Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 7, NUMBER 9

WEDNESDAY, APRIL 1, 1981

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NOTE: The April meeting of the Administrative Regulation Review Subcommittee will be a ONE-DAY meeting—Wednesday, April 1, 1981, at 10 a.m., in Room A, Capitol Annex.

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.

The *Administrative Register of Kentucky* is the monthly advance sheets service for the 1980 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

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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Administrative Register of kentucky

(ISSN 0096-1493)

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The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: $24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

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Public Hearing Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 10 a.m. EST April 2, 1981, in Room G1 of the Capital Plaza Tower, Frankfort, Kentucky on the following regulation:

401 KAR 50:035. Permits and compliance schedules. [7 Ky.R. 654]

Emergency Regulations Now In Effect

JOHN Y. BROWN, JR., GOVERNOR
Executive Order 81-216
March 4, 1981

EMERGENCY REGULATION
Public Protection and Regulation Cabinet
Public Service Commission

WHEREAS, the Energy Regulatory Commission and the Utility Regulatory Commission have been abolished by Executive Order 80-1010, effective with the close of business February 28, 1981; and

WHEREAS, by that same Executive Order the Public Service Commission was established, pursuant to the statutory powers of reorganization specified in KRS 12.025(1), and authorized to assume the responsiblity for regulation of public utilities according to KRS Chapter 278; and

WHEREAS, the Public Service 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 March 1, 1981; and

WHEREAS, the Secretary of the Public Protection and Regulation Cabinet, in conjunction with the Public Service Commission, pursuant to KRS 13.085(2) and KRS 278.040, has promulgated the regulations hereinabove referenced:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by the authority vested in me by KRS 13.085(2) of the Kentucky Revised Statutes, do hereby acknowledge the finding of the Public Service Commission within the Public Protection and Regulation Cabinet that an emergency exists and direct that the attached regulations become effective immediately upon being filed with the Legislative Research Commission.

JOHN Y. BROWN, JR., Governor
FRANCES JONES MILLS, Secretary of State

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:001E. Rules of procedure.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.310(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 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 "Public Service 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, 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, corpora-

tions, 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.

(f) A statement certifying that the utility's annual reports, including the report for the most recent calendar year, are on file with the commission in accordance with 807 KAR 5:006E, Section 3(1).

(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 Public Service 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 Public Service Commission

(Insert name of complainant) Complainant	)	
	)	No. _____
vs.	)	(To be inserted by the secretary)
	)	
(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, 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 Public Service Commission

(Insert name of complainant) Complainant	)	
	)	No. _____
vs.	)	(To be inserted by the secretary)
(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 Public Service 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)

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 additionasl facts which applicant desires to state).

WHEREFORE, applicant asks that the Public Service 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 Public Service Commission

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

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. Repealed. The following regulations are hereby repealed: 807 KAR 25:010, 807 KAR 25:020, 807 KAR 25:025, 807 KAR 25:030, 807 KAR 25:040, 807 KAR 25:050, 807 KAR 25:060, 807 KAR 50:005, 807 KAR 50:015, 807 KAR 50:020, 807 KAR 50:025, 807 KAR 50:035, 807 KAR 50:045, 807 KAR 50:050, 807 KAR 50:052, 807 KAR 50:055, 807 KAR 50:065, 807 KAR 50:066, 807 KAR 50:067, 807 KAR 50:075 and 807 KAR 50:085.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
APPROVED: H. FOSTER PETTIT, Secretary
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:006E. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13. 082, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

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, water, sewage 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 Public Service Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(4) or a 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 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 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 previous 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) A gas or electric 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 twenty-seven (27) 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 parital 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 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 responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plan. 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) A water, sewage or telephone 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 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 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.

(4) 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 inspections. 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.

(5) 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.

(6) 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 nonpayment 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 water utilities furnishing metered service shall provide meter standards and test facilities, as more specifically set out under 807 KAR 5:021E, 807 KAR 5:041E and 807 KAR 5:066E.

(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 commission's 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 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) 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 commission. 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. Production 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:

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 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.

(6) (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.

Section 23. Reporting 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:011E. Tariffs.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.160(1)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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. Definitions. For purpose of this regulation: "Commission" means the Public Service Commission.

Section 2. General. All utilities under the jurisdiction of the commission shall file with the secretary 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 3. 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 5.

(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 5.

(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 4. 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 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 5. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the commission number thereof. Subsequent tariffs filed as provided by Sections 6 and 9, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the commission number of the tariff cancelled, changed or modified by it.

Section 6. Change or Withdrawal of Rate Schedules 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 6 and 9.

(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 7 of this regulation.

(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 9.

(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 7. 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 Public Service Commission in Case No. _____ dated _____, 19_____."

Section 8. 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 9. 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 10. 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 Public Service 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 2 through 5 with proper identifying designation. (Example: Public Service Commission No. 1 cancels Public Service 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, Public Service Commission, No. 11, cancels Original Sheet No. 2A, also cancels Public Service Commission Adoption Notice No. 6; or Public Service Commission No. 12 cancels Public Service Commission No. 11, also cancels Public Service 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 9 and 10.

Section 11. 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 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 12. 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 13. 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 14. 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

_____

P.S.C. NO. ___

CANCELS P.S.C. NO. ___

(NAME OF COMPANY)

of

(LOCATION OF COMPANY)

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED)

at

(LOCATION SERVED)

FILED WITH PUBLIC SERVICE 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 FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For _____
Community, Town or City

P.S.C. NO. ____

____ (Original) Sheet No. ____
(Revised)

_____
Name of Issuing Corporation

Cancelling P.S.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 P.S.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 Public Service Commission, Frankfort, Ky.

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 P.S.C. No. _____, cancelling Tariff P.S.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 8 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 8 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 to 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. _____ P.S.C. No. _____, cancelling _____ Original Sheet No. _____, P.S.C. No. _____, cancelling P.S.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 Public Service Commission, Frankfort, Ky.

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 P.S.C. No. _____ canceling Tariff P.S.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 8 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 8 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. _____ P.S.C. No. _____, or Original Sheet No. _____ P.S.C. No. _____ cancelling P.S.C. Adoption Notice No. _____.

**If Notice is given by publication as provided in Section 8, 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 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 Public Service Commission upon the completion of the same in accordance with Section 9(2), of said Regulation.

FORM OF ADOPTION NOTICE
P.S.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 Public Service 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 10 of P.S.C. Tariff Regulations adopted by the Public Service Commission.

_____

By _____

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:016E. Advertising.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.040, 278.190(3)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

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 what advertising expenses of a utility will be allowable as a cost to the utility for ratemaking purposes.

Section 1. General. The purpose of this regulation is to insure that no direct or indirect expenditures may be includable in a gas or electric utility's cost of service for ratemaking purposes which are for promotional advertising, political advertising or institutional advertising. It is also the purpose of the regulation to insure that no direct or indirect expenditures may be includable in a telephone, water, or sewage utility's cost of service for ratemaking purposes which are for political advertising or institutional advertising. "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.

Section 2. 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 material benefit for the 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, including parent and affiliated companies.

Section 3. Material Benefit. (1) Advertising expenditures by gas or electric utilities which produce a "material benefit" include, but are not limited to the following:

(a) Advertising limited exclusively to demonstration of means for ratepayers to reduce their bills or conserve energy;
(b) Advertising conveying safety information in the direct use of utility equipment;
(c) Advertising which furnishes factual and objective data programs to educational institutions on the subject of energy technology;
(d) Advertising providing information to the public regarding potential safety hazards associated with construction or a utility's maintenance program;
(e) Legal advertising notices to ratepayers required by statute, rule or order of the commission.
(f) Advertising which explains a utility's proposed or existing rate structure, its energy-related problems and its public programs and activities, provided such reference includes a description of how a consumer benefits from or is affected by same.
(2) Advertising expenditures by telephone, water, or sewage utilities which produce a "material benefit" include, but are not limited to the following:
(a) Advertising limited exclusively to demonstration of means for ratepayers to reduce their bills or conserve energy;
(b) Advertising promoting competitive or other services which would have the effect of holding down the cost of providing basic service;
(c) Advertising conveying safety information in the direct use of utility equipment;
(d) Advertising promoting off-peak usage of existing facilities;
(e) Advertising which explains the use, cost, applicability or availability of new or existing utility equipment and other utility services where energy consumption would either be reduced or not materially increased;
(f) Advertising which furnishes factual and objective data programs to educational institutions on the subject of water, sewer or communications technology;
(g) Advertising providing information to the public regarding potential safety hazards associated with construction or a utility's maintenance program;
(h) Legal advertising notices to ratepayers required by statute, rule or order of the commission.

Section 4. Advertising Disallowed. (1) Advertising expenditures for political, promotional, and institutional advertising by electric or gas utilities shall not be considered as producing a material benefit to the ratepayers and, as such, those expenditures are expressly disallowed for ratemaking purposes.
(a) "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.
(b) "Promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of an energy utility, or the selection or installation of any appliance or equipment designed to use such utility's service.
(c) "Institutional advertising" means advertising which has as its sole objective the enhancement or preservation of the corporate image of the utility and to present it in a favorable light to the general public, investors, and potential employees.
(d) The terms "political advertising," "promotional advertising," and "institutional advertising" do not include:
1. Advertising which informs utility customers how they can conserve energy;
2. Advertising required by law or regulation;
3. Advertising regarding service interruption, safety measures, or emergency conditions;
4. Advertising concerning current employment opportunities;
5. Advertising which promotes the use of energy efficient appliances, equipment, or services.
(2) Advertising expenditures for political and institutional advertising by telephone, water, or sewage utilities shall not be considered as producing a material benefit to the ratepayers and, as such, these expenditures are expressly disallowed for ratemaking purposes.
(a) "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.
(b) "Institutional advertising" means advertising which has as its primary objective the enhancement or preservation of the corporate image of the utility and to present it in a favorable light to the general public, investors, and potential employees.
(c) The terms "political advertising" and "institutional advertising" do not include:
1. Advertising which informs utility customers how they can conserve energy;
2. Advertising required by law or regulation;
3. Advertising regarding service interruption, safety measures, or emergency conditions;
4. Advertising concerning current employment opportunities;
5. Advertising which promotes the use of energy efficient appliances, equipment, or services.

Section 5. Burden of Proof. The utility shall have the burden of proving that any advertising cost or expenditures proposed for inclusion in its operating expenses for ratemaking purposes within a given test year fall within the categories enumerated in Section 3 or that such advertising is otherwise of material benefit to its ratepayers.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:021E. Gas.

RELATES TO: KRS 278.485, 278.502
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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. Definitions. For purposes of this regulation: "Commission" means the Public Service Commission.

Section 2. General. (1) The purpose of this regulation is to provide standard rules governing the service of gas utilities operating under the jurisdiction of the 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 7, 8, 9, 10, 11, 13, 15, 16, 17, and 18 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 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 commission for an exemption from the application of the rules herein enumerated.

Section 3. 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 4. 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 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 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 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 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 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 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 or 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. Extension of Service. (1) Normal extension. 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 11. 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 12. 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 13. 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 14. 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″ H_2O 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″ H_2O 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:026E. Gas service; service lines.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.485(3)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 bi-monthly intervals for gas delivered, which said statement 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 an 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:031E. Gas well determinations.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.010(4)(b), 278.040(3), 278.110
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 Public Service 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 Public Service 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 Public Service Commission will discharge the duties conferred upon it by the Natural Gas Policy Act of 1978.

Section 1. Definitions. For purposes of this regulation: "Commission" means the Public Service Commission.

Section 2. 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 Department 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 States 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 3. 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 4. 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 commission.
(3) Upon receipt of an application and recommended determination, the 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 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 807 KAR 5:001E, Section 3(1), (2), (3), (4) and (5).

(6) On the basis of the substantial evidence adduced at the hearing, the 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 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:036E. Natural gas outdoor lighting.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.040, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

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 utilities. The Federal Power Plant and Industrial Fuel Use Act of 1978 became effective November 9, 1978. Section 402 of the Act directed the Federal Department of Energy (Economic Regulatory Administration) to prohibit by rule, by May 8, 1979, any local distribution company from supplying natural gas for use in outdoor lighting. In addition, the Act prohibits, effective November, 1978, the installation of new outdoor lighting fixtures using natural gas. Under the Act, the Economic Regulatory Administration has used its prerogative to fully delegate responsibility and authority for implementation of Section 402 to appropriate state regulatory authorities by its rule issued May 3, 1979. The Public Service Commission is thereby empowered to promulgate regulations, issue orders, establish exemption criteria and procedures, establish enforcement mechanisms, enforce prohibitions and assess civil penalties and investigate.

Section 1. General. The purpose of this regulation is to provide a procedure whereby a party may petition the Public Service Commission for an exemption from the prohibitions on installation and use of natural gas outdoor lighting as contained in the Federal Power Plant and Industrial Fuel Use Act of 1978.

Section 2. Definitions. For purposes of this regulation:
(1) "Commission" means the Public Service Commission.

(2) The following publications are hereby adopted and filed by reference, as the definitions applicable to various terms when the commission decides whether to grant or deny a request for an exemption. The commission as the appropriate state regulatory authority thereby adopts the "Definitions," Title 10 CFR, Part 516, as published in the Federal Register on May 10, 1979, (44 FR 27608).

Section 3. Exemption Criteria. The following publication is hereby adopted and filed by reference, as the criteria guiding the commission in deciding whether to grant or deny a request for an exemption. The commission, as the appropriate state regulatory authority, hereby adopts the "Guidance and Exemptions," Title 10 CFR Part 516, as published in the Federal Register on May 10, 1979, (44 FR 27609) as the criteria for exemptions. Nothing contained in these standards, however, shall prevent the commission from adopting after due notice and hearing, additional or different criteria for exemptions.

Section 4. Application Procedures. (1) Any person may apply to the commission for an appropriate exemption from the prohibition on natural gas outdoor lighting found in Section 402 of the Power Plant and Industrial Fuel Use Act of 1978.

(2) Each application shall include the following items:

(a) An affidavit of publication from the newspaper in which the required public notice was printed.

(b) A statement specifying the particular exemption for which the applicant is applying and containing such facts, data, documents or other evidence supporting the application.

(c) In the case of exemptions for historical significance, a certification from the Heritage Commission or other governmental agency that the specifically identified property is on the National Register of Historical Places or is eligible for listing.

(3) A separate application must be completed for each premise for which an applicant seeks an exemption.

(4) 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 filing the application is a corporation, partnership or trust, the filing shall be signed by an authorized official of the corporation, a general partner of the partnership, or the trustee of the trust.

Section 5. Notice. (1) The applicant shall cause to have published notice of his application for an exemption from the prohibition on natural gas outdoor lighting in a newspaper of general circulation in the counties or municipality within which the applicants premises is located. This notice shall contain the following information: the applicant's name and address; the type of exemption for which the applicant has applied; the address of the premises and shall inform the public of the opportunity to request a hearing.

(2) The following form shall be considered a satisfactory notice:

Form of Notice: Application for Exemption

_____ has applied for
(Applicant's Name & Address)

_____
(Type of Exemption)

from the prohibition of natural gas outdoor lighting by the Federal Power Plant and Industrial Fuel Use Act of 1978, for the following location: _____.
(Address of Premises)

Any interested person may request a hearing by sending a written notification to the Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601, within ten (10) days.

Section 6. Hearings. Within ten (10) days after the notice is published, the applicant and any other interested person may request a hearing on any application by written petition to the commission.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:041E. Electric.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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. Definitions. For purposes of this regulation: "Commission" means the Public Service Commission.

Section 2. 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 3. 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; 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 11 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 13. 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 5:006E, 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 5:006E, 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 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 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 14. Check of Standards by Commission. (1) Each utility, and/or agency making tests or checks for a utility, shall submit to the 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 15. 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 16. 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 15(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 17. 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 18. 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 19. 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 20. 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 21. 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) 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 11.

(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 11. 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 dollars ($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 requires 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 commission.

Section 22. Deviations from Rules. In special cases for good cause shown applications to and approval by, the commission may permit deviations from these rules.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:046E. Prohibition of master metering.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.010(4)(a), 278.040(3), 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service by any utility. This regulation requires electric utilities to meter new buildings individually pursuant to the federal standard established by Section 113(b)(1) of the Public Utility Regulatory Policies Act of 1978.

Section 1. Definitions. (1) "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one (1) or more persons maintaining a common household.

(2) "Multi-dwelling unit building" means a structure with two (2) or more dwelling units.

(3) "High rise building" means a building with more than four (4) stories.

Section 2. Individual Meters Required. An individual electric meter to record the retail sales of electricity shall be installed for each newly constructed dwelling unit in a non-transient multi-dwelling unit residential building, a mobile home park, or a commercial building for which the building permit application is made after May 31, 1981.

Section 3. Exclusions. Individual unit metering will not be required for: (1) Transient multi-dwelling buildings including, but not limited to hotels, motels, campgrounds, hospitals, nursing homes, convalescent homes, college dormitories, fraternities, sororities, boatdocks, and mobile homes without a permanent foundation and which is not connected to sanitation facilities.

(2) Commercial unit spaces where the commercial unit space requirements are subject to alteration with a change in tenants as evidenced by temporary versus permanent type of wall construction.

(3) Electricity used in central heating, ventilating, and air conditioning systems.

(4) Electricity used in high rise buildings.

Section 4. Complaints. Applicants for electric service who desire master metering of electricity in a building for which master metering is prohibited may make a formal complaint to the commission as provided in 807 KAR 5:001E, Section 11. The applicant shall have the burden of proving that the costs of purchasing and installing separate meters in the building are greater than the long-run benefits of individual metering to the consumers of the electricity at the building.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:051E. Electric consumer information.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.040, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 requires electric utilities to provide certain information to their consumers pursuant to the federal standard established by Section 113(b)(3) of the Public Utility Regulatory Policies Act of 1978.

Section 1. General. The purpose of this regulation is to require retail electric utilities to provide their consumers with information concerning changes in rate schedules.

Section 2. Rate Schedule Information. Each electric utility shall transmit to each of its consumers a clear and concise explanation of any proposed change in the rate schedule applicable to the consumer.

(1) When an electric utility proposes a change in a rate schedule, the statement explaining it shall be transmitted to each consumer to which the change applies within thirty (30) days after the utility applies for that change or within sixty (60) days in the case of an electric utility which uses a bi-monthly billing system.

(2) The statement explaining a proposed rate change may be included with the regular bill.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:056E. Fuel adjustment clause.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.030(1)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by an electrical utility subject to the jurisdiction of the Public Service 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 Public Service 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 cost of fuel related to substitute 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 cost of fuel related to purchases to substitute the forced outages; 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 Licensees.

(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 Public Service 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 charge in accordance with subsection (2) of this section.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:061E. Telephone.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

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 Public Service 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 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 5:011E.

(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 5:011E.

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 ONI 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 economies 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:066E. Water.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 Public Service Commission.

Section 2. Definitions. (1) "Meter" means any device used for the purpose of measuring the quantity of water delivered by a utility to a customer.
(2) "Transmission main" means a line which 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" means a line from which service connections with customers are taken at frequent intervals.
(4) "Service line" means the line from the property line to the place of consumption.
(5) "Service connection" means 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" 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 interconnections 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 customers 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 (¾) 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 fifty (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 equal 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 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 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 (1) 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:071E. Sewage.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
EFFECTIVE: March 4, 1981
EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.
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 Public Service Commission.

Section 2. Definitions. The following terms when used in these rules, shall have the meaning indicated:
(1) "Commission" means the Public Service Commission.
(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 5:001E, 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 5:001E, 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 5:001E.
(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 5:001E, 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 (PSC 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 5:001E 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 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.

MARLIN M. VOLZ, Chairman
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 4, 1981 at 4:20 p.m.

Amended Regulations Now In Effect

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:052. Programs for children with communication disorders.

RELATES TO: KRS 157.200 to 157.*285*[305]
PURSUANT TO: KRS 13.082, 156.070, 156.160
EFFECTIVE: March 9, 1981
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for children with communication disorders. This regulation is necessary to assure uniformity in providing special education and related services to children with communication disorders and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for children of school attendance age with communication disorders pursuant to KRS 157.200 to 157.*285*[305], inclusive, and the criteria listed in this section.

Section 2. Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child has a ["Children with] communication disorder[s" shall be those children who] *provided there is* evidence *of a* disorder[s] in language and/or speech, (i.e., dysfluency, impaired articulation or a voice impairment*)* which adversely affects *the* [a] child's educational *performance* [placement)].

(b) A child who meets the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of communication disordered children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10*, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4[.] *and shall include procedures that are appropriate for the diagnosis of speech and language disorders.* The assessment of the referred pupil for identification and placement purposes shall *include, where appropriate* [consist of]:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in speech, language and/or hearing, *when the child is referred by other than the speech/language pathologist;*

[(b) A behavioral observation, to document behaviors exhibited in familiar surroundings, shall be written for pupils referred for the disorders of dysfluency, language or voice.]

[(c) Evaluations of each child with communication disorders shall include procedures that are appropriate for the diagnosis of speech and language disorders. As necessary, referrals shall be made for additional assessments required in order to make an appropriate placement decision. Evaluations shall include:]

(b) [1.] An evaluation of the receptive and expressive language skills;

(c) [2.] An appraisal of the structure and function of the speech mechanism;

(d) [3.] An evaluation of articulation proficiency;

(e) Written behavioral observations. The observations shall describe behaviors exhibited in familiar surroundings and shall be written for pupils with suspected disorders of fluency, voice, and/or language;

(f) [4.] An appraisal of voice quality and fluency; *and*

(g) [5.] An evaluation of auditory acuity and auditory processing.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for communication disorders shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom programs for communication disordered pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom programs for communication disorders shall be established under the *resource* [itinerant] plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."] Requests for approval of *a variation* [an alternative] plan shall be made to the Bureau of Education for Exceptional Children. Approval shall be based on the following:

(a) Rationale for the proposed plan;

(b) A detailed description of the proposed plan; *and*

(c) The method of annual evaluation to be used to determine the effectiveness of the proposed plan.

(7) Membership. Membership in programs for communication disorders of speech and language shall be:

Minimum	*Maximum*
35	*75 per week*

Membership of the caseload for a speech/language pathologist providing services to severely handicapped pupils may be reduced to 20-35 by the Bureau of Education for Exceptional Children upon submission of written request and justification for such a reduction by the local school district.

(8) [(7)] Planning time. One-half (½) day, *or the equivalent of one-half (½) day,* per week shall be allotted for planning and conferences.

(9) [(8)] Mobile van. Local school districts shall have the authority to use a mobile van for the instructional program providing a written request has been submitted and approved by the Department of Education. Approval shall be made by the Bureau of Education for Exceptional Children in collaboration with the Division of Transportation.

Section 3. Programs for pupils with communication disorders of impaired hearing shall operate according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child [A pupil whose primary handicap] is *hearing impaired provided the following eligibility criteria are met:*

1. The child has a hearing loss ranging from mild to profound [shall be eligible for enrollment in a program for the hearing impaired].

2. The loss shall be to such a degree that he/she does not use, with or without amplification, normal communication skills effectively [and, which].

3. The loss shall be to such a degree that it adversely affects his/her educational performance.

(b) A child who meets the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of hearing impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10,* and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate evaluation of each child shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) A written behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.)*;* [.]

(b) The referring person's written assessment of the pupil's specific strengths and weaknesses in the basic skills area;[.]

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math and language;[.]

(d) A developmental and social history;[.]

(e) An audiological evaluation including pure tone, air and bone conduction, speech reception threshold, and speech discrimination;[.]

1. When fitted with hearing aids, the evaluation should include free field measurements by tones and speech for threshold, and speech discrimination; *and*

2. Examination of the earmold, cord receiver, harness and other components of the hearing aid.

(f) Receptive and expressive language evaluation and an evaluation of articulation proficiency;[.] *and*

(g) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for hearing impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan [and membership]. Classrooms for hearing impaired pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for hearing impaired pupils shall be established under the resource [room], special class, [itinerant] or variation plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) *Membership and age range:*

(a) Classroom membership and age range in programs for [the] communication[s] disorders of [and hearing] impaired shall be:

Classroom Plan (Units)	*Membership*	*Unlimited [4 years]*
Special Class Plan	*3 to 6*	*4 years*
Resource Plan (Classroom Teacher)	*3 to 8*	*6 [4] years*
Resource Plan (Itinerant Teacher)	*3 to 10*	*Unlimited [4 years]*

(b) No more than four (4) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(c) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;

2. Physical condition of the pupils; and

3. Support personnel. [Housing. Classes for hearing impaired pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER
Superintendent of Public Instruction
RECEIVED BY LRC: March 9, 1981 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:054. Programs for the emotionally disturbed; behavior disordered.

RELATES TO: KRS 157.200 to 157.*285*[305]
PURSUANT TO: KRS 13.082, 156.070, 156.160
EFFECTIVE: March 9, 1981
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for emotionally disturbed (behavior disordered) children. This regulation is necessary to assure uniformity in providing special education and related services to emotionally disturbed children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for the emotionally disturbed (behavior disordered) of school attendance age pursuant to KRS 157.200 to 157.*285*[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. *(1) An admissions and release committee shall determine that a child is* [Pupils shall be eligible for enrollment in a program for the] emotionally disturbed (behavior disordered) *provided the following eligibility criteria are met:*

(a) The child manifests symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism; and/or

(b) The child [who] demonstrate*s* one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1. [(1)] An inability to learn *at a rate* commensurate with *intellectual, sensory-motor and/or physical development* [the measured functioning ability] because of emotional problems;

2. [(2)] An inability to build or maintain satisfactory interpersonal relationships with peers and adults;

3. [(3)] *Behavior which is disruptive to the learning process of other students or himself* [Inappropriate types of behavior under normal circumstances];

4. [(4)] A general pervasive mood of unhappiness or depression; *and*

5. [(5)] A tendency to develop physical symptoms or fears associated with personal or school problems;

(c) The criteria does not include those who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

[(6)The term emotionally disturbed (behavior disordered) includes pupils who manifest symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism. The term does not include pupils who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.]

(2) A child who meets the above criteria shall be eligible for special education and related services.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of emotionally disturbed (behavior disordered) pupils. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10*, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(1) A health screening which would indicate there are no primary visual, auditory or physical handicapping conditions;

(2) A *written account* [compilation] of specific behavioral data collected over a period of time by the referral source *describing the behavior(s) of concern*;

(3) A written compilation of data from direct observations of the referred pupil in familiar surroundings by a person other than the referral source;

(4) An individual educational assessment of the referred pupil's specific strengths and weaknesses in basic skill areas;

(5) An individual psychological or psychiatric evaluation;

(6) A developmental and social history;

(7) A *written* record/evidence of previous educational *and* [/] behavioral intervention strategies that have been utilized.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for *the* emotionally disturbed (behavior disordered) pupils shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Classroom plans for *the* emotionally disturbed (behavior disordered) [pupils] shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for emotionally disturbed (behavior disordered) pupils shall be established under the resource [room,] special class or variation plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

Section 8. *Membership and Age Range. (1) Classroom membership and age range in programs for the emotionally disturbed (behavior disordered) shall be:*

Classroom Plan (Units)	*Membership*	*Age Range*
Special Class Plan	*5 to 8*	*4 years*
Resource Plan	*6 to 15*	*6 [4] years*

(2) No more than eight (8) pupils, all within the four (4) year age span, may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in deter-

mining pupil/teacher ratio and age will include, but are not limited to, the following:
(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel. [Housing. Classes for emotionally disturbed (behavior disordered) pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER
Superintendent of Public Instruction
RECEIVED BY LRC: March 9, 1981 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:056. Programs for children with specific learning disabilities.

RELATES TO: KRS 157.200 to 157.*285*[305]
PURSUANT TO: KRS 13.082, 156.070, 156.160
EFFECTIVE: March 9, 1981
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for learning disabled children. The regulation is necessary to assure uniformity in providing special education and related services to children with specific learning disabilities and to confrom with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for learning disabled children of school attendance age pursuant to KRS 157.200 to 157.*285*[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. [Pupils shall be eligible for enrollment in programs for children with specific learning disabilities pursuant to the following:] (1) An admissions and release committee shall determine that a child has a specific learning disability *provided the following eligibility criteria are met:* [if:]
(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below):
1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation; *and/or*
7. Mathematics reasoning.

(b) The [admissions and release committee finds that a] child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.
(2) The admissions and release committee shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:
(a) A visual, hearing or motor handicap;
(b) Mental retardation;
(c) Emotional disturbance; or
(d) Environmental, cultural or economic disadvantage.
(3) A child who meets the above criteria shall be eligible for special education and related services.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of learning disabled children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10*, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4.
(1) Team membership. In order to evaluate and identify children with specific learning disabilities, the team membership shall include, but not be limited to:
(a) Referred pupil's regular education teacher; or
1. If the child does not have a regular education teacher, then a teacher qualified to teach a child of his or her age.
2. For a child of less than school age, an individual qualified by the state education agency to teach a child of his or her age.

(b) At least one (1) person qualified to conduct individual diagnostic examinations *including administration of individual intelligence tests* [of children].
(c) Certified teacher of the learning disabled.
[(d) Individual qualified to administer individual intelligence tests.]
(d) [(e)] Other individuals as needed; such as:
1. Speech and language pathologist;
2. Guidance counselors;
3. Remedial reading teacher; *and/or*
4. Physician.

(2) Assessment for identification and placement. The assessment for identification and placement shall consist of:
(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.
(b) Written behavioral observations. *The behavior observations shall be a compilation of specific behavioral data collected over a period of time describing the behaviors of concern.*
1. An evaluation team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
2. In the case of a child of less than school age or out of school a team member shall observe the child in an environment appropriate for a child of that age.
(c) *Formal and informal educational evaluation data composed of individual standardized and informal test(s) of basic skills and individual assessment in all areas of the students suspected disability as stated in Section 2 above.* [Individual standardized test(s) of basic skills to be administered by qualified personnel.]
(d) An individual measure of intelligence [to be administered by qualified personnel].

(e) An assessment of adaptive behavior including a developmental history.

(f) [(e)] In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

Section 5. [(3)] Written report. The evaluation team shall prepare a written report of the results of the evaluation.

(1) [(a)] The report shall include a statement of:

(a) [1.] Whether the child has a specific learning disability;

(b) [2.] The basis for making the determination;

(c) [3.] The relevant behavior noted during the observation of the child;

(d) [4.] The relationship of that behavior to the child's academic functioning;

(e) [5.] The educationally relevant medical findings, if any;

(f) [6.] Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(g) [7.] The determination of the evaluation team concerning the effects of environmental, cultural, or economic disadvantage on the child's performance.

(2) [(b)] Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the evaluation team member shall submit a separate statement presenting his or her conclusions.

Section *6.* [5.] Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section *7.* [6.] Placement. Placement in a program for children with specific learning disabilities shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section *8.* [7.] Classroom Plan [and Membership]. Classroom programs for children with specific learning disabilities shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. The following types of classroom plans shall be utilized: [itinerant teacher,] resource [room] variation, and special class plan. *An itinerant teacher shall not serve more than two (2) schools and shall operate as a resource plan.* [Membership and age range in the above plans shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

[Section 8. Housing. Classes for learning disabled pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

Section 9. Membership and Age Range. (1) Classroom membership and age range in programs for pupils with specific learning disabilities shall be:

Classroom Plan (Units)	*Membership*	*Age Range*
Resource Plan		
Primary through Intermediate	*8 to 15*	*6 [4] years*
Junior through Senior High	*8 to 20*	*6 [4] years*
Special Class Plan		
Primary through Intermediate	*6 to 10*	*4 years*
Junior through Senior High	*6 to 15*	*4 years*

(2) No more than eight (8) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;

(b) Physical condition of the pupils; and

(c) Support personnel.

RAYMOND BARBER
Superintendent of Public Instruction
RECEIVED BY LRC: March 9, 1981 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:057. Programs for mentally handicapped children.

RELATES TO: KRS 157.200 to 157.*285*[305]
PURSUANT TO: KRS 13.082, 156.070, 156.160
EFFECTIVE: March 9, 1981
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for mentally handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to mentally handicapped children and to conform with Public Law 94-142

Section 1. General Provisions. Local school boards of education shall operate programs for mentally handicapped pupils of school attendance age pursuant to KRS 157.200 to 157.*285*[305], inclusive, and the criteria listed in this section.

Section 2. Programs for educable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is educable mentally handicapped provided the following criteria are met:

1. The p[P]upil[s who] meet*s* the definition pursuant to KRS 157.200;[(4)] and [who]

2. The pupil obtains *an* intelligence quotient score[s] between fifty (50) and seventy-five (75) on individual intelligence tests. [shall be eligible for enrollment in programs for the educable mentally handicapped.] Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information *as set forth in subsection (3) of this section.*

(b) Pupils who meet the above criteria shall be eligible for special education and related services.

(c) Pupils whose intelligence score is borderline may be *eligible for special education and related services* [placed in a program for the educable mentally handicapped] on a trial basis upon the recommendation of the appropriate admissions and release committee. "Borderline" shall be one (1) standard error of measurement above seventy-five (75) or below fifty (50) IQ points. ["Trial basis" shall be a period of time no longer than four (4) months, at which time the pupil's placement shall be reviewed by the appropriate admissions and release committee in consultation with the teacher in whose classroom the pupil was enrolled.]

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of educable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10*, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.);

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math, and language;

(d) An assessment of adaptive behavior including a developmental history; *and*

(e) An individual *intellectual* [psychological] assessment utilizing a recognized standardized measure. [of individual intelligence;]

(f) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessment of qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the educable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan [and membership]. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for educable mentally handicapped pupils may be established under one or more of the following classroom plans: special class, resource [room], [itinerant plan,] and variation plan. [Membership and age range in each plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) Membership and age range:

(a) Classroom membership and age range in programs for educable mentally handicapped shall be:

Classroom Plan (Units)	*Membership*	*Age Range*
Special Class Plan	*10 to 20*	*4 years*
Resource Plan	*10 to 20 [25]*	*6 [4] years*

(b) No more than ten (10) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(c) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel.

Section 3. Programs for trainable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is trainable mentally handicapped provided the following criteria are met:

1. The p [P]upil[s who] meet*s* the definition pursuant to KRS 157.200;[(5)] and [who]

2. The pupil obtains *an* intelligence quotient score[s] *between thirty-five (35) and* [below] fifty (50) on individual intelligence tests [shall be eligible for enrollment in programs for the trainable mentally handicapped]. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information *as set forth in subsection (3) of this section.*

(b) Pupils who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of trainable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 *and 10*, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, playground, etc.);

[(c) A measure of social competence;]

(c) [(d)] An individual assessment of basic skills areas such as reading, math, [and] language, *motor, social, and self-help skills;*

(d) [(e)] An assessment of adaptive behavior including a developmental history; *and*

(e) [(f)] An individual *intellectual* [psychological] assessment utilizing a recognized standardized measure. [of individual intelligence;]

(f) [(g)] In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the trainable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan [and membership]. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for trainable mentally handicapped pupils shall be established under the special class or variation plan. [Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) *Membership and age range.*

(a) Classroom membership and age range in programs for trainable mentally handicapped shall be:

Classroom Plan (Units)	*Membership*	*Age Range*
Special Class Plan	*5 to 12*	*6 years*

(b) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to the following:

1. Age and grade level of the pupils;

2. Physical condition of the pupils; and

3. Support personnel. [Housing. Classes for trainable mentally handicapped pupils shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools for handicapped pupils.]

Section 4. Programs for severely and profoundly handicapped pupils shall be operated according to the following provisions: (1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is severely and profoundly handicapped provided the following criteria are met:

1. There is evidence of primary disabilities that are cognitive (obtained intelligence quotient scores shall be below thirty-five (35)).

2. There may be evidence of behavioral, physical, and/or sensory handicaps.

(b) Pupil(s) who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of severely and profoundly handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, home, etc.);

(c) An individual assessment of basic skills areas including language, motor, social, self-help and cognitive skills;

(d) An assessment of adaptive behavior including a developmental history; and/or

(e) An individual intellectual assessment utilizing a recognized standardized measure.

(f) In cases where sensory or physical deficits or behavioral disorders are suspected to exist, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Placement shall be in programs for the severely and profoundly handicapped, trainable mentally handicapped or multiple handicapped as determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for severely and profoundly handicapped pupils shall be established under the special class or variation plan.

(7) Membership and age range.

(a) Classroom membership and age range in programs for severely and profoundly handicapped shall be:

Classroom Plan (Units)	*Membership*	*Age Range*
Special Class Plan	*3 to 8*	*6 years*

(b) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and functioning level of the pupils;

2. Physical condition of the pupils; and

3. Support personnel.

RAYMOND BARBER
Superintendent of Public Instruction
RECEIVED BY LRC: March 9, 1981 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:059. Programs for visually handicapped children.

RELATES TO: KRS 157.200 to 157.*285*[305]
PURSUANT TO: KRS 13.082, 156.070, 156.160
EFFECTIVE: March 9, 1981
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for visually handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to visually handicapped children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for visually handicapped children of school attendance age pursuant to KRS 157.200 to 157.*285*[305], inclusive, and the criteria in this section.

Section 2. Eligibility Criteria. *(1) An admissions and release committee shall determine that a child is visually impaired provided the following criteria are met:* [A pupil shall be eligible for enrollment in a program for the visually handicapped if]
(a) T[t]he child has a visual acuity of 20/70 or less in the better eye after correction;[.] *and/or*
(b) The child has a [Included are] visual handicap(s) which, even with correction, adversely affect *the* [a] child's educational performance. The term includes both partially seeing and blind children.
(2) A pupil who meets the above criteria shall be eligible for special education and related services.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of visually handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section*s* 9 *and 10*, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. *(1)* Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation for identification and placement shall include:
(a) [(1)] An eye examination report, completed and signed by *a* [an] *licensed* eye specialist;
(b) [(2)] Developmental and social history;
(c) [(3)] An individual educational assessment of basic skills, (i.e., math, reading, language);
(d) [(4)] A written behavior observation; *and*
(e) [(5)] Any additional reports, information, and assessments that the admissions and release committee deems necessary for the placement of a child in an appropriate program.[;]
(2) [(6)] Cases in which retardation is suspected to be a handicapping condition, a referral for appropriate assessment by a qualif*ied*[ying] professional shall be made.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for visually handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Programs for visually handicapped pupils may be established under one or more of the following plans as described in 707 KAR 1:051, Section 1: special class, resource [room, itinerant plan], and variation plan. [Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

Section 8. *Membership and Age Range. (1) Classroom membership and age range in programs for visually handicapped shall be:*

(Itinerant Teacher)	*Membership*	*Age Range*
Special Class Plan	*5 to 10*	*6 years*
Resource Plan	*5 to 10*	*6 years*
Resource Plan (Itinerant Teacher)	*5 to 12*	*Unlimited*

(2) No more than seven (7) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.
(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:
(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel. [Housing. Classes for visually handicapped pupils shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER
Superintendent of Public Instruction
RECEIVED BY LRC: March 9, 1981 at 1 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
As Amended

815 KAR 20:071. Storage and installation of schedule 40, ABS and PVC plastic pipe and fittings.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
EFFECTIVE: March 4, 1981
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing

Code. This regulation relates to the method needed for storage, handling and installation of schedule 40, ABS and PVC plastic pipe and fittings.

Section 1. Storage. (1) Pipe. Pipe shall remain in lifts until ready for use. Lifts shall not be stacked more than three (3) high and shall always be stacked wood-on-wood. Loose pipe shall be stored in racks with a minimum support space of three (3) feet. Pipe shall be shaded but not directly covered when stored outside in high ambient temperatures. This will provide for free circulation of air and reduce the heat build up due to direct sunlight exposure.

(2) Fittings. Fittings shall be stored in their original cartons to be kept free of dirt and to reduce the possibility of damage. When possible all fittings shall be stored indoors.

(3) Solvent cement and primers. Solvent cement and primers, because of flammability, must be stored in an area where they will not be exposed to ignition, sparks, open flames or heat. They shall not be used beyond their marked shelf life.

Section 2. Handling. Care must be exercised to avoid rough handling of pipe and fittings. They must not be dragged over sharp projections, dropped or have heavy objects dropped on them. Pipe ends must be inspected for cracks in the event of abuse prior to installation. (When transported by truck or trailer, piping must be *reasonably* [continuously] supported.)

Section 3. Installation. (1) Underneath concrete floors. All pipe and fittings shall be laid on stable earth conditions and have four (4) inches of grillage on its bottom, top and sides. If ground is unstable it must be removed and the excavation filled with grillage to the underneath side of the piping. No part of a soil or waste pipe shall be placed in a concrete slab except those pipes that pass vertically through it.

(2) Above concrete floors. All horizontal piping shall be properly aligned and installed without strain. Piping shall not be bent or pulled in position either before or after solvent welds have been made. It shall be supported at intervals not to exceed four (4) feet and at the end of the branches and at the change of direction and shall be so installed as to permit freedom of movement. All vertical piping shall be supported at their bases and all upward movement shall not be restricted. Closet flanges shall be securely fastened to the floor through which it passes.

Section 4. Hangers. Hangers and straps must be at least one (1) inch wide and shall not compress, distort, cut or abrade the piping. They shall allow free movement at all times.

Section 5. Making Solvent Cement Joints.

(1) (a) Cement shall not be thinned. All cement that has thickened shall be discarded. No cement shall be used beyond its shelf life. It shall not be subject to temperatures below thirty (30) degrees Fahrenheit.

(b) Installers shall avoid prolonged breathing of vapors. Prolonged contact with skin is harmful. Install only with adequate ventilation. Avoid contact with eyes and skin. Solvents are also flammable.

(2) Socket fit. ABS and PVC fittings are manufactured to a close tolerance. All joints shall be an interference fit between pipe and fittings. Additional cement shall not be permitted for the correction of loosely fitted joints.

(3) Joining techniques. Piping shall be cut square with a saw or pipe cutter designed especially for plastic pipe. Pipe and fittings shall be protected from serrated holding devices or abrasions.

(a) Burrs shall be removed from both inside and outside of the pipe. Dust, dirt and moisture shall be removed from the surfaces that are to be cemented.

(b) Solvent chemical cleaner recommended by the company whose product is being installed shall be applied inside the fitting and on the outside of the piping that is to be joined.

(c) A paint brush shall be used to apply the solvent cement. Apply a moderate even coating of cement in the fitting socket as well as covering the pipe on the joining surfaces only.

(d) Joints shall be assembled as quickly as possible before the cement dries. Insert the piping into the fitting socket turning the pipe slightly to insure even distribution to the cement. Hold the piping in a firm position so it does not "back out" of the joint.

(e) Remove excess solvent cement from the exterior of the joint with a clean dry cloth. The joint shall not be handled for a two (2) minute period. A fifteen (15) minute period shall be allowed for the joint to develop handling strength.

(f) No cemented pipe joint shall be made in conditions of excessive moisture, humidity or when the temperature is below forty (40) degrees or above ninety (90) degrees Fahrenheit.

Section 7. Commingling of Plastic Pipe. Plastic pipe shall not be commingled except through the use of male and female adapters.

Section 8. Mixing of Plastic and Metal Piping. Plastic and metal piping shall discharge into one another by the use of proper fittings and adapters.

Section 9. Thermal Expansion. Each plumbing installation must be engineered and designed giving due consideration to the expansion characteristics of the material. Below are expansion tables for both PVC and ABS schedule 40 plastic piping.

PVC-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

	LENGTH (feet)				
	20	40	60	80	100
40°F	.278	.557	.835	1.134	1.392
50°F	.348	.696	1.044	1.392	1.740
60°F	.418	.835	1.253	1.670	2.088
70°F	.487	.974	1.462	1.949	2.436
80°F	.557	1.114	1.670	2.227	2.784
90°F	.626	1.235	1.879	2.506	3.132
100°F	.696	1.392	2.088	2.784	3.480

ABS-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

	LENGTH (feet)				
	20	40	60	80	100
40°F	0.536	1.070	1.609	2.143	2.680
50°F	0.670	1.340	2.010	2.680	3.350
60°F	0.80	1.610	2.410	3.220	4.020
70°F	0.938	1.880	2.820	3.760	4.700
80°F	1.072	2.050	3.220	4.290	5.360
90°F	1.206	2.420	3.620	4.830	6.030
100°F	1.340	2.690	4.020	5.360	6.700

JOHN R. GROVES, JR., Commissioner
ADOPTED: November 11, 1980
APPROVED: H. FOSTER PETTIT, Secretary

Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
Amended After Hearing

902 KAR 20:006. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)
PURSUANT TO: KRS 13.082, 216B.040, 216B.075, 216B.080
NECESSITY AND FUNCTION: KRS 216B.040 authorizes the Certificate of Need and Licensure Board to promulgate administrative regulations. KRS 216B.075 authorizes the Certificate of Need and Licensure Board to promulgate administrative regulations respecting application and review procedures. KRS 216B.080 authorizes the Certificate of Need and Licensure Board to promulgate administrative regulations establishing criteria for the issuance or denial of certificate of need and for the allowance or disallowance of exemptions.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:

(1) "Affected persons" means the applicant; the health systems agency for the health service area in which the proposed project is to be located; health systems agencies serving contiguous health service areas or located within the same standard metropolitan statistical area; any person residing within the geographic area served or to be served by the applicant; any person who regularly uses health care facilities within that geographic area; health care facilities and health maintenance organizations (HMOs) located in the health service area in which the project is proposed to be located which provides services similar to the services of the facility under review; health care facilities and HMOs which, prior to receipt by the agency or the proposal being reviewed, have formally indicated an intention to provide similar services in the future; third party payors who reimburse health care facilities for services in the health service area in which the project is proposed to be located; and any agency which establishes rates for health care facilities or HMOs located in the health service area in which the project is proposed to be located.

(2) [(1)] "Batching" means the review and comparative consideration of all filed applications pertaining to similar types of services, facilities or equipment affecting the same health service area.

(3) [(2)] "Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.

(4) [(3)] "Capital expenditure authorized" means the amount of the capital expenditure approved by the board to implement a proposal.

(5) [(4)] "Complete application" means an application in which all questions have been answered and all information and documentation required has been provided.

(6) [(5)] "Date of public notice" means the date on which the first notice appears in a newspaper of general circulation in the health service area affected by the proposal.

(7) [(6)] "Health service" means clinically related services within a health facility, provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.

(8) [(7)] "Planning subarea" means area development district as defined in KRS 147A.050.

(9) [(8)] "Special purpose emergency care ambulance

service'' means an ambulance licensed pursuant to 902 KAR 20:115 which is owned and operated by industrial enterprises solely for the emergency transportation of their employees.

(10) [(9)] ''Substantial change in health service'' means:

(a) The addition of a health service not provided in or through the health facility within the previous twelve (12) months *which requires a capital expenditure of any amount or which* [that] entails an annual operating cost of at least $75,000; or

(b) The termination of a health service; or

(c) The addition or replacement of a health facility or health service which requires a license under KRS 216B.105.

(11) ''To obligate'' means:

(a) To enter any enforceable contract for the construction, acquistion, lease, or financing of a capital asset. A contract shall be considered enforceable when all contigencies and conditions in such contract have been met. An option to purchase or lease which is not binding shall not be considered an enforceable contract; or

(b) The taking of formal action by a governing body of a health care facility to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or

(c) To accept a donation of property. In the case of donated property an obligation shall be deemed incurred on the date on which the gift is completed under applicable state law.

Section 2. Criteria. *All decisions of the board to issue a certificate of need shall be consistent with the state health plan, except in emergency circumstances that pose an imminent threat to public health.* In determining whether to issue or deny a certificate of need, the board shall *utilize* [consider] the following *criteria and considerations*:

(1) Consistency with plans. The proposal should be consistent with appropriately established plans for the development of health facilities and services in the state and in the applicable health service area. The fact that the plans adopted by a health systems agency or the state health plan do not address the specific type of proposal being reviewed does not constitute grounds for disapproval of the proposal. To determine conformance with this criterion the applicant shall address and the board shall consider the relationship of the proposal to:

(a) The state health plan;

(b) The applicable health systems plan and annual implementation plan;

(c) The long-range development plan, if any, of the applicant.

[(1)The proposal for development of the health facility or health service clearly defines, in terms of established classifications, the functions and role in the regional or state health care system which the projected health facility or health service would fulfill and for which the applicant is prepared to assume ongoing responsibility.]

(2) *Need and accessibility.* The proposal [for development of the health facility or health service] *should* meet[s] [all or a defined and appropriate part of] an identified *need* [gap or inadequacy] in a defined geographical area and *be* [is] *accessible to all residents of the area.* [located with concern for providing needed access to services and for achieving a rational configuration of health care resources in the region and state;] *To determine conformance with this criterion the applicant shall address and the board shall consider:*

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(b) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination, or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.

(c) The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and handicapped persons), particularly those needs identified in the applicable health systems plan, annual implementation plan, and state health plan as deserving of priority. In this regard, the board shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved;

2. The past performance of the applicant in meeting its obligation, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any civil rights access complaints against the applicant);

3. The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and

4. The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(d) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(e) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(f) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical or other health professions schools, multidisciplinary clinics and specialty centers.

(g) The special needs and circumstances of biomedical-behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

(3) *Interrelationships and linkages.* The proposal *should* [for development of health facility or health service would] serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care

system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system. *To determine conformance with this criterion the applicant shall address and the board shall consider:*

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. The proposal when measured against the cost of alternatives for meeting needs, is judged to be an effective and economical use of resources, not only in terms of capital investment, but also in terms of ongoing requirements for health manpower and operational financing. To determine conformance with this criterion the applicant shall address and the board shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded, reduced, relocated, or eliminated.

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal or the cost of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) In the case of construction projects:

1. The costs and methods of the proposed construction, including the costs and methods of energy provision; and

2. The probable impact of the construction project reviewed on the costs of providing health services by the persons proposing the construction project and on the costs and charges to the public of providing health services by other persons.

(e) The special circumstances of health care facilities with respect to the need for conserving energy.

(f) The factors which affect the effect of competition on the supply of the health services being reviewed.

(g) Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost effectiveness.

[(4) The proposal for development of the health facility or health service is not inconsistent either with defined priorities or with appropriately established plans for the development of health facilities and/or services in the health system area or state;]

[(5) The proposal for development of the health facility or health service, when measured against alternatives for meeting needs, is judged to be an effective and economical use of resources, not only of capital investment, but also in terms of ongoing requirements for health manpower and operational financing; and]

(5) [(6)] *Quality of services.* The applicant *should be* [is] prepared to and capable of[: (a)] undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements *assuring the provision of quality health care services.* [; and (b) Participating appropriately in the future development and coordination of the regional health care system.] *To determine conformance with this criterion the applicant shall address and the board shall consider the quality care provided by the applicant in the past.*

(6) Special needs and circumstances of health maintenance ogranizations. In the case of a health maintenance organization (HMO) or an ambulatory care facility or health care facility controlled, directly or indirectly, by an HMO the proposal should be consistent with the special need and circumstances of HMOs. The applicant shall address and the board shall only consider:

(a) The needs of enrolled members and reasonably anticipated new members of the health maintenance organizations for the health services proposed to be provided by the organization; and

(b) The availability of the new health services from non-health maintenance organization providers or other health maintenance organizations in a reasonable and cost effective manner which is consistent with the basic method of operation of the health maintenance organization. In assessing the availability of these health services the board shall consider only whether the services from these providers:

1. Would be available under a contract of at least five (5) years duration;

2. Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization. (For example—whether physicians associated with the health maintenance organization have or will have full staff privileges in a non-health maintenance organization hospital.);

3. Would cost no more than if the services were provided by the health maintenance organization; and

4. Would be available in a manner which is administratively feasible to the health maintenance organization.

Section 3. Required Approvals. (1) Nothwithstanding the general review criteria established in Section 2, if an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the board shall approve the application if it finds, in accordance with the criterion set out in Section 2(6) that:

(a) Approval of the application is required to meet the needs of the members of the HMO and the new members which the HMO can reasonably be expected to enroll; and

(b) The HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operations of the HMO and which makes these services available on a long-term basis through physicians and other health professionals associated with it.

(2) Code, licensure, or certification deficiencies. Applications proposing capital expenditures required to correct code, licensure or certification deficiencies shall be approved if the proposal meets the requirements of KRS 216B.095(3) and Section 7(3).

Section 4. No person shall acquire major medical equipment; offer a new institutional health service; or make a substantial expenditure in preparation for the acquisition of such equipment or the offering of such service; or make or obligate a capital expenditure without first obtaining a certificate of need for such equipment, service or expenditure from the board.

Section 5. Exemptions. (1) A certificate of need shall not be required for any project which meets the applicable requirements of KRS 216B.065 or 216B.070. If a person acquires major medical equipment not located in a health care facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a hospital, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a hospital only on a temporary basis in the case of a natural disaster, a major accident, or equipment failure. For the purposes of this section "temporary basis" means until the applicant's proposal for permanent acquisition is reviewed under the substantive or non-substantive review process.

Section *6.* [3.] Substantive Review. (1) At least thirty (30) days prior to submitting a certificate of need application, a letter of intent shall be filed with the executive director of the board. No letter of intent is required when an applicant proposes to alter an outstanding certificate of need. The letter of intent shall be filed on a form provided by the board.

(2) The executive director of the board shall send the health systems agency a copy of the letter of intent, acknowledge receipt of the letter of intent and send appropriate forms and instruction sheets to the applicant.

(3) A certificate of need application may not be submitted more than one (1) year after receipt of the letter of intent.

(4) One (1) copy of the certificate of need application shall be submitted to the executive director of the board and two (2) copies shall be submitted to the health systems agency.

(5) The executive director of the board shall acknowledge receipt of the application in writing to the applicant and the health systems agency, and shall notify the applicant whether or not the application is complete.

(6) All applications shall be deemed filed upon receipt of a complete application.

(7) Applications not filed within a year from the date the application was received shall not be retained by the board.

(8) The executive director of the board shall notify the applicant of the date the appliation was filed and the date public notice has been given of the commencement of the review process. Applications must be filed at least six (6) working days prior to the date of public notice in order to be included in such notice.

(9) The exeuctive director shall give written notice to affected persons of the beginning of a review. The notice shall include the schedule for the review, and the period within which a public hearing may be requested by affected persons. The review notice to *members of the public and third party payors* [affected persons] shall be provided through newspapers of general circulation in the health service area affected by the proposal. *Notice to all other affected persons shall be by mail.*

(10) The review period shall commence on the date of public notice. The date of public notice shall be *at least* ninety (90) days prior to the board meeting. Applications proposing the same or similar types of services, equipment, or facilities shall be batched in the review cycles so they can be considered in relation to each other. Batching review cycles for substantive reviews shall be as follows:

Type of Proposal	Month of public notice, ninety (90) days prior meeting date	Month of certificate of need board meeting, Third Wednesday of:
(a) Hospital *facilities and services including general medical, surgical, psychiatric, obstetric and pediatric beds;* primary care, renal disease, outpatient clinics and ambulatory care, ambulatory surgical centers, and rural health clinic facilities and services.	October, February, June	January, May September
(b) Long term care facilities and services including: skilled nursing, intermediate care, personal care, nursing home and family care; and proposals for home health services, emergency care ambulance services, and any other type proposal not listed in paragraph (a) of this subsection;	December, April, August	March, July, November

(11) All applications filed after *the first public notice following the effective date of this regulation* [December 12, 1980] shall be reviewed according to the batching cycles in subsection (10) of this section. Upon request, the timetable of batching cycles shall be available from the executive director of the board.

(12) All reviews shall be completed within ninety (90) days from the date of public notification unless action on the application is deferred with the written consent of the applicant.

(13) Any person directly affected by the proposal may request a public hearing within thirty (30) days of the date of public notice.

(14) The health systems agency shall notify the executive director of the board of its recommendation for approval or disapproval within sixty (60) days from the date of public notice. The recommendation shall set forth the basis for the recommendation and findings with respect to the criteria. In the event that no recommendation is received from the health systems agency, the board shall proceed *without a recommendation* [as if the health systems agency recommended approval].

(15) The executive director of the board shall notify the applicant, the health systems agency and any person directly affected who appears on record at the public hearing of the board's final action on a certificate of need application.

(a) If the application is approved, the written notification shall include:

1. Verification that criteria for determining need have been met and that the current accessibility of the facility as a whole has been taken into account, if applicable, as specified in the federal certificate of need regulation *except in the following cases:*

a. Where the application is approved pursuant to the requirements of Section 2(6). In such case the written findings shall verify that the conditions for required approvals under Section 3 have been met; or

b. Where the application is approved pursuant to Section 7(3); or

c. Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment.

2. Amount of capital expenditure authorized, where applicable.

(b) If the application is disapproved, the written notification shall include:

1. The written decision of the board.

2. Notice of appeal rights.

(c) If the board's action on a certificate of need application is inconsistent with a recommendation made by the health systems agency, the goals of the applicable health systems plan, or the priorities of the applicable annual implementation plan, the executive director of the board shall submit to the health systems agency and to the applicant a written detailed statement of the reasons for the inconsistency.

Section 7. [4.] Nonsubstantive Review. (1) The board may waive the procedures for a substantive review of an application for a certificate of need and substitute a nonsubstantive review.

(2) In emergency circumstances that pose a threat to public health, projects which would normally be subject to substantive review shall be assigned nonsubstantive review status although the proposed project involves capital expenditures or modifications of health facilities or services. Emergency circumstances shall include acts of God, fire, vandalism, structural and/or mechanical failure and other similar situations which if not promptly acted upon would pose a threat to public health. Any applicant acting under this section must file an application for a nonsubstantive review with the executive director of the board within thirty (30) days of such an occurrence.

(3) Unless the board finds the facility or service with respect to which a capital expenditure is proposed is not needed or unless obligation of the capital expenditure is not consistent with the state health plan, applications proposing capital expenditures required for the purposes listed below shall be granted nonsubstantive review status and, notwithstanding the criteria adopted by the board, shall be approved if the proposed capital expenditure is required:

(a) To eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(b) To comply with licensure standards; or

(c) To comply with accreditation or certification standards, compliance with which is required to receive reimbursements under Title XVIII of the social security act or payments under a state plan for medical assistance approved under Title XIX of such act.

(4) Applications proposing capital expenditures required for the purposes listed below shall be granted nonsubstantive review status and shall be reviewed using the criteria adopted by the board for substantive review if the capital expenditure is required:

(a) To replace or repair worn equipment provided such equipment has been used by the applicant in a health facility for five years or more and provided that the replacement does not result in a substantial change in the health services offered by the applicant.

(b) To make repairs, alterations, or improvements to a health facility which do not result in a substantial change in beds or a substantial change in health services offered by the applicant. In no event shall repairs, alterations or improvements be construed to mean replacement of a health facility.

[(5) Applications proposing projects of the types listed below shall be granted nonsubstantive review status and shall be reviewed using the criteria adopted by the board if the application proposes:]

[(a) A change in location of a health facility or health service prior to implementation of the applicant's certificate of need for the facility or service no more than one (1) year from the date the certificate was issued; or]

[(b) A reduction in bed capacity; or]

[(c) The modification of a certificate of need which has not been implemented by decreasing the number of beds approved by no more than ten (10) beds; or]

[(d) The change of location of family care homes within the same planning subarea; or]

[(e) A cost escalation on a proposal for which the applicant was previously granted certificate of need approval when the escalation is greater than twenty percent (20%) but not in excess of fifty percent (50%) of the amount originally approved or $100,000 whichever is greater.]

[(f) The establishment of special purpose emergency ambulance service.]

(5) [(6)] Procedures. Procedures for nonsubstantive review shall be as follows:

(a) *One (1) copy of the* [A completed] certificate of need application, with a request for nonsubstantive review shall be submitted to the executive director of the board and two (2) copies of the application shall be submitted to the health systems agency.

(b) The executive director of the board shall acknowledge receipt of the application in writing to the applicant and the health systems agency, and notify the applicant whether or not the application is complete.

(c) All applications shall be deemed filed upon the receipt of a complete application.

(d) Within fifteen (15) days after the application is filed, the executive director of the board shall determine whether the application meets the criteria for nonsubstantive review and shall notify *affected persons* [the applicant and the health systems agency] of the decision to grant or deny nonsubstantive review status. *The notice to members of the public and third party payors shall be provided through newspapers of general circulation in the health service area affected by the proposal. Notice to all other affected persons shall be by mail. A schedule of public notice dates and board meeting dates shall be available upon request from the executive director of the board.*

(e) *Any affected person may request a public hearing on an application granted nonsubstantive review status.* [The executive director of the board shall give notice to all affected persons of the board's decision to conduct a nonsubstantive review.]

(f) The health systems agency shall recommend approval or disapproval of applications granted nonsubstantive review status *prior* to the *applicable* board *meeting* [within thirty (30) days from the determination of nonsubstantive review status]. In the event that no recommendation is received from the health systems agency, the board shall proceed *without a recommendation* [as if the health systems agency recommended approval].

(g) The board shall approve or disapprove applications for a certificate of need within forty-five (45) days from the determination of nonsubstantive review status.

(h) If the applicant's proposed project is denied nonsubstantive review status or is denied a certificate of need following a nonsubstantive review, the applicant may apply for a certificate of need under the substantive review

procedure. In such a case, the application which was granted nonsubstantive review status shall be considered a letter of intent and an application for the purpose of substantive review.

Section *8.* [5.] Conditions Relative to a Certificate of Need. A certificate of need *which was issued for modification of an existing health facility or service may be transferred to the new owner of the facility or service if a change of ownership occurs prior to implementation of the project for which the certificate of need was issued. A certificate of need issued for construction of a new health facility* is not transferable and is issued only to the person and for the location stated on the certificate.

Section *9.* [6.] Progress Reports. (1) As one of the conditions of a certificate of need, the applicant shall submit a report of progress toward the completion of the project every six (6) months or more frequently if required by the board.

(2) All applicants shall be notified in writing that certificates of need will be revoked by the board if satisfactory evidence towards the implementation of a proposal is not made within the time limits set by this regulation. The applicant shall provide the necessary evidence on forms provided by the executive director of the board every six (6) months or as specified by the board until the project is complete. The board may revoke the certificate of need for failure to submit progress reports as required.

(3) Procedures for submission of progress reports:

(a) The executive director of the board shall send notice to the applicant specifying the date the progress report is due. The first six-month report shall be due six (6) months from the date the certificate was issued.

(b) The applicant shall send one (1) copy of the six-month progress report form to the board and two (2) copies to the health systems agency.

(4) Criteria for review of progress:

(a) The first six-month progress report shall include the following:

1. On all projects for purchase of equipment only, a copy of the purchase order.
2. For all construction projects, a copy of the deed or the option to acquire the site.

(b) In the event that the applicant wishes to change the location of the project from the site specified on the certificate of need, the applicant shall note the proposed change of location on the first progress report form and shall submit a certificate of need application for nonsubstantive review. A copy of the option or deed of purchase of the new site must be included with the application, as well as updated financial information.

(c) Within one (1) year after a certificate of need has been issued, the second six-month report shall include the following:

1. All projects for conversion of beds shall be completed (ready for licensure);
2. All projects for addition of new services, not involving construction, shall be completed;
3. All construction projects shall include evidence of the following:
   a. Submission of schematic plans to the Department of Housing, Buildings and Construction and the Department for Human Resources.
   b. Schedule for project completion with projected dates;
   c. Evidence of preliminary negotiation with financial agent;
   d. Evidence of preliminary negotiation with contractors.

(d) Within eighteen (18) months after a certificate of need has been issued, the third six-month report shall include the following information regarding all construction projects:

1. Copy of deed or lease of land;
2. Evidence that applicant has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the applicant must have evidence that a final enforceable agreement or note has been executed;
3. Submission of final plans to the Department of Housing, Buildings and Construction and the Department for Human Resources;
4. Enforceable contract with construction contractor;
5. On all projects for purchase of equipment only, evidence that equipment has been installed.

(e) Within two (2) years after a certificate of need has been issued, the fourth six-month report shall verify that all construction projects have the walls and roof up and plumbing roughed in.

(f) No change in location shall be considered one (1) year or more after a certificate of need has been issued for a proposal. A new application must be submitted.

Section *10.* [7.] 902 KAR 20:005 is hereby repealed.

FRANK W. BURKE, SR., Chairman
ADOPTED: March 6, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 10, 1981 at 2 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
Amended After Hearing

902 KAR 20:127. Certificate of need hearings.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)
PURSUANT TO: KRS 13.082, 216B.040, 216B.085, 216B.090, 216B.110
NECESSITY AND FUNCTION: KRS 216B.040 authorizes the Certificate of Need and Licensure Board to promulgate administrative regulations. KRS 216B.085 authorizes the Certificate of Need and Licensure Board to conduct public hearings on certificate of need applications, certificate of need revocations, or requests for exemptions. KRS 216B.090 authorizes reconsideration hearings. KRS 216B.110 authorizes administrative review. This regulation sets forth the process for public hearings, reconsideration hearings and administrative review.

Section 1. Definitions. (1) *"Affected persons" means the applicant; the health systems agency for the health service area in which the proposed project is to be located; health systems agencies serving contiguous health service areas or located within the same standard metropolitan statistical area; any person residing within the geographic*

area served or to be served by the applicant; any person who regularly uses health care facilities within that geographic area; health care facilities and health maintenance organizations (HMOs) located in the health service area in which the project is proposed to be located which provides services similar to the services of the facility under review; health care facilities and HMOs which, prior to receipt by the agency or the proposal being reviewed, have formally indicated an intention to provide similar services in the future; third party payors who reimburse health care facilities for services in the health service area in which the project is proposed to be located; and any agency which establishes rates for health care facilities or HMOs located in the health service area in which the project is proposed to be located. ["Advocacy groups" means associations of persons whether incorporated or unincorportated, organized to advocate the interest of providers or consumers of health services.]

[(2) "Persons directly affected" means the applicant whose proposal is being reviewed, a third party payor, the health systems agency for the area within which the proposed project is to be located, the state health planning and development agency, health care facilities and health maintenance organizations located in the health service area within which the proposed project is to be located and members of the public who are to be served by the proposed project.]

[(3) "Affected persons" means persons directly affected, advocacy groups and health systems agencies serving contiguous to the Commonwealth of Kentucky's health service areas.]

(2) [(4)] "Review commences" means the date of public notice as established by regulation.

Section 2. Request for Hearing. (1) The following persons have the right to request a public hearing:

(a) Any *affected* person [directly affected by a certificate of need application which is to be reviewed during the ninety (90) day review cycle];

(b) A certificate of need holder who has been notified of the board's intent to revoke his certificate of need;

(c) Any health maintenance organization which has been denied an exemption under KRS 216B.070, and the regulations promulgated thereunder;

(d) Any person who has been notified by the board that his acquisition of major medical equipment or health facility requires a certificate of need.

(2) The request for a hearing shall be made in writing to the executive director of the board and must be received by the executive director within thirty (30) days of the date the review commences or of the date [of the receipt of] the certified letter *was mailed* notifying the person of a board decision under subsection (1)*(b)*, (c) *or* [and] (d) of this section.

Section 3. Notice of Hearings. Notice of the date, time and location of the hearing shall be mailed *to all affected persons except third party payors and members of the public* [to the person requesting the hearing and to the applicant or certificate of need holder] by [certified] mail at least seven (7) days before the date of the hearing. Notice to *third party payors and members of the public* [affected persons] shall be provided through newspapers of general circulation.

Section 4. Hearing Officer. (1) Hearings shall be before a quorum of the board, or at the request of the chairman, before a hearing officer designated by the secretary of the Department for Human Resources.

(2) In accordance with KRS 216B.040(2)(c) and 216B.085(1), the board and the hearing officer may administer oaths and issue subpoenas.

Section 5. Disqualifications. No member of the board or hearing officer shall participate in any hearing concerning an applicant or certificate of need holder with which he has had within the past twelve (12) months preceding the hearing, any substantial ownership, employment, staff, fiduciary, contractual, creditor or consultative relationship.

Section 6. Hearing Procedure. (1) Any person [directly affected] shall have the right to be represented by counsel, to present arguments and evidence relevant to the subject of the hearing and may conduct reasonable cross examination of persons who present evidence or testimony.

(2) All testimony shall be recorded but need not be transcribed unless the board's decision is appealed.

(3) Any *affected* person [directly affected] who appears on record at the hearing *or, in the absence of a hearing, any affected person who submits written information to the board* shall be deemed to be a party to the proceedings.

(4) The board or hearing officer may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

Section 7. Findings and Recommendations. (1) After the conclusion of the hearing, the hearing officer or the board shall prepare written findings of fact, conclusions of law and recommendations.

(2) The executive director shall forthwith transmit a copy of the findings, conclusions and recommendations to each member of the board, the person requesting the hearing and all persons deemed parties to the proceeding.

(3) The person requesting the hearing and each person who has been deemed to be a party to the proceedings may file exceptions with the executive director prior to the board meeting.

Section 8. Decisions of the Board and Record. (1) Any decision of the board to approve, disapprove or revoke a certificate of need or to approve or disapprove a request for an exemption, as defined in Section 2(1)(c) or (d), shall be based solely on the record established with regard to the matter.

(2) The record shall include:

(a) The application filed and any information provided by the applicant at the request of a health systems agency or the board;

(b) Any information provided by a holder in response to a notice of intent to revoke a certificate of need;

(c) Any staff reports, memoranda or documents prepared by or for a health systems agency or the board regarding the matter under review which were introduced at any hearing;

(d) The recommendations made by a health systems agency to the board;

(e) Any information provided by affected persons which was introduced at a hearing;

(f) Any other evidence admitted in a hearing held with respect to the matter under review;

(g) The findings of fact, conclusions of law and recommendation of the board or the hearing officer; and

(h) Any exceptions filed.

(4) All decisions granting, denying, modifying or revoking a certificate of need shall be made by the board in writing and shall be recorded in the minutes of the board. The board shall notify the parties to the proceedings of the decision, by certified mail. The decision shall become final and conclusive thirty (30) days after notice thereof is mailed unless an administrative appeal is taken.

Section 9. Ex parte Contacts. (1) After a hearing is convened before the board or hearing officer and before a decision is made on a certificate of need application, a proposed revocation of a certificate of need, or a request for an exemption from filing a certificate of need application, there shall be no ex parte contacts with regard to the pending action between any board member or other person associated with the board who exercises any discretion respecting the application, proposed revocation or exemption; and:

(a) The certificate of need applicant, or the holder of the certificate proposed to be revoked, or the person requesting an exemption; or

(b) Any person acting on behalf of such certificate of need applicant, certificate of need holder, or person requesting an exemption from filing a certificate of need application; or

(c) Any person opposed to the issuance of the certificate of need or in favor of the revocation of the certificate.

(2) In the event that an ex parte contact occurs, the contact shall be reported to the board at the beginning of the first board meeting after the contact occurred. Board members shall orally report the name of the person making the contact and on whose behalf the contact was made or submit, for inclusion in the record, documents received.

Section 10. Reconsideration Hearings. (1) Any *person* [party to the proceeding] may, for good cause shown, request in writing a hearing for purposes of reconsideration of a board decision.

(2) The request shall be filed with the executive director within fifteen (15) days of *the date the notice of the* [receipt of a] board *'s* decision *is mailed.*

(3) A reconsideration hearing for good cause shall be granted only if the request for reconsideration:

(a) Presents significant, relevant information not previously available for consideration by the board; or

(b) Demonstrates that there have been significant changes in the factors or circumstances relied upon by the board in reaching its decision; or

(c) Demonstrates that the board has materially failed to follow its adopted procedures in reaching its decision.

(4) The board shall act on requests for reconsideration in a summary manner.

(5) If a public hearing for reconsideration is granted by the board, it shall be held within thirty (30) days after the decision to grant the request for reconsideration.

(6) If the request for a reconsideration hearing is granted, such hearing shall be before a quorum of the board, or at the request of the chairman, before a hearing officer designated by the Secretary of the Department for Human Resources and shall be conducted in accordance with the provisions of this regulation.

(7) Notification of the date, time and place of the reconsideration hearing shall be sent to the person requesting the hearing, the person proposing the project and the health systems agency in which the project is proposed and to others upon request.

(8) *Written findings stating the basis of the decision shall be made within forty-five (45) days after the conclusion of the hearing* [The decision shall be in writing] and shall be recorded in the minutes of the board. The decision shall become final and conclusive thirty (30) days after the *date the* notice of finding is *mailed* [made] unless an administrative appeal is taken.

Section 11. Administrative Review. (1) Pursuant to KRS 216B.110, within thirty (30) days of *the date the* notice of the final decision of the board *is mailed,* any person adversely affected by a final decision of the board may file a request for an administrative review. *If a reconsideration hearing was requested, the running of the appeal time for an administrative review shall be stayed until the date on which notice is mailed of the board's decision to deny the reconsideration hearing, or if the request is granted, until the date on which notice is mailed of the board's final decision.* The request for an administrative review shall be filed in writing with the executive director of the board, and shall state the specific grounds for the appeal.

(2) The executive director of the board shall forward a certified record of the board's proceedings to the Office of the Attorney General within ten (10) days of the receipt of the notice of appeal. The cost of such record shall be taxed as costs upon appeal. The charge per page shall be the same as the per page charge under the Commonwealth's current price contract for court reporters. In lieu of filing of such record an abstract thereof may be filed if all parties to the appeal agree.

(3) Appeals shall be on the certified record or abstract thereof. No new or additional evidence may be introduced. The record shall contain:

(a) The record as specified in Section 8;

(b) The transcript or tape of the public hearing and reconsideration hearing, if any;

(c) All correspondence relevant to the board's action;

(d) The record of all ex parte contacts which occurred in violation of Section 9, which record shall be separately identified;

(e) The final order of the board.

(4) The appeals officer appointed by the Office of the Attorney General shall review the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner *within forty-five (45) days after the conclusion of the review* and shall reverse or remand the case to the board for reconsideration if, he finds that the board acted outside its jurisdiction, or is arbitrary or capricious, or that the findings of fact in issue are not supported by substantial evidence and are clearly erroneous.

(5) If the case is remanded to the board by the appeals officer, the action of the board upon reconsideration shall be a final order for the purposes of judicial appeal. If the decision of the board is affirmed or reversed on review, the appeals officer's decision shall be the final decision for judicial review pursuant to KRS 216B.115 and 216B.120.

Section 12. 902 KAR 20:125 is hereby repealed.

FRANK W. BURKE, SR., Chairman
ADOPTED: March 6, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 10, 1981 at 2 p.m.

Proposed Amendments

Higher Education Assistance Authority
(Proposed Amendment)

11 KAR 3:020. Loan insurance program.

RELATES TO: KRS 164.740 to 164.764
PURSUANT TO: KRS 13.082, 164.748(4)
NECESSITY AND FUNCTION: KRS 164.744 provides that the Kentucky Higher Education Assistance Authority may insure loans for students. This regulation names the loan insurance program, establishes an effective date and cites relevant federal and state laws and regulations.

Section 1. Name of Program. The loan insurance program administered by the authority shall be known as the Kentucky Higher Education Assistance Authority Guaranteed Student Loan Program and may be cited as KHEAA-GSLP or as GSLP.

Section 2. Effective Date. The GSLP will begin operation on October 1, 1978, or as soon thereafter as this regulation becomes effective.

Section 3. Federal Laws and Regulations. Pursuant to KRS 164.744 the authority must, when providing a program of student loan insurance, enter into agreements with the U. S. *Secretary* [Commissioner] of Education providing for interest payments, reimbursements, reinsurance and other benefits to the extent provided by the Higher Education Act of 1965 (20 U.S.C. 1071 to 1087-4) and such other federal acts as may be cited in Part *682 of Title 34* [177, Section 177. 1 et.seq. of Title 45] of the Code of Federal Regulations. Other applicable legislation includes the General Education Provisions Act (20 U.S.C. 1221-33h) and parts of Title IV, Part F of the Higher Education Act of 1965 (20 U.S.C. 1088-89). The above cited acts and regulations are incorporated by reference in agreements executed on July 18, 1978, between the authority and the U. S. Commissioner of Education. Copies of the agreements are available from the authority. The acts and regulations are available to the public at any federal depository library. A list of such libraries is available free upon request by writing to the Library, Public Documents Department, Government Printing Office, Washington, D.C. 20402.

Section 4. State Law and Regulations. The GSLP is operated under provisions of KRS 164.740 to 164.764, and administrative regulations published under Title 11 of the "Kentucky Administrative Regulations." Chapter 3 pertains both to the KHEAA Student Loan Program and to GSLP. Chapter 4 is applicable to all programs administered by the authority.

Section 5. Loan Manual. The GSLP is operated under procedures established by the authority and delineated in the KHEAA Loan Manual, incorporated herein by reference. A current copy of the loan manual shall be maintained on file with the legislative research commission. Copies of the loan manual may be obtained upon request to the authority.

PAUL P. BORDEN, Executive Director
ADOPTED: January 28, 1981
RECEIVED BY LRC: February 18, 1981 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 691 Teton Trail, Frankfort, Kentucky 40601.

Higher Education Assistance Authority
(Proposed Amendment)

11 KAR 5:010. Authority, purpose, name of grant programs.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785
PURSUANT TO: KRS 13.082, 164.748(4)
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial asistance to students to attend Kentucky educational institutions. This regulation sets forth the purpose and names of these grant programs.

Section 1. The State Student Incentive Grant Program (SSIG) authorized under KRS 164.740 to 164.764 provides eligible Kentucky residents grant assistance in order to pursue eligible courses of study at Kentucky educational institutions.

Section 2. The Kentucky Tuition Grant Program (KTG) authorized under KRS 164.780 and 164.785 provides qualified Kentucky residents who bear the major costs of attending accredited independent colleges and universities within the Commonwealth a tuition or fees grant as supplementary aid where need exists.

Section 3. Awards from the State Student Incentive Grant Program, the Kentucky Tuition Grant Program, or a combination of the two (2) may be referred to as KHEAA grants.

Section 4. The KHEAA grant programs are administered in accordance with procedures established by the authority and delineated in the KHEAA Grant Manual, incoporated herein by reference. A current copy of the manual shall be maintained on file with the legislative research commission. Copies of the manual may be obtained upon request to the authority.

PAUL P. BORDEN, Executive Director
ADOPTED: January 28, 1981
RECEIVED BY LRC: February 18, 1981 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 691 Teton Trail, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE
(Proposed Amendment)

200 KAR 3:010. Vehicle parking and traffic control.

RELATES TO: KRS Chapter 56
PURSUANT TO: KRS 56.850
NECESSITY AND FUNCTION: [The Department of Finance and Administration is authorized by KRS 56.850 to adopt regulations for the control of vehicular and pedestrian traffic and parking on the grounds of state owned buildings.] This regulation establishes the rules for the operation and parking of motor vehicles on the grounds of the State Capitol and all other state owned buildings [in Franklin County] except those exclusively used by and in the custody of any state agency authorized by law to [regulate and] control vehicular traffic and parking [upon the grounds of such building or buildings].

Section 1. Parking areas or spaces on [the] *state* grounds [of state owned buildings in Franklin County] not specifically reserved or restricted as provided in this regulation shall be available for use by all state employees and visitors [to such buildings]. Employee and visitor parking in *posted* parking areas or spaces [posted and designated as reserved or restricted parking areas, or spaces,] is prohibited. Unauthorized vehicles parking in *these* [such areas or] spaces are subject to removal [from the grounds] at the owner's *or operator's* expense. Privately owned vehicles left overnight are subject to removal from the grounds at the owner's expense unless authorization for overnight parking has been obtained from the *Facilities Security Section, Bureau of State Police.* [Security Section, Bureau of Facilities Management, Executive Department for Finance and Administration.]

Section 2. (1) Specific parking areas or spaces may be reserved for:
(a) Elected officals and their principal assistants;
(b) Members of the Judiciary;
(c) Members of the Governor's and Lieutenant Governor's staff;
(d) Members of the Cabinet and their deputies;
(e) Heads of bureaus or employees of comparable grade and position;
(f) Emergency vehicles; and
(g) Temporarily or permanently handicapped employees.
(2) All persons authorized to have a reserved parking space shall register their vehicles with the Compliance Section, Division of Real Properties, Department of Finance; any vehicle which is not properly registered and which is parked in a reserved parking space shall be subject to removal at the operator's or owner's expense.

[Section 2. Specific parking area or spaces may be posted and designated as reserved for all elected officials and their principal assistants, members of the Judiciary, members of the Governor's and Lieutenant Governor's staffs, members of the Cabinet and their deputies, heads of bureaus or comparable grade and position, state owned vehicles and, upon application to the Property Section, Bureau of Facilities Management in the Executive Department for Finance and Administration, temporarily or permanently handicapped employees. All persons authorized to have a reserved parking space shall register their vehicles with the Property Section; a privately owned vehicle parked in a reserved parking area or space not registered shall be subject to removal from the grounds at the owner's expense.]

Section 3. Sections [or parts] of the parking lots of [each] state owned buildings may be posted [and designated] as restricted areas for carpool parking. For purposes of determining eligibility for parking in a carpool parking area, a carpool *must* [shall be deemed to] consist of three (3) or more state employees who *ride together to commute* [have associated, either casually or regularly for the purpose of commuting] between their homes and official work stations. [The parking lot located at the west end of the State Capitol Building and known as the Senate Parking Lot shall be a restricted parking area at all times when the General Assembly is in session with parking restricted to members of the General Assembly. Individual parking spaces within this parking lot may be reserved or restricted from time to time between legislative sessions for parking by members of Interim Committees of the General Assembly and for meetings of the Legislative Research Commission of the General Assembly.]

Section 4. When the General Assembly is in session, all or portions of any level of the Capitol Annex parking structure may be reserved for members of the General Assembly and staff. Sections of any level may be reserved or restricted between legislative sessions for parking by members of the Interim Committees of the General Assembly and for meetings of the Legislative Research Commission of the General Assembly.

[Section 4. So far as it may reasonably be done, all vehicles parked in the parking lots of state owned buildings shall be parked with the front of the vehicle headed into the parking space or lane, between the white lines on the pavement delineating the parking spaces. Vehicles parallel parked shall be parked within the white lines delineating the parking space with the front of the vehicle headed in the direction of the traffic flow. No vehicle shall be parked or left standing unattended next to any yellow painted curb, or on any yellow or white diagonally striped pavement area, in a fire lane, or in any area in which a "no parking" sign has been posted, nor double parked, provided that vehicles may be left standing in such areas, if it may be done without blocking or otherwise impeding the movement of traffic, for not more than five (5) minutes for the purpose of picking up or discharging passengers or cargo.]

Section 5. Vehicles parked parallel to the roadway shall be parked within the lines, with the vehicle headed in the direction of the traffic flow. No vehicle shall be double parked or parked or left standing unattended next to any yellow line or on any yellow striped area, or in a fire lane, or in any area in which a "no parking" sign has been posted.

[Section 5. Reserved, restricted and no parking areas shall be posted. Unauthorized vehicles parked in reserved or restricted parking areas or spaces, or in no parking areas shall be subject to tow away and removal from the grounds of such buildings at the owner's expense.]

Section 6. Speed limits on roads on the grounds of state owned buildings shall be twenty-five (25) miles per hour unless a lower speed limit is posted. All laws and regulations governing the movement and operation of motor

vehicles on the public highways of this Commonwealth are hereby adopted and incorporated by reference in [and as a part and parcel of] this regulation [as if copied at length herein] and shall be enforced on the grounds of all state owned buildings [subject hereto by the Division of Security pursuant to the authority of KRS 56.850 and this regulation]. Any person apprehended by the *Facilities Security Police* [Division of Security] or the Kentucky State Police on the grounds of any state owned building for the commission of any moving traffic violation [denounced under the laws of this Commonwealth] shall be cited to appear and may be prosecuted in the district [County (Quarterly)] court. All accidents occurring on the grounds of state owned buildings shall be reported to the *Facilities Security Police* [Division of Security] or the State Police. Accident reports shall be compiled by the State Police.

GEORGE L. ATKINS, Secretary
ADOPTED: March 11, 1981
RECEIVED BY LRC: March 12, 1981 at 10:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: George L. Atkins, Secretary, Department of Finance, New Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
State Board of Accountancy
(Proposed Amendment)

201 KAR 1:065. Annual fees.
RELATES TO: KRS 325.330
PURSUANT TO: KRS 325.240
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to *the* annual *license* [permit] fee[s].

Section 1. Each certified public accountant who engages in practice in Kentucky must secure a permit from the Board of Accountancy by paying an initial fee of *forty dollars ($40)* [thirty dollars ($30)]. Each such certifed public accountant, each public accountant, each partnership, and each corporation registered with the board shall pay to the Board of Accountancy an annual renewal fee of *forty dollars ($40)* [thirty dollars ($30)] on or before July 1 of each year, for his or its permit to practice public accountancy in Kentucky during the twelve (12) month period beginning on that date.

JAMES T. AHLER, Executive Director
ADOPTED: February 16, 1981
RECEIVED BY LRC: March 5, 1981
SUBMIT COMMENT OR REQUEST FOR HEARING TO: James T. Ahler, Executive Director, Kentucky State Board of Accountancy, 310 W. Liberty Street, Suite 703, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Podiatry
(Proposed Amendment)

201 KAR 25:011. Approved schools; licensing examination, fees.

RELATES TO: KRS 311.420
PURSUANT TO: KRS 311.410(4)
NECESSITY AND FUNCTION: KRS 311.420 requires all persons engaging in the practice of podiatry in the State of Kentucky to be licensed by the State Board of Podiatry. KRS 311.420 provides that each applicant shall submit to an examination conducted by the board. This regulation sets out the procedures to be followed in obtaining an application, the fees to be charged and the procedures relating to the examination and issuance of a license to practice podiatry in this state.

Section 1. (1) The board recognizes the following schools or colleges of podiatry as having those standards and requirements adequate to comply with the provisions of KRS 311.420(1)(d). Those schools and colleges are as follows:
(a) California College of Podiatric Medicine, 1770 Eddy Street, San Francisco, California 94115.
(b) Illinois College of Podiatric Medicine, 1001 N. Dearborn Street, Chicago, Illinois 60610.
(c) Pennsylvania College of Podiatric Medicine, Race and Eighth Streets, Philadelphia, Pennsylvania 19107.
(d) New York College of Podiatric Medicine, 53 East 124th Street, New York, New York 10035.
(e) Ohio College of Podiatric Medicine, 10515 Carnegie Avenue, Cleveland, Ohio 44106.
(2) The board will evaluate the academic standards of schools and colleges of podiatry desiring to be approved by the board following receipt by the board of applications for approval from said schools or colleges.

Section 2. All applications for examination mentioned herein shall be submitted on application forms prescribed and provided by the board, accompanied by such evidence, statements, or documents as therein required, and shall be filed with the board at its principal office within the times prescribed herein.
(1) Every applicant, eligible to take the examination pursuant to the provisions of KRS 311.420, must submit an application to the secretary of the board at least thirty (30) days prior to the date of the examination.
(2) The fee for the examination shall be the sum of *$100* [sixty dollars ($60)] and must be paid at the time the application for examination is filed with the board. The sum shall be payable by certified check, cashier's check or postal money order.
(3) In order for the applicant to successfully pass the examination he must receive an average of not less than seventy-five (75) percent on the entire examination and not less than seventy (70) percent on each subject.
(4) Any applicant who fails to attain a passing score as required by the board may apply to the board for re-examination by submitting another application to the secretary of the board at least thirty (30) days prior to the date of the next examination.
(5) If the applicant has failed to attain a score of at least seventy (70) percent in one (1) or two (2) of the subjects, but shall have attained an average of seventy-five (75) percent or better on the total examination, then he may only

be re-examined on the subject or subjects in which he failed to attain a score of at least seventy (70) percent.

(6) The fee for re-examination in one (1) or two (2) subjects shall be twenty-five dollars ($25) and the fee for re-examination for the total examination shall be fifty dollars ($50).

Section 3. Examinations shall be held at such times and places as shall be determined by the board. A schedule of the dates, time and place of the examination shall be mailed to each applicant whose application is accepted by the board.

Section 4. The board shall not refund the examination fee except where good and sufficient cause for refunding all or a portion of the fees are shown to the board within a reasonable time prior to the date of the examination.

DR. CHESTER NAVA, Secretary
ADOPTED: November 1, 1980
RECEIVED BY LRC: February 24, 1981 at 2:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Chester Nava, Secretary, State Board of Podiatry, 110 North Hubbard Lane, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Podiatry
(Proposed Amendment)

201 KAR 25:021. Annual renewal notice for licenses, fees.

RELATES TO: KRS 311.450
PURSUANT TO: KRS 311.410(4)
NECESSITY AND FUNCTION: KRS 321.450 requires the board to send notices to all podiatrists licensed by this board to their last known address on or before June 1 of each year, advising them that the annual license renewal fee is due on or before July 1 of each year. This regulation requires the mailing of an annual renewal notice to all licensed podiatrists and requires all licensed podiatrists to complete the annual renewal notice and return it, along with the annual renewal fee to the board. It further requires all licensed podiatrists to keep the board apprised of the current address of the licensee; *establishes penalty for non-compliance.*

Section 1. The State Board of Podiatry shall on or before June 1 of each year mail to each licensed podiatrist an annual renewal notice. This annual renewal notice must be completed and returned to the board on or before July 1 of each year. The annual renewal fee, in the amount of thirty-five dollars ($35) shall be attached to the completed renewal notice when it is returned to the board. Said annual renewal fee shall be paid by certified check, cashier's check or postal money order, payable to the State Board of Podiatry. All information requested on the annual renewal notice form shall be furnished to the board when the completed annual renewal notice form is returned to the board.

Section 2. In addition, the licensed podiatrist shall return with the annual renewal notice form a statement showing his compliance with the continuing education requirements of the board.

Section 3. Failure to complete the requirements for annual renewal of the license by July 1 of the current year shall result in a penalty of forty dollars ($40).

DR. CHESTER NAVA, Secretary
ADOPTED: November 1, 1980
RECEIVED BY LRC: February 24, 1981 at 2:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Chester Nava, Secretary, State Board of Podiatry, 110 North Hubbard Lane, Louisville, Kentucky 40202.

COMMERCE CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:015. Boats and outboard motors; size limits.

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: It is necessary to regulate the size of outboard motors and boats on state-owned lakes to minimize the conflict with the primary purposes of the lakes which are the perpetuation of fish or game populations and the associated sports. The Commissioner, with the concurrence of the Commission, finds it necessary to change the size limit restrictions on *centerline length to accommodate modern boats* [motors on Greenbo Lake].

Section 1. No boat will be permitted on any of the herein named lakes with a centerline exceeding *eighteen (18) feet six (6) inches* [sixteen (16) feet] in length as measured on deck or from bow to stern, except canoes which have no length limit and float boats which may have pontoons and decking no longer than twenty-two (22) feet. *On* Lake Malone and Lake Beshear *only* [are exceptions; on these lakes, the centerline of boats may be eighteen (18) feet six (6) inches and] float boats can have pontoons and decking up to thirty (30) feet in length.

Section 2. No houseboats of any description will be permitted on any of the herein named lakes.

Section 3. No motor of any type is permitted on the following lakes:
(1) Lake Chumley, Lincoln County,
(2) Dennis Gooch Lake, Pulaski County,
(3) Martin County Lake, Martin County,
(4) Kingdom Come Lake, Harlan County.

Section 4. Electric motors only may be used on the following lakes:

(1) Carter Caves Lake, Carter County,
(2) Spurlington Lake, Taylor County,
(3) Marion County Lake, Marion County,
(4) Elliott County Sportsmen's Lake, Elliott County,
(5) Lake Washburn, Ohio County,
(6) Bert Combs Lake, Clay County,
(7) McNeely Lake, Jefferson County,
(8) Lake Mauzy, Union County,
(9) Carpenter Lake and Kingfisher Lakes, Daviess County,
(10) Metcalfe County Lake, Metcalfe County,
(11) Briggs Lake, Logan County.

Section 5. Electric motors only may be used on the following lakes located in Ballard County. These lakes are closed 15 October to 15 March, annually:
(1) Big Turner,
(2) Little Turner,
(3) Shelby,
(4) Mitchell,
(5) Happy Hollow,
(6) Burnt Slough,
(7) Butler.

Section 6. No motor larger than seven and one-half (7½) hp. may be used on Greenbo Lake located in Greenup County.

Section 7. No motor larger than ten (10) hp. (inboard or outboard) may be used on the following state-owned lakes; however, slow speeds which cause no disturbance or interference with fishing must be exercised at:
(1) Shanty Hollow Lake, Warren County,
(2) Bullock Pen Lake, Grant County,
(3) Lake Boltz, Grant County,
(4) Falmouth Lake, Pendleton County,
(5) Elmer Davis Lake, Owen County,
(6) Beaver Creek Lake, Anderson County,
(7) Herb Smith Lake, Harlan County,
(8) Corinth Lake, Grant County,
(9) Wilgreen Lake, Madison County.

Section 8. No boat motor larger than 150 hp. may be used, and all boat motors used must have an underwater exhaust on the following state-owned lakes:
(1) Guist Creek Lake, Shelby County,
(2) Lake Malone, Todd, Muhlenberg and Logan Counties,
(3) Lake Beshear, Christian and Caldwell Counties.

Section 9. All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.

JACK T. BROOKS, Chairman
CARL E. KAYS, Commissioner
ADOPTED: March 2, 1981
APPROVED: J. MICHAEL MULLINS
RECEIVED BY LRC: March 12, 1981 at 3:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. 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, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change the rabbit season dates and to clarify the setting of traps.*

[Section 1. Closing of Small Game Season During the Deer Gun Seasons, and Exceptions. (1) The entire state will be closed to hunting and trapping for furbearers and all game species except waterfowl, rails, gallinules, woodcock, and snipe during the deer gun seasons, except the following areas where hunting and trapping will be allowed:]
[(a) West Kentucky Wildlife Management Area in McCracken County.]
[(b) Higginson-Henry Wildlife Management Area in Union County.]
[(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.]
[(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.]
[(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.]
[(f) Yellowbank Wildlife Management Area in Breckinridge County.]
[(g) Kleber Wildlife Management Area in Owen County.]
[(h) Clay Wildlife Management Area in Nicholas County.]
[(2) Falconry hunting will be permitted during the deer gun seasons.]

Section *1.* [2.] Hunting and Trapping Seasons. [See Section 1 for Exceptions and Closures.] (1) Squirrel (gray and fox): opens third Saturday in August, continues through October 31. Opens again on the third Thursday in November, continues through December 31.
(2) Rabbits: opens third Thursday in November, continues through *January 31* [February 15].
(3) Quail (Bobwhite): opens third Thursday in November, continues through February 15.
(4) Grouse: opens third Thursday in November, continues through the last day in February.
(5) Furbearers: opens third Thursday in November, continues through January 31. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk. The bobcat is protected year around and may not be trapped or killed.
(6) Traps and snares: all dry land sets are limited to No. 2 or smaller, smooth-jawed steel traps and No. 220 or

smaller Conibear-type traps set no closer than ten (10) feet apart *and* [. The use of] snares *without* [with] a self-locking device [is prohibited]. *Traps or snares shall not be set in trails or paths commonly used by humans and/or domestic animals.*

(7) Taking raccoon and opossum: Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.

(8) Falconry hunting: the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species, except that squirrels may be taken starting the third Saturday in August.

Section *2.* [3.] Bag and Possession Limits. Possession limit applies to transporting after two (2) or more days shooting but does not permit double bag limit to be taken or possessed in the field.

Game	Bag Limits	Possession Limits
Squirrel (gray and fox)	6	12
Rabbit	4	8
Quail (Bobwhite)	8	16
Grouse or native pheasant	4	8
Furbearers (except raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**

* One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

** No possession limit on raccoons, except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field.

Section *3.* [4.] Trapping Licenses. The following trapping licenses are required: (1) Resident landowner or tenant trapping license: This license authorizes either the landowner or his dependent children to take wild animals by trapping upon their farmlands. Either the tenant or his dependent children residing upon the owner's lands have the same privilege.

(2) Resident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

(3) Nonresident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

Section *4.* [5.] Shooting Hours. Shooting hours on the above species shall be from one-half (½) hour before sunrise to one-half (½) hour after sunset, except for raccoon and opossum which may be taken at any time during day or night.

Section *5.* [6.] Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon and by means of longbows or compound bows.

Section *6.* [7.] Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

JACK T. BROOKS, Chairman
CARL E. KAYS, Commissioner
ADOPTED: March 1, 1981
APPROVED: J. MICHAEL MULLINS
RECEIVED BY LRC: March 12, 1981 at 3:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 3:030. Year around season for some birds and animals.

RELATES TO: KRS 150.025, 150.330
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: This regulation pertains to the open season for unprotected species of wild birds and wild animals. Since all wildlife is protected unless declared unprotected, this regulation is necessary to establish the species that can be hunted year around, *and to insure that only those species declared unprotected may be taken by the use of hand, mouth, mechanically or electronically operated calling or attracting devices.* The function of this regulation is to furnish sport and recreation utilizing wildlife species that sometimes create a nuisance or a health hazard. Past year around hunting for most ot these species has had little effect upon their abundance. *This amendment is necessary to combine and clarify the contents of 301 KAR 2:025 with this regulation.*

Section 1. The following species of wild birds and wild animals may be taken, pursued, possessed or transported all year except as stated in Section 3, by any person possessing a valid hunting license: Gray fox, coyote, woodchuck, crow, English sparrow and starling.

Section 2. Unprotected wild animals. Some species of moles, mice, rats, and shrews are unprotected and may be taken without possessing a hunting license. (Refer to 301 KAR 3:061, rare and endangered wildlife, for species of rodents that are protected.) All other wild birds and wild animals are protected except during open season and as specified by other regulations.

Section 3. Closed season. There shall be a closed season on all species of wild birds and wild animals, protected or unprotected, except deer, waterfowl, woodcock, snipe and raccoon from November 1 to midnight on Wednesday preceding the third Thursday in November. This does not prohibit landowners from killing any species of wildlife on their land which is causing damage to persons or property.

Section 4. Except as otherwise provided by regulation, only those birds and animals listed in Section 1 may be taken by the use of hand, mouth, mechanically or electronically operated calling or attracting devices during daylight hours only.

Section 5. 301 KAR 2:025, Calling devices, is hereby repealed.

JACK T. BROOKS, Chairman
CARL E. KAYS, Commissioner
ADOPTED: March 1, 1981
APPROVED: J. MICHAEL MULLINS
RECEIVED BY LRC: March 12, 1981 at 3:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 406012.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
(Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222
PURSUANT TO: KRS 13.082, 174.050, 189.222
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify those portions of the highway system affected and indicate their classification.

Section 1. The weight and dimension limits set forth in 603 KAR 5:066 and 603 KAR 5:070 for truckway classifications shall apply on all highways in the State Primary Road System as indicated herewithin, unless bridge postings prohibit such weights on any particular segment.

Section 2. The maximum weight limits for the three (3) classifications of highways are as follows: "AAA" System, 80,000 pounds gross weight; "AA" System, 62,000 pounds gross weight; "A" System, 44,000 pounds gross weight. There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on the Interstate and National Defense Highway System only.

Section 3. The classifications for each highway* in the State Primary Road system are as follows:

KY 52
AAA—From jct. US *27 in Lancaster* [25 in Richmond] *to jct. KY 1295, 3.4 miles se of Lancaster; and from another jct. with KY 1295 in Madison Co., 2.7 miles east of Kirksville,* to jct. KY 30, west of Jackson in Breathitt Co.
AA—From jct. US 150 near Danville to jct. US *27 in Lancaster* [25 in Richmond] *; and from jct. KY 1295, 3.4 miles se of Lancaster to jct. KY 1295, 2.7 miles east of Kirksville in Madison Co.*
A—From jct. US 62 at Boston in Nelson Co. to jct. US 68 in Lebanon.

KY 79
AAA—From jct. US 431 in Russellville to jct. *US 62 in Caneyville* [Concord Road (CR 1326) near the NECL of Russellville]; and from jct. US 60 at Irvington to Ohio River Toll Bridge at Brandenburg.
AA—From [jct. Concord Road near the NECL of Russellville to jct. US 231, south of Morgantown; and from jct. US 231 at Aberdeen, north of Morgantown to jct. US 62 at Caneyville; and from] jct. KY 259 at Rough River Lake to jct. US 60 at Harned.
A—From jct. US 62 at Caneyville to jct. KY 259 at Rough River Lake.

KY 118
AAA [A]—From jct. Daniel Boone Parkway, nw of Hyden to jct. US 421 at Hyden.

KY 153
AAA—From jct. KY 146 near south side of I-71 to jct. US 42 at Sligo (Henry Co.).
[AA—From KY 146 near south side of I-71 in Henry Co. to Nickerson Farms Restaurant entrance.]
A—From jct. KY 1861, 0.5 mile west of Smithfield (Henry Co.) to jct. KY 146, south of I-71 [; and from Nickerson Farms Restaurant entrance to jct. US 42 at Sligo].

KY 227
AAA—From *jct. US 460 near Great Crossings in Scott Co. to jct. KY 368, 1.1 miles north of Stamping Ground; and from* jct. KY 355 in Owen Co. near the Carroll Co. line to jct. KY 36 at Carrollton.
A—From jct. *KY 368, 1.1 miles north of Stamping Ground* [US 460 near Great Crossings in Scott Co.] to jct. KY 355 in Owen Co.

KY 270
AAA—From Webster Co. Coal Corp. entrance extending east 4.6 miles to jct. US 41A, 2.8 miles north of Providence.
A—From jct. KY 130, 0.8 mile east of Henshaw in Union Co. to *Webster Co. Coal Corp. entrance* [jct. US 41A, 2.8 miles north of Providence] in Webster Co.

KY 1295
AAA [AA]—From jct. KY 52 at Hyattsville in Garrard Co. to jct. KY 52 in Madison Co., *2.7 miles east of Kirksville* [1.5 miles sw of Caleast].

* COMPILER'S NOTE: Only those particular highways affected by the proposed amendment are shown here. 603 KAR 5:096 is printed in full in Volume 3, "Kentucky Administrative Regulations Service."

FRANK R. METTS, Secretary
ADOPTED: February 6, 1981
RECEIVED BY LRC: February 25, 1981 at 11:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Stephen Reeder, Deputy Secretary for Legal Affairs, Department of Transportation, Frankfort, Kentucky 40622.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent
(Proposed Amendment)

704 KAR 3:292. Title I, ESEA migrant plan.

RELATES TO: KRS *156.030,* 156.035
PURSUANT TO: KRS 13.082, 156.030, 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. *Department* [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. *This regulation implements the State Board of Education's plan approval and federal statute implementation functions under KRS 156.030 and 156.035 relative to a migrant plan.*

Section 1. [Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.030,] The Title I, ESEA Migrant Education Annual Program Plan for fiscal year ending September 30, *1982* [1981], *such to become effective July 1, 1981,* is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. *Copies of this plan may be obtained from the Division of Compensatory Education, 9th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.*

Section 2. Local educational agency program applications[, or any amendment thereto,] must be *authorized* [approved] by the local board of education prior to submission to the Kentucky Department of Education.

RAYMOND BARBER
Superintendent of Public Instruction
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 6, 1981 at 1 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 20:025. Ranking of vocational *trade* instructors.

RELATES TO: KRS 157.390[, 161.030]
PURSUANT TO: KRS 13.082, 156.070, *157.390* [156.130, 156.160]
NECESSITY AND FUNCTION: KRS 157.390 authorizes the State Board of Education to determine equivalent qualifications for the salary ranks and directs that consideration be given to the apprenticeship and work experience of vocational teachers. This regulation defines equivalency for Rank III, [and] Rank II, *and Rank I* classifications taking into account the factors of apprenticeship and work experience.

Section 1. For a Rank III classification under the foundation law a vocational *industrial education* [trade] instructor shall hold a regular [one (1) year trade and industrial education] certificate *for Vocational Education—Industrial Education* to teach a specific trade based on high school graduation or equivalent plus *four (4)* [three (3)] years trade experience as a recognized journeyman beyond the learners level in the trade to be taught. In the absence of a high school diploma, equivalency of high school graduation shall be determined by submitting evidence of an acceptable score *on* [of] a GED Test administered by an approved testing center.

Section 2. *(1) Effective until September 15, 1981,* for a Rank II classification a vocational *industrial education* [trade] instructor [shall hold a ten (10) year trade and industrial certificate and]shall have completed thirty-two (32) semester hours of approved courses *and shall hold either the certificate for Trade and Industrial Education or the certificate for Vocational Education—Industrial Education, Ten-Year Certificate.*

(2) Effective from September 15, 1981, for a Rank II classification under the foundation law, a vocational industrial education instructor shall have at least sixty-four (64) semester hours of approved college credit, at least two (2) years of approved vocational industrial education teaching experience, and shall hold one (1) of the following:

(a) Certificate for Vocational Education—Industrial Education, Ten-Year Certificate;
(b) Certificate for Vocational Education—Industrial Education, Five-Year Certificate;
(c) Any certificate valid for high school Industrial Education—Preparation Level; or
(d) Certificate for Trades and Industrial Education.

Section 3. Effective from September 15, 1981, for a Rank I classification under the foundation law, a vocational industrial education instructor shall have at least a bachelor's degree, at least four (4) years of approved vocational industrial education teaching experience, and shall hold one (1) of the following:

(1) Certificate for Vocational Education—Industrial Education, Ten-Year Certificate;
(2) Certificate for Vocational Education—Industrial Education, Five-Year Certificate;
(3) Any certificate valid for high school Industrial Education—Preparation Level; or
(4) Certificate for Trades and Industrial Education.

RAYMOND BARBER
Superintendent of Public Instruction
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 6, 1981 at 1 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Department for Vocational Education
(Proposed Amendment)

705 KAR 7:050. Adult plan.

RELATES TO: KRS *156.035, 156.070, 156.112* [163.020, 163.030]
PURSUANT TO: KRS 13.082, *156.070,* 156.112, *163.030*
NECESSITY AND FUNCTION: *KRS 156.035 gives the State Board of Education the authority to implement the provisions of any act of Congress appropriating and apportioning funds to the state; KRS 156.070 gives the State Board the management and control of the common schools and all programs operated therein; and KRS 156.112 designates the State Board as the sole state agency for the purpose of developing and approving state plans required by federal law as a prerequisite to receiving federal funds for adult education. This regulation adopts the* [A] *t* [T]hree-*y* [Y]ear program plan for adult education *that* is required in order to be eligible to receive federal funds under the Adult Education Act.

Section 1. Pursuant to the authority vested in the Kentucky State Board *of* [for Occupational] Education, the Kentucky *Three-Year* [Annual] Program Plan for Adult Education shall be prepared and approved by the State Board *of* [for Occupational] Education, in accordance with the appropriate federal regulations and guidelines, and submitted [annually] to the U. S. Commissioner of Education by June 30 *of the appropriate year* for [his] approval. *The current* [This] document, *as amended March 3, 1981* is incorporated by reference and hereinafter shall be referred to as the Three-Year Program Plan for the years July 1, 1979 to June 30, 1982. Copies of the Three-Year Program Plan may be obtained from the Adult Education Unit, State Department of Education.

RAYMOND BARBER
Superintendent of Public Instruction
ADOPTED: March 3, 1981
RECEIVED BY LRC: March 6, 1981 at 1 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Harness Racing Commission
(Proposed Amendment)

811 KAR 1:200. Administration of purses and payments.

RELATES TO: KRS 230.770
PURSUANT TO: KRS 230.770
NECESSITY AND FUNCTION: To regulate races and purses and payments in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund. The function of this regulation is to establish mandatory criteria for these races and the administration of purses and payments in such races.

Section 1. Races in which any part of the purse is provided by the Kentucky Standardbred Development Fund shall be subject to the rules and regulations of the Kentucky Harness Racing Commission.

Section 2. Each participating foal must have been sired by a stallion registered with the Kentucky Harness Racing Commission, and eligibile to the Kentucky Standardbred Development Fund.

Section 3. Each race shall be a one (1) mile dash.

Section 4. The race will split if more than twelve (12) declare to start. In the case of a split the event will be raced adopting one (1) of the methods of division racing then current in the Kentucky Harness Racing Commission rules and regulations, except the Kentucky Standardbred Development Fund will add the money to the purses.

Section 5. Gait must be specified by the first two (2) year old payment. Transfer may be made at the time of declaration but sustaining payments remain in the respective funds.

Section 6. All races will be raced in separate colt-gelding and filly divisions.

Section 7. All declaration fees will be added to the purse and will be made payable to the Kentucky Standardbred Development Fund at the time of declaration.

Section 8. The purse will be distributed on the following percentage basis:
(1) 50-25-12-8-5: 5 starters or more;
(2) 50-25-15-10: 4 starters;
(3) 60-30-10: 3 starters;
(4) 65-35: 2 starters.

Section 9. Should circumstances prevent the racing of any event, monies will be prorated among horses eligible for the uncontested event at the time of declaring off. In the event the race is drawn, the monies will be equally divided among the horses entered to start. This will include stake payments, declaration fees and purses provided by the Kentucky Standardbred Development Fund.

Section 10. Starters will declare in at each track at the time specified by the association conducting the event.

Section 11. At the time of the declaration a starter must show at least one (1) charted line with no breaks within the last six (6) starts and within thirty (30) days prior to the day of the race and a two (2) year old trotter must have been timed in 2:18 or faster and a two (2) year old pacer must have been timed in 2:15 or faster. An eligibility certificate or a clear photocopy of the eligibility certificate must be on deposit with the race secretary at the time of declaration or the declaration may be rejected. If the horse has a start subsequent to the eligibility certificate of photocopy being sent, the declarer must advise the race secretary of the commitment to race or the horse may be scratched from the race. This rule shall be in effect for wagering and non-wagering races.

Section 12. After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year.

Section 13. The Kentucky Standardbred Development Fund will be distributed by the Kentucky Harness Racing Commission on an equitable basis to promote the purposes expressed in KRS 230.770. The commission may authorize expenditures at any time; however, the commission will, at its scheduled meeting each November, make provisions for the following year's distribution of funds for stake races.

Section 14. The Kentucky Standardbred Development Fund will provide a trophy for each event. In the case of division races each division shall receive a trophy.

Section 15. All nomination and sustaining payments shall be made to the Kentucky Standardbred Development Fund.

Section 16. Payments:

Two-Year Olds

PAYMENTS

March 15th ..... $ 40
May 15th ..... *$200* [$100]
Declaration Fee (for each track) ..... *$200* [$100]
March 15th payment makes entry eligible as a 3-year old.

Three-Year Olds

PAYMENTS

February ..... *$ 80* [$40]
March 15 ..... *$200* [$100]
Declaration Fee (for each track) ..... *$200* [$100]

Section 17. All yearlings will be nominated on May 15 and fees will be *twenty dollars ($20)* [ten dollars ($10)] each. Fees are payable to the Kentucky Standardbred Development Fund.

CARL B. LARSEN, Deputy Commissioner
H. FOSTER PETTIT, Secretary
ADOPTED: November 2, 1980
RECEIVED BY LRC: March 10, 1981 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl Larsen, Deputy Commissioner, Kentucky Harness Racing Commission, 1051H Newtown Road, Lexington, Kentucky 40511.

DEPARTMENT FOR HUMAN RESOURCES
Office of the Inspector General
(Proposed Amendment)

901 KAR 1:020. Schedule II substances.

RELATES TO: KRS Chapter 218A
PURSUANT TO: KRS 13.082, 194.050, 211.090
NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Department for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.060 and applicable federal regulations the Department for Human Resources designates the substances set forth in this regulation as Schedule II controlled substances.

Section 1. Depressants. The Department for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Methaqualone (2-methyl-3-o-tolyl-4 (3H)-quinazolinone).

Section 2. Reschedule of Certain Barbiturate Acid Derivatives to "Schedule II" Controlled Substances; Exceptions. The Department for Human Resources hereby reschedules the following barbituric acid derivatives from Schedule III to Schedule II controlled substances, viz:
(1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;
(4) Provided; however, that any compound, mixture or preparation containing amobarbital, secobarbital and pentobarbital or any salt thereof and one or more other active medicinal ingredient(s) which is not a controlled substance shall be in "Schedule III."
(5) Provided; further, that any suppository dosage form containing amobarbital, secobarbital and pentobarbital or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository shall be in "Schedule III."

[Section 3. Reschedule of Phencyclidine to "Schedule II" controlled substances. The Department for Human Resources hereby reschedules phencyclidine from Schedule III to Schedule II controlled substances.]

Section *3.* [4.] Placement into Schedule II of 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors to Phencyclidine. The Department for Human Resources hereby designates 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors, to Phencyclidine as "Schedule II" controlled substances.

JACKIE H. FRANKS, Inspector General
ADOPTED: March 5, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 9, 1981 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT OF HUMAN RESOURCES
Office of Inspector General
(Proposed Amendment)

901 KAR 1:030. Schedule IV substances.

RELATES TO: KRS Chapter 218A
PURSUANT TO: KRS 13.082, 194.050, 211.090
NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Department for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The Department for Human Resources after considering such criteria hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants: New Anorectic Drugs. The Department for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical, position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:
(1) Fenfluramine;
(2) Diethylpropion; and
(3) Phentermine.

Section 2. Depressants: The Department for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Chlordiazepoxide;
(2) Clonazepam;
(3) Clorazepate;
(4) Diazepam;
(5) Flurazepam;
(6) Lorazepam;
(7) [(6)] Mebutamate;
(8) [(7)] Methohexital;
(9) [(8)] Oxazepam; [and]
(10) [(9)] Pemoline*; and*
(11) Prazepam.

Section 3. Analgesics, Non-Narcotics: The Department for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts: Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-*propionoxybutane* [proptonoxybutane]).

JACKIE H. FRANKS, Inspector General
ADOPTED: March 5, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 9, 1981 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:005. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2), (3)
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

Section 1. Residence and Citizenship. Residence is determined in accordance with 45 CFR 233.40 which, in summary, provides that a resident is anyone who is living in the state, entered the state with a job commitment or seeking employment, and is not receiving AFDC benefits from another state. Citizenship is determined in accordance with 45 CFR 233.50 which states that AFDC can be provided only to citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.
(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's func-

tioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his/*her* function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, military service, [or] deportation *or single parent adoption.* A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/*her* needy child. The condition must be anticipated to continue for at least thirty (30) days beyond the date of application and may be presumed to continue during a period in which the parent is undergoing diagnostic studies and/or evaluation of rehabilitation potential. Incapacity of the parent must prevent him/her from working in an occupation in which he/she previously engaged, or another job for which he/she is equipped and which is accessible in the county or community where he/she normally resides. If a job opportunity exists in the community or county, it shall be considered accessible regardless of its immediate availability. Scarcity of work does not establish incapacity unless there is a causal relationship between the parent's unemployment and actual physical or mental disability.

Section 3. Living with a Specified Relative. To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(4) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(5) A child is considered as living in the home even when temporarily absent for medical care, attendance at boarding school, college or vocational school, emergency foster care or short visits with friends or relatives, if the parent continues to exercise control over the child.

(6) A child placed in foster care is not required to be living in the home of a relative to be eligible to receive AFDC-FC in his/*her* foster home.

Section 4. Age and School Attendance. A child may be eligible for AFDC from birth to age twenty-one (21); provided, however, that the child eighteen (18) to twenty-one (21) is regularly attending a school or training course leading to a certificate, diploma or degree as required by 45 CFR Section 233.10 and further provided that the eighteen (18) to twenty-one (21) year old attending school less than full-time is either regularly employed or available for and seeking employment unless precluded therefrom by a physical handicap. Full- and part-time is defined in accordance with 45 CFR 233.90. A child is considered in regular attendance in months in which he/*she* is not attending because of official school or training program vacation, illness, convalescence or family emergency unless he/*she* has indicated an intention not to re-enter school.

Section 5. One Category of Assistance. A child or adult relative shall not be eligible for AFDC if receiving supplemental security income.

Section 6. Work Registration. (1) Unless exempt under the criteria, as specified in Title VI of the Social Security Act and 45 CFR Section 224.20(b) needs of an individual for whom application has been made may not be included in the AFDC assistance grant if he/*she* refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause.

(2) Individuals exempt from WIN registration pursuant to 45 CFR 224.20(b) are as follows:

(a) A child under age sixteen (16).

(b) A child age sixteen (16) to twenty-one (21) if enrolled as a full-time student.

(c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days.

(d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days.

(e) An individual age sixty-five (65) or over.

(f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible.

(g) A mother or other caretaker relative of a child under six (6).

(h) A person so far remote from a work incentive project that his/*her* effective participation is precluded.

Section 7. Cooperation in Child Support Activities. (1) Inclusion of the specified relative in the AFDC budget is dependent upon cooperation in child support activities pursuant to 45 CFR 232.40 and refusal, except for "good cause," results in removal of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he/she is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR part 232.13, the Department for Human Resources will provide written notice to the applicant or recipient that he/*she* may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticapted to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself/herself to such an ex-

tent that it would reduce his/her capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicants's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him/her for adoption and discussion has not gone on for more than three (3) months and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 8. Potential Entitlement for Other Programs. All applicants/recipients must apply for any statutory benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 9. Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 10. Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Department for Human Resources of any child support owed for the child up to the amount of AFDC payments made to the recipient.

Section 11. Eligibility Criteria for Foster Care. To be eligible for foster care, the child must meet the technical requirements of the regular AFDC program as set forth in this regulation. In addition, the child must have been:

(1) Removed from the home after April 30, 1961; and

(2) Committed to the department by a judicial determination under the authority of KRS 208.200 or 208.080 specifying that the child is delinquent, neglected, needy, or dependent (as stated in KRS 208.020), or if prior to June 1976, KRS 205.430, that continuance in or return to the home of a relative would be contrary to his/her welfare; and

(3) Receiving AFDC as of the month in which court action was initiated, or if not, would have received AFDC if application had been made; or if not living with a relative at the time of court action, did live with such relative within six (6) months prior to the month of initiation of court action and was eligible or would have been eligible for AFDC if application had been made.

WILLIAM L. HUFFMAN, Commissioner
ADOPTED: March 12, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 13, 1981 at 10:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:060. Delegation of power for oaths and affirmations.

RELATES TO: KRS 205.170
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a money payment program under Title IV-A of the Social Security Act and to provide supplemental payments to aged, blind or disabled persons. In the administration of the Title IV-A and state supplementation programs, staff of the department is required by various federal law and regulations and state law to obtain information from applicants and recipients of the programs under oath or affirmation. KRS 205.170 empowers the Secretary for Human Resources or his duly authorized representative to administer oaths and affirmations in the administration of the programs. This regulation sets forth the designation by the secretary of certain employees of the department to administer oaths and affirmations to applicants and recipients of money grants in limited situations.

Section 1. Specific Worker Designation: *Field services supervisors, field services managers and regional program managers* [District program managers, assistant program managers and income maintenance supervisors] of the Bureau for Social Insurance in the performance of their duties in the various counties of the Commonwealth are designated as duly authorized representatives of the Secretary of the Department for Human Resources to administer oaths and affirmations to recipients for the purpose of obtaining their sworn statement regarding a claim that a check issued pursuant to the money payments programs of the department has been lost, misplaced or stolen.

WILLIAM L. HUFFMAN, Commissioner
ADOPTED: March 12, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 13, 1981 at 10:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

Proposed Regulations

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Podiatry

201 KAR 25:031. Continuing education.

RELATES TO: KRS 311.450
PURSUANT TO: KRS 311.410
NECESSITY AND FUNCTION: Sets forth those requirements concerning annual courses of study of subjects relating to the practice of podiatry for compliance with the continuing education requirement for relicensure.

Section 1. (1) Each podiatrist licensed by this board shall be required to annually complete twelve (12) hours of study of courses in subjects relating to the practice of podiatry.

(2) Six (6) of the twelve (12) hours required pursuant to subsection (1) of this section shall be taken from those programs conducted or sponsored by the Kentucky State Board of Podiatry.

(3) No more than four (4) hours may be earned in any one (1) subject or practice area of podiatry.

Section 2. (1) Continuing education hours for credit other than those earned pursuant to Section 1 may be compiled in the following areas:

(a) Cassette and audio-visual presentation;
(b) Professional seminars;
(c) Accredited school of podiatry continuing education programs;
(d) Correspondence courses;
(e) Continuing education television series;
(f) Other programs as approved by the board.

(2) Prior approval must be secured from the board for certification of all programs other than those in Section 1.

(3) Licensee requesting approval of continuing education programs shall submit an application containing such information as the board may require on forms provided by the board.

(4) Licensees who have been determined to be in non-compliance with this regulation may appeal to the board.

Section 3. (1) Licensees must keep valid records, receipts, and certifications of continuing education programs completed.

(2) Each licensee shall submit, with the annual renewal, a list of all accredited continuing education programs completed by the licensee during the previous license year. Failure to do so shall result in non-renewal of the license.

DR. CHESTER NAVA, Secretary
ADOPTED: November 1, 1980
RECEIVED BY LRC: February 24, 1981 at 2:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Chester Nava, Secretary, State Board of Podiatry, 110 North Hubbard Lane, Louisville, Kentucky 40202.

COMMERCE CABINET
Department of Fish and Wildlife Resources

301 KAR 2:112. Deer gun and archery seasons for specific counties and areas.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery seasons in specified counties and on wildlife management areas. This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, and to prescribe the methods by which deer may be legally taken. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state.

Section 1. Deer Gun Season, Zones, Dates, and Legal Deer. Deer gun hunting is permitted in the following zones on the dates listed, except as specified in subsection (6) of this section and Section 3.

(1) Zone No. 1: Open to antlered deer gun hunting for ten (10) consecutive days beginning the first Saturday in November. On the ninth and tenth day, antlerless deer may also be taken. Counties in this zone are Carroll and Gallatin.

(2) Zone No. 2: Open to antlered deer gun hunting for ten (10) consecutive days beginning the first Saturday in November. On the last day of the hunt, antlerless deer may also be taken. Counties in this zone are that portion of Barren west of I-65, Bullitt, Butler, Caldwell, Carlisle, Christian, Crittenden, Edmonson, Graves, that portion of Hart west of I-65 and south of Highway 88, Henderson, Henry, Logan, McCracken, Marion, Ohio, Oldham, Todd, and Trimble.

(3) Zone No. 3: Open to antlered deer gun hunting for ten (10) consecutive days beginning the first Saturday in November. Counties in this zone are Adair, Allen, Anderson, Ballard, the remainder of Barren, Boone, Boyd, Boyle, Bracken, Breckinridge, Calloway, Campbell, Carter, Casey, Cumberland, Franklin, Fulton, Grant, Grayson, Green, Greenup, Hancock, Hardin, Harrison, the remainder of Hart, Hickman, Hopkins, Kenton, Larue, Lawrence, Lewis, Livingston, Mason, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Owen, Pendleton, Robertson, Russell, Scott, Shelby, Spencer, Taylor, Trigg, Union, Warren, Washington, and Webster.

(4) Zone No. 4: Open to antlered deer gun hunting for five (5) consecutive days beginning the first Saturday in November. Counties in this zone are Bath, Daviess, Elliott, Fleming, Lyon, McCreary, Marshall, Menifee, Morgan, Nicholas, Pulaski, Rowan, and Wayne.

(5) Zone No. 5: Open to antlered deer gun hunting for three (3) consecutive days beginning the first Saturday in November. Counties in this zone are Bell, Breathitt, Bourbon, Clark, Clay, Clinton, Fayette, Garrard, Harlan,

Jackson, Jefferson, Jessamine, Knox, Laurel, Lee, Leslie, Letcher, Madison, Montgomery, Owsley, Pike, Powell, Rockcastle, Simpson, Whitley, Wolfe, and Woodford.

(6) Zone No. 6: Counties, wildlife management areas, and parks closed to all deer hunting:

(a) Counties: Estill, Floyd (see exception in Section 3, subsection (2), Johnson, Knott, Lincoln, Magoffin, Martin and Perry.

(b) Wildlife management areas: Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County; Ballard Wildlife Management Area in Ballard County, except the wooded area south of Terrell Landing Road designated by signs reading "Wildlife Management Area for Public Hunting;" Central Kentucky Wildlife Management Area in Madison County; Clay Wildlife Management Area in Nicholas County; Grayson Lake Wildlife Management Area in Carter and Elliott Counties; Mill Creek Wildlife Management Area, including all private inholdings, in Jackson County; and Robinson Forest Wildlife Management Area in Breathitt, Perry, and Knott Counties.

(c) Deer hunting is prohibited within the boundaries of all national parks.

Section 2. Deer Archery Season, Zones, Dates and Legal Deer. Zones 1, 2, and 3 are open to either sex archery deer hunting with longbows, compound bows and crossbows during specified periods as follows, except as specified in Section 3. Zones 4 and 5 are open to bucks only archery hunting with longbows, compound bows and crossbows, except as specified in Section 3.

(1) The deer hunting season for longbows and compound bows opens October 1 and continues through December 31 with no archery hunting during the period of November 6 through 17.

(2) The deer hunting season for crossbows, longbows and compound bows is November 21 through 30.

Section 3. Exceptions to Deer Hunting Regulations on Wildlife Management Areas. There will be deer hunting on the following wildlife management areas. All deer gun, archery and crossbow regulations apply unless otherwise specified herein.

(1) Beaver Creek Wildlife Management Area located in McCreary and Pulaski Counties:

(a) Archery season for either sex deer on October 1 through October 7 for longbows and compound bows only. Free area permits must be obtained in person before hunting, or by writing the District Ranger, U.S. Forest Service, R.R. #2, Box 507, Somerset, Kentucky 42501. There is no limit on the number of permits to be issued.

(b) Gun season for antlered deer only on October 5 and 6. Hunters will be selected by a drawing as stated in subsection (9) of this section. Hunters will be allowed to hunt during both days.

(c) Checking in and out: gun hunters must check in and out at a designated check station. Archery hunters are not required to check in but must check out if a deer is taken.

(d) No other deer hunting is permitted.

(2) Dewey Lake Wildlife Management Area located in Floyd County. Archery season for either sex deer on October 1 through October 31 for longbows and compound bows only. No other deer hunting is permitted.

(3) Higginson-Henry Wildlife Management Area located in Union County. Archery season for either sex deer on October 1 through November 5 for longbows and compound bows only. There is no permit required and no limit on the number of archers. Archery hunters are not required to check in but must check out if a deer is taken. No other deer hunting is permitted.

(4) Kleber Wildlife Management Area located in Owen County:

(a) Archery season for either sex deer on October 1 through November 5, November 18 through December 3 and December 15 through December 31 for longbow and compound bows only.

(b) Gun season for either sex deer on December 5 and 6. Gun hunters will be selected by a drawing as stated in subsection (9) of this section. Hunters will be allowed to hunt during both days.

(c) Checking in and out: gun hunters must check in and out at a designated check station. Archery hunters are not required to check in but must check out if a deer is taken.

(5) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Archery season for longbows, compound bows and crossbows for antlered deer only. Hunting dates conform with the statewide season for Zone 4 as stated in Section 2.

(b) Gun season for antlered deer only. Hunting dates conform with the statewide season for Zone 4 as stated in Section 1.

(c) Permitted firearms: only muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile may be used.

(d) No other deer hunting will be permitted.

(6) Redbird Wildlife Management Area located in Leslie and Clay Counties:

(a) Archery season for either sex deer on October 1 through October 7 for longbows and compound bows only. Free area permits must be obtained in person before hunting from the District Ranger at the U.S. Forest Service, Peabody, Kentucky, headquarters, or by writing District Ranger, U.S. Forest Service, Box 1, Big Creek, Kentucky 40914. There is no limit on the number of permits to be issued.

(b) Gun season for antlered deer only on December 5 and 6. Hunters will be selected by a drawing as stated in subsection (9) of this section.

(c) Muzzle-loading firearm season for antlered deer only on December 12 and 13. Hunters will be selected by a drawing as stated in subsection (9) of this section.

(d) Muzzle-loading firearms permitted: muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile are the only firearms which may be used December 12 and 13.

(e) Checking in and out: gun hunters must check in and out at a designated check station. Archery hunters are not required to check in but must check out if a deer is taken.

(f) No other deer hunting is permitted.

(7) West Kentucky Wildlife Management Area located in McCracken County:

(a) Archery season for either sex deer on October 1 through November 5 on Tracts 1, 2, 3, 4, 5 and 6 for longbows and compound bows only.

(b) Gun season for either sex deer on November 7, 11 and 14. Hunters will be selected by a drawing as stated in subsection (9) of this section. Each successful applicant will be assigned a hunting date.

(c) Permitted firearms: Muzzle-loading and breech-loading shotguns and muzzle-loading rifles that conform with those stated in Section 7.

(d) Checking in and out: gun hunters must check in and out daily at a designated check station. Archery hunters are not required to check in but must check out if a deer is taken.

(8) Yellowbank Wildlife Management Area located in Breckinridge County:

(a) Archery season for either sex deer on October 1 through November 5 and December 15 through December 31 for longbows and compound bows only.

(b) Gun season for either sex deer on December 5 and 6 and December 13 and 14. Hunters will be selected by a drawing as stated in subsection (9) of this section. Hunters will be allowed to hunt during only one (1) day of the two (2) day hunting periods.

(c) Checking in and out: gun hunters must check in and out daily at a designated check station. Archery hunters are not required to check in but must check out if a deer is taken.

(9) Deer hunt application procedures:

(a) Wildlife management areas holding a drawing for gun deer hunting are Beaver Creek, Kleber, Redbird, West Kentucky and Yellowbank.

(b) Applications must be made only on forms available from the Wildlife Division, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601. A self-addressed, stamped envelope should be included in all requests for application forms.

(c) No more than three (3) hunters may apply per form. More than one (1) application per individual per hunt will disqualify that applicant. Completed forms must be accompanied by a stamped, self-addressed envelope and be postmarked no later than August 31, 1981.

Section 4. Legal Deer, Hunting Hours and Bag Limits.

(1) An antlered deer is defined as having one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting hours: one-half (½) hour before sunrise to one-half (½) hour after sunset prevailing local time.

(3) Bag and possession limit: the limit is two (2) deer per hunter per year. Only one (1) deer may be taken by firearms outside the following designated special deer areas: Fort Knox, Fort Campbell, Land Between the Lakes and Blue Grass Ordnance Depot. Under no circumstances shall any individual be permitted to take more than two (2) deer anywhere in the state.

Section 5. Hunting License, Deer Permits, Deer Tags and Check Station Requirements For Gun, Archery and Crossbow Hunters.

(1) Hunting license and deer permit: all persons taking or attempting to take deer must have in possession a valid Kentucky hunting license and a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All non-residents are required to possess an annual non-resident hunting license and a deer permit.

(2) Leaving head attached: any person harvesting or possessing a deer must leave the head attached to the body until the carcass is removed from the field and processed.

(3) Mandatory deer check stations: any person, including those eligible to hunt without a license, harvesting a deer during any deer hunting season, must have it checked at the deer check station nearest to where the deer was harvested, or by the nearest available conservation officer, no later than 9 a.m. prevailing local time on the day following the day of harvest. Any person possessing a deer and an unsigned or unstamped deer permit after that time is in violation of this regulation. The hunter must fill out the stub attached to the deer permit, and this stub will be detached and retained by the check station operator or conservation officer. A list of statewide check stations is attached to each deer permit. Hunters harvesting a deer on wildlife management areas listed in this and other regulations must conform to check station requirements on those areas.

(4) Tagging deer carcass and head:

(a) Deer carcass: before moving the carcass, the hunter must attach the metal tag portion of the deer permit to the deer. This tag must be permanently locked and attached to any portion of the deer carcass so that it cannot be removed without destroying the tag or mutilating the carcass and must remain attached until the carcass is processed and packaged. The hunter must detach the stub marked "A Tag" and, before moving the carcass, punch a clearly visible hole through the space provided to indicate the weapon used to take the deer.

(b) Taxidermist tag: deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermist tag properly filled out and attached to the separated part.

(5) Second deer permit: a hunter who has taken one (1) deer may purchase a second deer permit, which shall be valid only when accompanied by a properly punched, stamped or signed "A Tag" portion of the first deer permit. If this portion of the first deer permit is punched to indicate that the first deer was taken by gun, the second deer permit is valid only for bow or crossbow hunting, except that two (2) deer may be taken by gun if one (1) is taken on one of the designated special deer areas listed in Section 4(3).

Section 6. Prohibited Methods and Conditions For Gun and Archery Deer Hunting.

(1) Residents of any state which does not grant Kentucky residents the right to hunt deer may not hunt deer in Kentucky.

(2) Persons under eighteen (18) years of age may not hunt deer with a gun unless accompanied by an adult.

(3) Deer may not be taken with the aid of dogs or any domestic animal, or by the use of a boat or any type of a land vehicle.

(4) Deer may not be taken at any time while the deer is in the act of swimming.

(5) Anyone hunting deer with a gun must wear a visible vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one (1) of these items may be worn to comply with this regulation.

(6) Tree stands: on department-owned and operated wildlife management areas and the Daniel Boone National Forest, the use of any nails, spikes, screw-in devices, wire or tree climbers are prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two (2) weeks before opening day of each hunting period, and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may not be used.

(7) Rattling of antlers or sticks as a method of attracting deer is permitted.

(8) Use of lights: no person or persons shall cast the rays of a spotlight, jacklight or other artificial lighting device on any highway or in any field, woodland or forest, while having in his or her possession, or under his or her control, a firearm or other implement by which a deer could be killed, even though such deer is not shot at, injured or killed. This shall not apply when the headlights of a motor vehicle in normal operation on a highway are cast upon a field, woodland or forest in the normal course of travel, nor shall it apply to landowners or tenants engaged in normal or necessary activity upon their lands.

(9) No person shall possess a deer taken contrary to this or any other regulation or statute.

Section 7. Firearms Restrictions for Gun Deer Hunting. (1) The following firearms that are fired from the shoulder are permitted during gun deer hunting seasons: center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle); muzzle-loading rifles of .38 caliber or larger; and muzzle-loading and breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile.

(2) Handguns: handguns with barrel lengths of 3.90 inches or greater are permitted. Only the following cartridges may be used: .30 Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy. No full metal-jacketed bullets of any caliber may be used.

(3) The following firearms are prohibited in deer hunting: any caliber of cartridge that does not meet the requirements given in subsections (1) and (2) of this section; any fully automatic weapon or weapon capable of firing more than one (1) round with one (1) trigger pull; any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially; any .256 caliber rifle.

(4) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited in deer hunting. Shotgun ammunition must contain a single slug per shell case, and buckshot or any type of shot shells are prohibited.

Section 8. Equipment Restrictions for Statewide Archery and Crossbow Deer Hunting.

(1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

(2) Arrows must be barbless without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows must have a minimum pull weight of 100 pounds and a working safety device. Minimum bolt weight is 380 grains with a barbless broadhead point at least seven-eighths (7/8) inch wide, with no chemical treatments or chemical attachments.

(4) Archery hunters are prohibited from carrying any type of firearms while hunting deer.

Section 9. 301 KAR 2:109, Seasons for deer hunting; gun and archery, is hereby repealed.

JACK T. BROOKS, Chairman
CARL E. KAYS, Commissioner

ADOPTED: March 1, 1981
APPROVED: J. Michael Mullins
RECEIVED BY LRC: March 12, 1981 at 3:30 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:067. Purchased water adjustment clause.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.030(1), 278.040(3)
NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by a water utility subject to the jurisdiction of the Public Service Commission shall be fair, just and reasonable. This regulation prescribes the requirements under which a water utility may implement a purchased water adjustment clause designed to recover the increased costs of water purchased, where the water utility is not financially able to absorb an increase from its supplier.

Section 1. Application for Change in Base Rate. The rates a water utility is currently authorized to charge its customers are based upon the wholesale cost of water to that water utility pursuant to valid contracts or wholesale tariffs on file with the commission. For purposes of a purchased water adjustment clause, this wholesale rate shall be considered as the base rate for purchased water and any increase or decrease in the base rate shall be considered the changed rate.

(1) In the event there is a change in the base rate, the utility shall file with the commissioner the following information:

(a) A copy of the wholesale supplier's tariff effecting a change in the base rate and a statement from the wholesale supplier evidencing the effective date of the changed rate;

(b) A detailed statement of water purchased under the base rate for a twelve (12) month period ended within ninety (90) days of the filing date and showing billing both under such base rate and also under the changed rate;

(c) A detailed statement of water sold for the same twelve (12) month period.

(d) A balance sheet and statement of operating expenses and revenues for the most recent twelve (12) month period for which that information is available;

(e) In the event of an increase only, evidence that the water utility has notified its customers of the proposed rate revision;

(f) Revised tariff sheets reflecting the rates the applicant proposes to charge; and

(g) Such other information as the commission may request for a proper determination of the purchased water adjustment.

(2) The commission may require that the balance sheet and statement of expenses and revenues furnished pursuant to subsection (1)(d) of this section be updated to within ninety (90) days of the filing of an application and that the updated information corresponds to the same twelve (12) month period as the water purchased information furnished pursuant to subsection (1)(b) of this section.

(3) Upon receipt of all the necessary information, the commission will review the effect of the changed rate upon the applicant's operations and if an increase is proposed determine whether all or a part of the increase can be absorbed by the applicant. An applicant shall not implement its proposed revised rates until the commission issues an order authorizing the applicant to adjust its rates. If an adjustment is authorized, the supplier's changed rate shall become the supplier's base rate for use in future applications.

(4) The maximum amount of the adjustment so ordered shall not produce revenue adjustments greater than the difference between the purchased water billed at the base rate and the purchased water billed at the changed rate.

(5) The notice required by subsection (1)(e) of this section may be accomplished by a bill insert.

Section 2. Calculation of the Purchased Water Adjustment. If a change is made in a base rate charged to a water utility by its supplier(s), the unit charges of the wholesale tariff shall be increased or decreased by a purchased water adjustment calculated as follows:

(1) Water purchases shall be computed at the supplier's base rate and the supplier's changed rate using a period of twelve (12) calendar months ending within ninety (90) days preceding the month of the effective date of the supplier's rate change. The diffference between these amounts shows the total change in the applicant's purchased water costs.

(2) The total change in purchased water costs shall be divided by the actual number of cubic feet or gallons sold, yielding the purchased water adjustment expressed in cents per cubic feet or gallons, unless the applicant's water loss exceeds fifteen (15) percent.

(3) In instances where the water loss exceeds fifteen (15) percent, the actual water sales shall be divided by eighty-five (85) percent yielding the maximum allowable water purchases. The maximum allowable water purchases shall then be multiplied by the change in cost per cubic foot or gallons, yielding the total allowable change. The total allowable change shall then be divided by the actual number of cubic feet or gallons sold, yielding the purchased water adjustment expressed in cents per cubic feet or gallons.

Section 3. Procedure for Distribution of Refunds from Suppliers. In the event a water utility receives a refund from its supplier for amounts previously paid, the water utility shall immediately apply to the commission for authority to make adjustments on the amounts charged customers' bills under this regulation as follows:

(1) The total refund received by the water utility shall be divided by the number of cubic feet or gallons of water the water utility estimates it will sell to its customers during the two (2) month period beginning with the first day of the month following receipt of the refund, yielding the refund factor to be applied against each cubic foot of water sold thereafter.

(2) Effective with meter readings taken on and after the first day of the second month following receipt of the refund, the water utility will reduce by the refund factor any purchased water adjustment that would otherwise be applicable during the period. The period of reduced purchased water adjustment shall be adjusted, if necessary, in order to most nearly approximate the total amount to be refunded. The water utility shall make full distribution of the refund within two (2) months.

(3) In the event a water utility receives a large or unusual refund, the water utility may apply to the commission for a deviation from the procedure for distribution of refunds specified herein.

Section 4. Water Utility Tariffs. Every water utility that makes an application under Section 1 shall have a tariff on file with the commission containing a purchased water adjustment clause conforming to this regulation.

MARLIN M. VOLZ, Chairman
ADOPTED: March 13, 1981
APPROVED: H.FOSTER PETTIT, Secretary
RECEIVED BY LRC: March 13, 1981 at 11:15 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Richard D. Heman, Jr., Secretary, Public Service Commission, 730 Schenkel Lane, Box 615, Frankfort, Kentucky 40602.

DEPARTMENT FOR HUMAN RESOURCES
Office of the Inspector General

901 KAR 1:015. Schedule I substances.

RELATES TO: KRS Chapter 218A
PURSUANT TO: KRS 13.082, 194.050, 218A.250
NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Department for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.040 and applicable federal regulations the Department for Human Resources designates the substances set forth in this regulation as Schedule I controlled substances.

Section 1. Opiates. The Department for Human Resouces hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opiates, including their isomers, esters, ethers, salts, salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation: Difenoxin.

Section 2. Opium Derivatives. The Department for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: Drotebanol.

Section 3. Hallucinogenic Substances. The Department for Human Resouces hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture of prepara-

tion which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers if possible within the specific chemical designation (for purpose of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 4-bromo-2, 5-dimethoxy-amphetamine;
(2) 2, 5-dimethoxyamphetamine (2, 5 DMA);
(3) 4-methoxyamphetamine (PMA);
(4) Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylamine, cyclohexamine, PCE);
(5) Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP); and
(6) Thiophene analog of phencyclidine (1-(1-(2-thienyl) cyclohexyl) piperidine, TCP, TPCP).

Section 4. Depressants. The Department for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Mecloqualone.

JACKIE H. FRANKS, Inspector General
ADOPTED: March 5, 1981
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: March 9, 1981 at 10:20 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the March 4, 1981 Meeting

(Subject to subcommittee approval at its April 1, 1981 meeting.)

The Administrative Regulation Review Subcommittee held its scheduled meeting on March 4, 1981, at 10 a.m., in Room A, Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman; Representative James E. Bruce, Senator Helen Garrett, Senator William L. Quinlan, Representative Albert Robinson and Representative Gregory D. Stumbo.

Guests: Carl B. Larsen, Harness Racing Commission; Hisham M. Saaid, Norman E. Schell, Martha Hall, Larry Wilson, James W. Dills and William P. Hanes, Department for Natural Resources and Environmental Protection; Judith Walden, Department of Housing, Buildings and Construction; Roy Butler and Ked Fitzpatrick, Department for Human Resources; Carroll Roberts and Pat H. Wilson, Board of Hairdressers and Cosmetologists; Gary Bale, Royce Justice, Glen Davis, Polly Ball and Robert L. Kelley, Department of Education; James H. Jones, Industrial Development Finance Authority; Janet A. Craig and Gil McCarty, Department of Insurance; Jesse D. Chisholm and Paul E. Hunley, Department of Transportation; James S. Judy, KAHCF; Jim Slattery, Kentucky Education Association; Tony Sholar, Kentucky Chamber of Commerce; William M. Smith and Kent Riggs, National Southwire; Andrew Cammack, EQC; Bill K. Caylor, Kentucky Coal Association.

LRC Staff: Mabel D. Robertson, Deborah Herd, O. Joseph Hood, Garnett Evins, Mike Greenwell and Scott Payton.

Press: Edmund Shelby, Department of Public Information, Gary Poole.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Robinson, seconded by Representative Bruce, the minutes of the February meeting were approved.

The subcommittee reviewed but voiced no opinion on the following emergency regulation:

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
Medical Assistance

904 KAR 1:021E. Skilled nursing and intermediate care facility service payments.

After a lengthy discussion on the following regulation it was the concensus of the subcommittee to defer the regulation until the April meeting. Chairman Brinkley suggested that Representative Stumbo work with the issuing agency and attempt to reach an agreement on the problems he has with the regulation.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Air Pollution
General Administrative Procedures

401 KAR 50:036. Permit and exemption fees.

The subcommittee deferred the following regulations until the April meeting:

DEPARTMENT OF FINANCE
Occupations and Professions
Real Estate Commission

201 KAR 11:140. Salesman operating as broker; when.

201 KAR 11:147. Procedure for license retention when salesman released by broker.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
Motor Vehicle Tax

601 KAR 9:005. Year-round registration system.

DEPARTMENT OF LIBRARY AND ARCHIVES
Libraries

725 KAR 2:050. Textbooks for non-public schools.

DEPARTMENT OF INSURANCE

Health Insurance Contracts

806 KAR 17:060. Minimum standards for medicare supplement policies.

The following regulation was deferred indefinitely:

KENTUCKY SCHOOL BUILDING AUTHORITY

School Building Construction

723 KAR 1:005. Funding procedures.

The following regulations were accepted by the subcommittee and ordered filed:

DEPARTMENT OF FINANCE

Occupations and Professions

Board of Hairdressers and Cosmetologists

201 KAR 12:050. Reciprocity for valid licensee.

201 KAR 12:055. Instructor's license for out-of-state applicant.

INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY

Industrial Development

305 KAR 1:011. Repeal of 305 KAR 1:010.

Loans

305 KAR 2:011. Repeal of 305 KAR 2:010.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection

Air Pollution

General Administrative Procedures

401 KAR 50:010. Definitions and abbreviations.

New Source Requirements; Non-Attainment Areas

401 KAR 51:010. Attainment status designations.

DEPARTMENT OF EDUCATION

Office of Superintendent

701 KAR 5:030. Budgets.

701 KAR 5:040. Audits.

Bureau of Vocational Education

Fiscal Management

705 KAR 2:030. Foundation program units. (As amended in committee, contingent upon approval by the Board of Education.)

705 KAR 2:111. Repeal of 705 KAR 2:110.

Facilities and Equipment

705 KAR 3:071. Repeal of 705 KAR 3:070.

705 KAR 3:110. Equipment inventory.

705 KAR 3:130. Equipment disposal.

Instructional Programs

705 KAR 4:010. General standards.

705 KAR 4:020. Extended employment; local districts.

705 KAR 4:040. Cooperative program standards.

705 KAR 4:060. Secondary vocational education standards.

705 KAR 4:070. Agribusiness education.

705 KAR 4:080. FFA leadership training center.

705 KAR 4:090. Business and office education.

705 KAR 4:100. Health and personal services education.

705 KAR 4:110. Home economics; consumer and homemaking.

705 KAR 4:120. Home economics; gainful.

705 KAR 4:131. Industrial education programs.

705 KAR 4:140. Marketing and distributive education.

705 KAR 4:151. Practical arts education programs.

705 KAR 4:160. Public service occupations.

705 KAR 4:170. Special vocational education.

705 KAR 4:180. Long term adult program standards.

Management of State-Operated Schools

705 KAR 5:031. Repeal of 705 KAR 5:030.

705 KAR 5:060. Live work projects, selection of.

Adult Education

705 KAR 7:040. Eighth grade equivalency certificate.

DEPARTMENT OF INSURANCE

Trade Pratices and Frauds

806 KAR 12:031. Life insurance replacement.

KENTUCKY HARNESS RACING COMMISSION

Harness Racing Rules

811 KAR 1:035. Claiming races.

811 KAR 1:065. Starting.

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Plumbing

815 KAR 20:071. Storage and installation of Schedule 40, ABC and PVC plastic pipe and fittings. (As amended in committee.) (Representatives Bruce and Stumbo voted "No.")

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance

Medical Assistance

904 KAR 1:092. Repeal of 904 KAR 1:091E.

On motion of Senator Garrett, seconded by Representative Bruce, the meeting was adjourned at 1:15 p.m., until April 1, 1981 at 10 a.m., in Room A of the Capitol Annex.

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NOTE: Effective July 15, 1980, emergency regulations expire upon being repealed, replaced or sine die adjournment of the next regular session of the General Assembly.

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