

WEST VIRGINIA

SECRETARY OF STATE

KEN MECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

1997 AUG -4 AM 9:52

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150

CITE AUTHORITY: WEST VIRGINIA CODE Sections 24-1-1, 24-1-7

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WEST VIRGINIA CODE Section 24-1-7

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government of Water Utilities, Rules 4.01B and 4.01C

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED:

TITLE OF RULE BEING ADOPTED:

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS October 3, 1992

Handwritten signature of Howard D. Thompson, Executive Secretary

Handwritten number 2-70

FILED

1992 AUG -4 AM 9:52

GENERAL ORDER NO. 188.8

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In the matter of proposed
revisions to Rules 4.01B and
4.01C of the Rules and Regulations
for the Government of Water Utilities.

ABSTRACT OF PROMULGATION HISTORY

On December 23, 1991, the Commission promulgated proposed amendments to Rules 4.01B and 4.01C of the Commission's Rules and Regulations for the Government of Water Utilities in accordance with Chapter 29A of the West Virginia Code. All interested parties desiring to comment on the proposed amendments to Rules 4.01B and 4.01C were to file written comments with the Commission no later than February 5, 1992, at 4:00 p.m.

Written comments were filed by: National Fire Sprinkler Association, Inc., New Creek Water Association, Inc., Walter Smittle, III, State Fire Marshal, City of Fairmont, Brewer & Company of WV, Inc., Clingenpeel-McBrayer & Associates, Inc., City of Parkersburg, Morgantown Utility Board, West Virginia Section-American Water Works Association, City of Wheeling, Clarksburg Water Board, West Virginia-American Water Company, Union-Williams Public Service District, Beckley Water Company, and Southern Public Service Company.

After careful review of the comments received, the Commission adopts the proposed rules with the changes hereinafter incorporated as final rules of the Commission, to become effective sixty (60) days after promulgation in accordance with West Virginia Code §24-1-7.

GENERAL ORDER NO. 188.8

In the matter of proposed
revisions to Rules 4.01B and
4.01C of the Rules and Regulations
for the Government of Water Utilities.

FISCAL NOTE

This is a fiscal note issued pursuant to §§24-1-7 and 29A-3-4, 5 and 9 of the West Virginia Code, relating to General Order 188.8, Proposed Revisions to Rules 4.01B and 4.01C of the Rules and Regulations for the Government of Water Utilities.

I. OBJECTIVES OF THE RULES

The purpose of this rulemaking is to make technical changes in the provisions for private fire protection in Rules 4.01B and 4.01C of the Rules and Regulations for the Government of Water Utilities.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost relating to the rulemaking for the State of West Virginia or for the persons affected by the proposed rules.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either House of the Legislature.)

This rulemaking will have no effect on the cost and revenues of State Government.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

These rules will have no economic impact on either the State or its residents.

DATE: October 4, 1992 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Otis D. Castro
Commissioner

4.01 B. SPECIAL APPLICATIONS FOR WATER SERVICE

- (a) Water for building, construction or other temporary purposes must be specially applied for.
- (b) For Private Fire Protection Service Applications See Rule 4.01 C.
- (c) Where water is desired for only a short period of time, and not continuously throughout the year, such as for vacation homes or cottages, building purposes, street paving, cleaning property, filling tanks or other uses of this kind, an application shall be made as set forth in Rule 4.01 A., and payment made in accordance with the applicable schedule of rates and charges, in which case a suitable deposit shall be made.
- (d) Whenever a street service connection is made to the mains for temporary service or for temporary private fire service, the applicant shall bear the entire cost and expense of labor and material for tapping the main and installing the service pipe and meter and its removal, if required.

4.01 C. PRIVATE FIRE PROTECTION SERVICE

- (a) Service connections for water to be taken for the extinguishment of fire shall be made only under the terms and conditions contained in the "Special Applications" for such service, a copy of which is on file in the utility's office.
- (b) Application for private fire protection service will not be approved unless there is an adequate size water main with sufficient water volume and pressure available.
- (c) All applications for private fire protection service where public fire service exists shall be subject to the written approval of the Chief of the Fire Department having jurisdiction, or the West Virginia State Fire Marshall's Office.

- (d) The applicant shall furnish one set of complete drawings and a letter of approval by the above agency, or another comparable agency approved by the utility, prior to the completion of the tap, showing the pipes, valves, hydrants, tanks, openings and appurtenances contemplated in the application. Such sketch must also show any other water supply system and pipelines and appurtenances which may exist on the premises, and there shall be no connection between such other supply and pipes connected to the utility's mains unless protected by a backflow prevention device approved by the utility, or the West Virginia Department of Health.
- (e) The customer agrees to obtain in advance the approval of the utility for any change, alteration or addition in the fixtures, openings and uses specified in the application.
- (f) The utility shall determine the size and location of any connections made to its distribution mains for private fire protection service, and will, at the cost and expense of the customer, make the connection to its mains and install the service connection from the distribution main to a point at or near the property line.
- (g) The extent of the rights of the private fire protection service customer is to receive, but only at times of fire on his premises, such supply of water as shall then be available. The utility shall not be considered in any manner an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.
- (h) (Deleted)
- (i) Unless otherwise provided in a written agreement between the applicant and the utility, service lines for private fire protection service shall be distinct and separate from the regular or general water service line. A private fire service connection is furnished for the sole purpose of supplying water for the extinguishment of fires, and the use of water from such a connection for any other purpose is absolutely forbidden.

- (j) (Deleted).
- (k) A gate valve and box, or a post indicator controlling the entire supply shall be placed at the curb or property line of the street in which the main is located or at such other points as many be approved by the utility, and shall be furnished and installed by and at the expense of the customer, and if required by the utility, said valve shall be installed in a valve pit or vault which shall also be furnished and installed at the expense of the customer.
- (l) Service lines supplying fire sprinkler systems only, must be protected by a minimum of two approved CHECK VALVES. One of these CHECK VALVES may be the ALARM CHECK provided as part of the sprinkler system. The other may be a DETECTOR CHECK, DOUBLE CHECK VALVE ASSEMBLY, or an approved SINGLE CHECK VALVE. Specific requirements and/or installation procedure should be referred to the West Virginia Department of Health.
- (m) Under no circumstances will anti-freeze be permitted in the sprinkling systems unless a reduced pressure zone backflow preventer, approved by the utility or the West Virginia Department of Health, is provided at the point of connection in the anti-freeze system.
- (n) The entire private fire service system on the customer's premises shall be installed and maintained by and at the expense of customer and shall be subject to the inspection, test and approval of the utility before the service is made effective, and at such times thereafter as may be deemed necessary or appropriate by the utility.
- (o) Hydrants and other fixtures connected with a private fire service system may be sealed by the utility, and such seals may be broken only in case of fire or as specially permitted by the utility, and the customer shall immediately notify the utility of the breaking of any such seal.

(p) Whenever a fire service system is to be tested, the customer shall notify the utility of such proposed test, designating the day and hour when same is to be made, so that, if desired, the company may have an inspector present during the test.

(q) (Deleted)

(r) There shall be no metering or charge for private fire protection service water within the limits of any municipality that is already paying for public fire service in accordance with the schedule of rates.