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December 22, 2014

Honorable Wayne T. Rutherford  
Pike County Judge/Executive  
146 Main Street  
Pikeville, Kentucky 41501

**Re: Case No 2014-00395, Request to Fill Vacancies on Mountain Water District Board of Commissioners**

Dear Mr. Rutherford,

We are contacting you as the head of Pike County's Fiscal Court to notify you of the expiration of terms for two of Mountain Water District's Commissioners, Chairperson Rhonda James and Vice Chairperson Lester "John" Collins. These terms expired on July 31, 2014.

Kentucky Revised Statute (KRS) 74.020 (1) and (4) specifically indicates who controls the appointments of water district commissioners in the Commonwealth of Kentucky. The County Judge/Executive, with the consent of the Fiscal Court, has exclusive appointment authority except in specific situations. Those specific situations are established in KRS 74.020(4), which states, "a vacancy resulting from the expiration of a term or the death, resignation, or removal of the incumbent shall be filled by the Public Service Commission if, within ninety (90) days following the vacancy, the vacancy has not been filled by the appropriate county judge / executive with approval of the fiscal court".

The Public Service Commission has no jurisdiction or role in the appointments of commissioners of water districts unless the above quoted criteria is met. If the criterion is met, then the Public Service Commission has exclusive jurisdiction to make such appointments.<sup>1</sup>

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<sup>1</sup> Case No. 2008-00395, *Request to Fill Existing Vacancies on the Board of Commissioners of Letcher County Water and Sewer District* (Ky. PSC Jan. 28, 2009); See also Case No. 2013-00149, *Appointment of Commission to Fill an Unexpired Term on the Board of Commissioners of Sandy Hook Water District* (Ky. PSC Oct. 1, 2013).

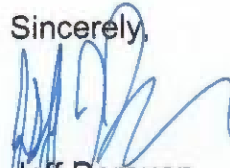
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On November 7, 2014, the Commission received a request from a representative of Mountain Water District to fill the two Water District Commissioner vacancies that have existed since July 31, 2014. Due to the passage of at least 90 days since the expiration of these terms, the Commission is initiating a proceeding to consider this request.

We have attached the Order initiating this proceeding for your review. Please submit any recommendations you may have to fill these two vacancies within 20 days of the date of this Order.

Thank you for your assistance in this matter.

Sincerely,



Jeff Derouen  
Executive Director