

# Allen County Water District

330 New Gallatin Road  
P.O. Box 58  
Scottsville, KY 42164

Sue Carter, Office Manager

Phone: 270-622-3040  
Fax: 270-622-3041

January 3, 2011

Public Service Commission  
P.O. Box 615  
Frankfort, Ky. 40602-0615

**RECEIVED**

JAN 05 2011

**PUBLIC SERVICE  
COMMISSION**

In Re: Allen County Water District  
Commissioner Vacancy

Gentlemen:  
Attention: Executive Secretary

The Public Service Commission will please take Notice that the term of John H. Jones as a member of the Board of Commissioners of the Allen County Water District expired on September 29, 2010,

The Public Service Commissioner is further notified that the vacancy resulting from the expiration of Mr. Jones' term has not been filled by the Allen County Judge Executive with the approval of the Allen County Fiscal Court. Therefore, the Allen County Water District asks that the Public Service Commission fill the vacancy as required by KRS 74.020(4).

The remaining members of the Board of Commissioners request the Public Service Commission to reappoint Mr. Jones for another four (4) year term.

Please confirm the sufficiency of this Notice for the purpose of complying with KRS 74.020(4).

Please advise.

Yours truly,

Allen County Water District

By: *Bobby G. Carter*  
Commissioner-Acting Chairman

By: *Gray D.*  
Commissioner Secretary

By: *Joe Young*  
Commissioner

By: *Don M. C. Lee*  
Commissioner

**Enclosures:**

- (1) Copy of Order of County Judge/  
Executive, dated 8 October 2010
- (2) Copy of Letter, dated 10/14/2010
- (3) Copy of E-Mail, dated 12/29/10  
From Secret & Secret

IN THE MATTER OF THE

)  
 ) MOTION AND ORDER TO GIVE  
 ) FORMAL NOTICE TO THE  
 ) KENTUCKY PUBLIC SERVICE  
 ) COMMISSION OF VACANCY ON  
 ) BOARD OF COMMISSIONERS EXISTING  
 ) FOR MORE THAN NINETY DAYS  
 )

ALLEN COUNTY WATER DISTRICT

Motion of Commissioner Joe Young, seconded by Commissioner, Tracy Oliver, that the Allen County Water District give formal Notice to the PUBLIC SERVICE COMMISSION OF KENTUCKY, pursuant to KRS 74.020(4), that the vacancy on the Board of Commissioners occasioned by the expiration of the term of John H. Jones on September 29, 2010, has not been filled within 90 days following the expiration of his term, and that the Public Service Commissioner shall fill the vacancy. Mr. Jones has continued to serve as a Commissioner subsequent to the expiration of his term until his successor is appointed and qualified.

The Secretary of the Board of Commissioners is ordered and directed to prepare a Notice to the Public Service Commission which shall be signed by Bobby Carter, acting Chairman, and the Secretary.

The Motion was put to a vote and there were 4 ayes and 0 nays.

Bobby Carter  
 Acting Chairman  
 Allen County Water District

ATTEST:

Tracy Oliver  
 Secretary - Allen County Water District

COMMONWEALTH OF KENTUCKY )  
 ) ORDER OF THE COUNTY JUDGE/  
 ) EXECUTIVE OF ALLEN COUNTY  
 COUNTY OF ALLEN )

The current members of the Board of Commissioners of the Allen County Water District are as follows:

JOHN H. JONES	TERM: KRS 74.020(4) 09/30/2006 - 09/29/2010
DOUGLAS McCLURE	9/29/2005 - 09/29/2009
BOBBY CARTER	08/15/2006 - 08/14/2010
JOE YOUNG	09/30/2006 - 09/30/2010
TRACY OLIVER	08/12/2007 - 08/12/2011

At its regular meeting on July 27, 2010, Hon. Bobby Young, County Judge/Executive nominated Bobby Carter for another four-year term as a Commissioner to the Allen County Water District extending from 08/14/2010 to 08/14/2014. The Fiscal Court of Allen County then approved the recommendation of the County Judge/Executive by a vote of 5 ayes and 1 nay.

At its regular meeting on August 24, 2010, Hon. Bobby Young, County Judge/Executive nominated Joe Young for another four-year term as a Commissioner to the Allen County Water District extending from 09/30/2010 to 09/30/2014. The Fiscal Court of Allen County then approved the recommendation of the County Judge/Executive by a vote of 5 ayes and 1 nay.

At its regular meeting on August 24, 2010, Hon. Bobby Young, County Judge/Executive nominated John H. Jones for another four-year term as a Commissioner to the Allen County Water District extending from 09/30/2010 to 09/30/2014. The recommendation was put to a vote and there were 3 ayes and 3 nays. The County Judge/Executive announced that his recommendation had not passed and that he would proceed as set forth in KRS 74.020(4).

WHEREUPON, came BOBBY CARTER and executed bond in the sum of \$500.00, the amount set by the County Judge/Executive, with Eva Carter, as surety, AND JOE YOUNG executed bond in the sum of \$500.00, the amount set by the County Judge/Executive with Dustin Stovall, as surety, for the faithful performance of their duties as said Commissioner for the Allen County Water District. Said bonds are approved by the undersigned, County Judge/Executive, and each Commissioner took the oath of office as prescribed by law.

This 8 October 2010 nunc pro tunc to August 27, 2010.

*Bobby M. Young*  
 Hon. Bobby Young  
 County Judge/Executive of Allen County

ALLEN COUNTY  
 CO5 PG 480

DOCUMENT NO: 09173824  
 RECORDED: October 06, 2010 02:19:26 PM  
 TOTAL FEE: \$8.00  
 COUNTY CLERK: BEVERLY CALVERT  
 DEPUTY CLERK: JENNIFER LAW  
 COUNTY: ALLEN COUNTY  
 BOOK: CO5 PAGE: 480 - 480

STATE OF KENTUCKY, COUNTY OF ALLEN  
 I, Beverly Calvert, Clerk of Allen County, do hereby certify that the foregoing is a true and correct copy of order as name appears of record in my said Office in C.O. Book 5 Page 480 Given under my hand this 11<sup>th</sup> day of Oct 2010  
 Beverly Calvert, Allen County Clerk  
 By *Beverly Calvert* D.C.

Law Offices

# Secrest & Secrest

210 WEST MAIN STREET  
P.O. BOX 35  
SCOTTSVILLE, KENTUCKY 42164-0035

FILE COPY

James S. Secrest  
James S. Secrest, Jr.

Phone 270-237-3616  
Telefax 270-237-3593  
email: jsecrest@nctc.com

Office Staff

Carrie B. Richards  
Caroline Hartmann

14 October, 2010

Hon. Gerald E. Wuetcher  
Assistant General Counsel  
PUBLIC SERVICE COMMISSION OF KENTUCKY  
P O BOX 615  
Frankfort, KY 40602-0615

In Re: ALLEN COUNTY WATER DISTRICT  
RE-APPOINTMENT OF COMMISSIONERS

Dear Gerry:

On July 27, 2010, our County Judge/Executive, Bobby Young, nominated Bobby Carter for another four year term as Commissioner of the Allen County Water District, commencing August 14, 2010 and ending August 14, 2014. The Fiscal Court approved the nomination by a vote of 5-1.

On August 24, 2010, County Judge/Executive, Bobby Young, nominated Joe Young for another four year term as Commissioner of the Allen County Water District, commencing September 30, 2010 and ending September 30, 2014. The Fiscal Court approved the nomination by a vote of 5-1.

On August 24, 2010, County Judge/Executive, Bobby Young, nominated John H. Jones for a four year terms as Commissioner of the Allen County Water District for the term beginning September 30, 2010 and ending September 30, 2014. As you know, John H. Jones is the chairman of the Allen County Water District Board of Commissioners. The nomination was put to a vote and there were 3 ayes and 3 nays.

Enclosed herewith is a Certified Copy of the Order of the County Judge/Executive, Bobby Young, reflecting the above chain of events.

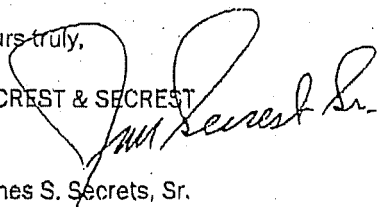
For your information, Judge Young again nominated John H. Jones for another four year term as Commissioner of the Allen County Water District at the regular meeting of the Allen County Fiscal Court on October 12, 2010. Again, the vote was 3 ayes and 3 nays. We understand that the PSC will appoint a successor to John H. Jones if the appointment by Judge Young is not approved by the Fiscal Court within 90 days.

If you need more information, don't hesitate to let us know. Thank you.

Yours truly,

SECRET & SECRET

James S. Secrests, Sr.



JSS:cbr

cc: ACWD

Judge Young  
Bill Haqerbach

**Carrie Richards**

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**From:** Carrie Richards [crichards@nctc.com]  
**Sent:** Wednesday, December 29, 2010 3:00 PM  
**To:** 'gerald.wuetcher@ky.gov'  
**Subject:** ACWD - VACANCY OF SEAT OF COMMISSIONER

Dear Gerry:

This will follow up our letter of October 14, 2010. The 90 days has elapsed without the Fiscal Court approving a successor to Judge Young's nomination of John H. Jones for another term. Please advise the PSC requirements, if any, for the Allen County Water District to give formal notice of the vacancy with the request that the PSC make the appointment. I certainly hope the PSC will appoint Mr. Jones for another term. Please advise AS SOON AS YOU POSSIBLY CAN. THANK YOU.

SECRET & SECRET  
ATTORNEYS FOR THE  
ACWD  
BY: JAMES S. SECREST, SR.

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**RECEIVED**

JAN 05 2011

**PUBLIC SERVICE  
COMMISSION**

Date: 1-5-11

TO: Executive Secretary

FROM: Board of Commissioners

PAGES INCLUDING COVER SHEET 7

MESSAGE

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Thank you;

Sue Carter