transport, and treat sewage, and discharge the effluent at the degree of purity required by the health laws of the State of Kentucky, and all other regulatory agencies, federal, state, and local, having jurisdiction over such matters.

(2) Limitations of service. No sewage disposal company shall be obliged to receive for treatment or disposal any material except sewage as defined by Section 2(7). In compliance with the regulation, the utility shall make all reasonable efforts to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system. A utility may request assistance from the appropriate state, county, or municipal authorities in its efforts, but such a request does not relieve the utility of its aforementioned responsibilities.

Section 6. Continuity of Service. (1) Emergency interruptions. Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest posible delay consistent with the safety of its customers and the general public.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) Record of interruptions. Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Section 7. Design, Construction, and Operation. (1) General. The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

(2) Design and construction requirements. The design and construction of the sewage utility's collecting sewers, treatment plant and facilities, and all additions thereto and modifications thereof, shall conform to the requirements of the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Water Quality.

(3) Adequacy of facilities. The capacity of the sewage utility's sewage treatment facilities for the collection, treatment and disposal of sewage and sewage effluent must be sufficiently sized to meet all normal demands for service and provide a reasonable reserve for emergencies.

(4) Inspection of facilities. Each sewage utility shall adopt procedures for inspection of its sewage treatment facilities to assure safe and adequate operation of its facilities and compliance with Energy Regulatory Commission rules. These procedures shall be filed with the commission. Unless otherwise authorized in writing by the commission, the sewage utility shall make inspections of collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless conditions warrant more frequent inspections and shall make inspections of all mechanical equipment on a daily basis. The sewage utility shall maintain a record of findings and corrective actions required, and/or taken, by location and date.

Section 8. Service Pipe Connections. (1) Sewage utility's service pipe. The sewage utility shall install and maintain that portion of the service pipe from the main to the boundary line of the easement, public road, or street, under which such main may be located.

(2) Customer's service pipe:

(a) The customer shall install and maintain that portion of the service pipe from the end of the sewage utility's portion into the premises served.

(b) Requirements for customer's service pipe. That portion of the service pipe installed and maintained by the customer shall conform to all reasonable rules of the utility. It shall be constructed of materials approved by the sewage utility and installed under the inspection of the sewage utility.

(3) Restriction on installation. A sewer service pipe shall not be laid in the same trench with a water pipe.

(4) Inspection. If a governmental agency requires an inspection of the customer's plumbing, the sewage utility shall not connect the customer's service pipe until it has received notice from the inspection agency certifying that the customer's plumbing is satisfactory.

PERRY WHITE, JR., Chairman
ADOPTED: April 12, 1979
APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: April 13, 1979 at 10:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of April 4, 1979 Meeting

(Subject to subcommittee approval at its next regularly scheduled meeting on May 2, 1979.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, April 4, 1979, at 10 a.m., in Room 327 of the Capitol. The minutes of the March 7, 1979 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson and Representative Albert Robinson.

Guests: John A. Craig and Allen Prewitt, Jr., Kentucky Registry of Election Finance; William Schmidt, Board of Medical Licensure; Robert Stallings and Fred G. Lieb, Real Estate Commission; Dave Ashley, Department of Energy; Joyce Bell and Ked Fitzpatrick, Department for Human Resources; Ed Fossett, Department of Education; William E. Clayton and James P. Berry, Department of Mines and Minerals; Charles Henry, Department of Transportation; Judith Walden, Department of Housing; A. Mason Glass, Jr. and John Hinkle, Kentucky Retail Federation; Bob Gardner, Greg Fischer, Joyce West, Larry E. Warren, Ann More and Paul Dole, Head Start Programs; Robert H. Harrison, Frederick Huggins and George Schauberger, Department of Labor; Eugene Mooney, Martha Hall, Hisham M. Saaid, Stephen R. Wyatt and George Risk, Department for Natural Resources and Environmental Protection; Jack Wolfe, Continental Forest Industries; Howard G. Myers, Kentucky Forest Industries; R. W. Wilkins and Ray Watkins, Labor-Management Council; Tommy Bell, Robert J. Wagner and William George Bowser, Kent Sub. of Walter Kidde Co.; H. R. Deutsch, Dupont-Louisville Plant; Larry Schneider, Kentucky Conservation Committee; Joe Simpson, Whiripool Corp.; Malcolm Y. Marshall, S. J. Burdette, Jr. and Joseph B. Beard, Kentucky Utilities Company; Gene Barnes and Cathy Nixon, League of Women Voters; Carolyn Embry and Margaret C. Loeb, Sierra Club; Geoff Stevens, Ford Motor Co.; Lowell Reese and Randolph A. Jensen, Kentucky Chamber of Commerce; M. T. DeBusschere, Jeff. Co. Air Pollution Control Dist.; Herman D. Regan, Jr., Kenvirons, Inc.; David S. Beck, Kentucky Farm Bureau; Robert E. Hughes, East Kentucky Power.

LRC Staff: Mabel D. Robertson, Garnett Evins, Deborah Herd, Joseph Hood, Steve Armbrust and Don Stosberg.

Press: Maria Braden, Associated Press and Dan Adkins, Department of Public Information.

The Regulations Compiler stated that a hearing had been held and affirmative consideration submitted on 704 KAR 20:020, Department of Education; however, was not received in time for appropriate review and consideration at this meeting. The Subcommittee agreed that the regulation should be placed on the May agenda.

The following regulations were deferred:

OCCUPATIONS AND PROFESSIONS

Board of Auctioneers

201 KAR 3:005. Name required on advertising.
201 KAR 3:035. Real estate sales by auction.
201 KAR 3:045. Recordkeeping and accounting.
201 KAR 3:055. Apprenticeship residency requirements. (These regulations were deferred because the chairman of the board contacted Chairman Brinkley and asked that they be deferred until the May meeting in order that he could be present.)

REGISTRY OF ELECTION FINANCE

Reports and Forms

801 KAR 1:007. Committees; definition, responsiblities. (This regulation was deferred, on motion of Senator Johnson, for additional study.)

The following regulations were approved and ordered filed:

OCCUPATIONS AND PROFESSIONS

Board of Medical Licensure

201 KAR 9:020. Licensing qualifications; approved schools.
201 KAR 9:060. Limited licenses. (These regulations were amended in committee to conform with Subcommittee's objections.)

Real Estate Commission

201 KAR 11:001. Repeal of obsolete regulations.

Board of Hairdressers and Cosmetologists

201 KAR 12:110. School license.

DEPARTMENT OF EDUCATION
Bureau of Pupil Personnel Services
School Terms, Attendance and Operations
703 KAR 2:015. Age of entrance.

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
Electrical Inspectors
815 KAR 35:010. Electrical inspectors' certification. (This regulation was amended in committee to conform to questions raised by staff review and objections of Senator Johnson. On motion of Senator Johnson, seconded by Chairman Brinkley, the regulation was ordered filed. Representative Robinson abstained.)

DEPARTMENT OF ENERGY
Energy Management
115 KAR 1:010. Energy audits.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
Traffic
603 KAR 5:096. Highway classifications.

DEPARTMENT OF LABOR
Occupational Safety and Health
803 KAR 2:020. Adoption of 29 CFR Part 1910. (This regulation was approved and ordered filed on motion of Senator Johnson, seconded by Chairman Brinkley. Representative Robinson abstained.)

DEPARTMENT OF MINES AND MINERALS
Miner Training, Education and Certification
805 KAR 7:050. Training of miners for new work assignments.
805 KAR 7:070. Reporting procedures and record maintenance.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
Public Assistance.
904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

The Chairman then stated that the meeting would recess for lunch, reconvening at 1 p.m., at which time the Subcommittee would consider the clean air (air pollution) regulations proposed by the Department for Natural Resources and Environmental Protection.

The meeting reconvened at 1 p.m., and the Chairman called upon Eugene Mooney, Secretary, Department for Natural Resources and Environmental Protection, to address the clean air regulations.

Comments were than heard from Lowell Reese, Kentucky Chamber of Commerce; Hisham Saaid, Division of Air Pollution, DNREP; R. W. Wilkins and Ray Watkins, Labor-Management Council; Tommy Bell, Kent Sub. of Walter Kidde Co.; M. T. DeBusschere, Jefferson County Air Pollution Control District; and Mrs. Jackie Swigart, Environmental Quality Commission.

The Chairman stated that subcommittee members agreed that opponents and proponents of the proposed regulations should coordinate their differences and be prepared to address the regulations at a special meeting on April 25.

The meeting was recessed at 2:15 p.m. to reconvene on Wednesday, April 25, 1979, at 9 a.m. in the House Chamber, Capital Building, Frankfort.