

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL VACANCIES ON ) CASE NO.  
MOUNTAIN WATER DISTRICT BOARD OF ) 2014-00395  
COMMISSIONERS )

ORDER

Daniel P. Stratton, on behalf of Mountain Water District's Board of Directors, has advised the Commission in writing of the existence of two vacancies on Mountain Water District's Board of Commissioners due to the expiration of two incumbents' term; has requested that the Commission fill the vacancies; and has proposed that one of the incumbents, John L. Collins, be reappointed. Mr. Stratton also requests that the Commission delay appointing someone to fill the other vacancy until Bill Deskins, Pike County's County Judge/Executive elect, is sworn into office. Mr. Stratton indicated Mr. Deskins will likely make a recommendation to the Commission after being sworn into office. A copy of Mr. Stratton's letter is attached as Appendix A.

Commission records indicate that the terms of Rhonda James and John L. Collins ended on July 31, 2014.<sup>1</sup> Commission records do not reflect the appointment of any successors to Ms. James or Mr. Collins.<sup>2</sup>

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<sup>1</sup> Annual Report of Mountain Water District to the Kentucky Public Service Commission for the Year Ended December 31, 2013 at 6.

<sup>2</sup> KRS 74.020(9) requires water districts to report to the Commission all vacancies resulting from the expiration of a term or the death, resignation, or removal of the incumbent and all appointments within 30 days of the appointment or the occurrence of the vacancy.

KRS 74.020(4), which addresses the appointment of members to the boards of commissioners of water districts, states:

Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding the provisions of KRS 67.710, 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 Commission finds that a proceeding should be initiated to consider the request to appoint two Water District Commissioners for the terms that expired on July 31, 2014. Additionally, the Commission acknowledges Mr. Stratton's request and finds that anyone can nominate a person to fill a Water District Board of Commissioners vacancy, so a delay is not appropriate.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to fill the two existing vacancies on Mountain Water District's Board of Commissioners.
2. Mountain Water District is made a party to this proceeding.
3. Anyone who wishes to nominate a person to fill one of the two vacancies shall submit such nomination to the Commission in writing within 20 days of the date of this Order
4. Nominated persons shall file with the Commission an original and ten copies of the information listed in Appendix B. He or she shall also serve a copy on the Pike County Judge/Executive, Pike County Judge/Executive elect, and Daniel P.

Stratton. The failure to file the requested information within 20 days of nomination shall be considered as notice of no interest in being considered for appointment to Mountain Water District's Board of Commissioners.

5. The Commission shall serve a copy of this Order upon the Pike County Judge/Executive, Pike County Judge/Executive elect, and Daniel P. Stratton.

By the Commission

ENTERED  
DEC 22 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST

  
\_\_\_\_\_  
Executive Director

Case No. 2014-00395

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2014-00395 DATED **DEC 22 2014**

RECEIVED

**STRATTON LAW FIRM, P.S.C.**

POST OFFICE BOX 1530  
PIKEVILLE, KENTUCKY 41502  
TELEPHONE: (606) 437-7800  
FACSIMILE: (606) 437-7569

NOV 07 2014

PUBLIC SERVICE  
COMMISSION

DAVID C. STRATTON  
[dstratton@setel.com](mailto:dstratton@setel.com)

DANIEL P. STRATTON  
[dpstratton@setel.com](mailto:dpstratton@setel.com)

REGENA T. JONES  
[rtjones@setel.com](mailto:rtjones@setel.com)

P. B. STRATTON  
(1874-1959)

HENRY D. STRATTON  
(1925-1989)

November 5, 2014

Jeff Derouen, Executive Director  
Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

RE: **Mountain Water District Board Vacancies**

Dear Mr. Derouen:

On behalf of Mountain Water District Board of Directors, please be advised that the terms for Rhonda James, Chairperson, and John Collins, Vice Chairperson, expired on July 31, 2014. Since then, the Pike County Fiscal Court has taken no action to fill these vacancies.

It is our understanding that according to KRS 74.020(4), that if the Judge-Executive fails to fill these vacancies within ninety (90) days, the Fiscal Court loses jurisdiction over this appointment, and the vacancies are filled by the Public Service Commission.

Further, it is our understanding that the Commission, has permitted water boards to make recommendations to fill these vacancies.

At the District's board meeting on October 29<sup>th</sup>, the Board approved recommending the reappointment of John L. Collins to the Board. It was the Board's understanding that Rhonda James did not wish to be reappointed. Accordingly, we would request your favorable consideration for reappointing John L. Collins to the Mountain Water District Board. Mr. Collins has served on the Board since 2003 and has been faithful in his attendance and in the performance of his duties. He has thirty-five (35) years experience as a teacher and administrator for the Pike County Board of Education. He is also a former Deputy County Judge Executive for Pike County, under then Judge Executive, Bill Deskins. As an experienced public administrator, with extensive experience on this Board, we believe he is well qualified and should be reappointed.

**STRATTON LAW FIRM, P.S.C.**

November 5, 2014  
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As to the other open position, the Board would request that the Commission delay any action concerning the same until after Bill Deskins, our new County Judge Executive elect, is sworn into office, at which time, it is anticipated that he will make a recommendation to the Commission.

If anyone has any questions concerning this recommendation, please feel free to call.

Sincerely,  
STRATTON LAW FIRM, PSC



Daniel P. Stratton  
email: [dpstratton@setel.com](mailto:dpstratton@setel.com)

DPS/dsm

cc: Roy Sawyers, MWD Administrator  
Rhonda James  
John Collins  
Kelsey Friend, III  
Ancie Casey  
Prentis Adkins  
Bill Deskins  
John Hughes, Esq.

## APPENDIX B

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2014-00395 DATED **DEC 22 2014**

1. Provide your resume or curriculum vitae.
2. State your current street address and your current mailing address (if different from your street address).
3. State whether you have ever been convicted of violating any law (other than minor traffic offenses). If yes, list the conviction, the date of the conviction, the sentence, and the court that entered the sentence.
4. State whether you reside in Mountain Water District's territory.
5. State whether you have fought a duel with deadly weapons or sent or accepted a challenge to fight a duel with deadly weapons, acted as second in carrying a challenge, or aided or assisted any person doing so.
6. State whether you are a customer of Mountain Water District.
7. Describe your educational background.
8. Describe your experience in operating or managing a water utility.
9. Describe your experience in managing or operating organizations similar to a water utility.
10. List all positions that you currently hold with any local, state, or federal governmental entity.
11. a. List all non-governmental organizations and non-profit corporations for which you serve as an officer.

b. For each organization and corporation listed, state whether the organization or corporation transacts business with Mountain Water District.

12. List all contracts that you have ever entered into with Mountain Water District to provide goods or services. Provide a copy of each contract.

13. List all business transactions that you have had with Mountain Water District in a personal or non-official capacity.

14. List all family members that Mountain Water District currently employs and the position that each family member holds. State the date on which each family member began his or her employment with Mountain Water District.

15. List all family members that Mountain Water District has previously employed and the position that each family member held. State the dates on which each family member began and ended his or her employment with Mountain Water District.

16. List all business transactions that family members have had with Mountain Water District in a personal or non-official capacity.

17. List all courses of water district management training that you have attended since January 1, 2009.

18. Provide in a separately sealed envelope **marked confidential** your name and date of birth.



Roy Sawyers  
District Administrator  
Mountain Water District  
P. O. Box 3157  
Pikeville, KY 41502

Daniel P Stratton  
Stratton Law Firm PSC  
P.O. Box 1530  
Pikeville, KENTUCKY 41502