

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF A POSSIBLE VACANCY)	CASE NO.
ON THE BOARD OF COMMISSIONERS OF)	2015-00305
ADAIR COUNTY WATER DISTRICT)	

ORDER

This proceeding was initiated to determine whether a vacancy exists on the Board of Commissioners of Adair County Water District (“Adair County District”). Based on the evidence in the record, the Commission, by Order entered November 18, 2015, determined that a vacancy does exist. Pursuant to KRS 74.020(4), the Commission, by this Order, appoints William Harris of Columbia, Kentucky, to fill the vacancy.

Adair County District, a water district organized in 1971 pursuant to KRS Chapter 74, owns and operates facilities that distribute water for compensation to approximately 7,749 customers in Adair County, Kentucky.¹ As of December 31, 2014, Adair County District had total assets of \$29,996,464.² For the calendar year ended December 31, 2014, it had total operating revenues of \$3,772,181.³

A five-member Board of Commissioners administers Adair County District and has the statutory responsibility to “control and manage” the water district’s affairs.⁴ The

¹ *Annual Report of Adair County Water District to the Public Service Commission of Kentucky for the Year Ended December 31, 2014* at 9 and 53.

² *Id.* at 21.

³ *Id.* at 24.

⁴ KRS 74.020(1).

Adair County Fiscal Court minutes show that Rudy Higgenbotham was appointed to the Adair County District Board of Commissioners on August 10, 2010. By letter dated August 14, 2015, Michael Lee Stephens, County Judge/Executive of Adair County, Kentucky, advised the Commission that prior to his election as County Judge/Executive, there was a vacancy on the Board of Commissioners of Adair County District.⁵ The Adair County Fiscal Court minutes further show that on December 9, 2014, the Adair County Fiscal Court approved Larry Bryant to replace Rudy Higgenbotham on the Adair County District Board of Commissioners.

Pursuant to KRS 74.020(1), Mr. Higgenbotham's term expired on August 10, 2014. As the vacancy created by the expiration of Mr. Higgenbotham's term had not been filled by November 8, 2014, the Commission, by Order dated November 18, 2015, concluded that a vacancy existed on the Adair County District's Board of Commissioners. In the November 18, 2015 Order, the Commission also established a procedure to fill the vacancy, soliciting nominations for the vacancy. The Commission received eight nominations and/or applications for the vacancy. After reviewing the applicants for the vacancy, the Commission concludes that William Harris should be selected to fill the vacancy on the Adair County District Board of Commissioners.

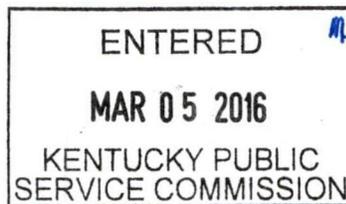
In making our selection, and in the absence of a nomination from the Adair County Judge/Executive, the Commission must consider the totality of the circumstances, including the education, business and management experience, and personal history of the proposed candidates, and the existing financial and operating

⁵ Letter from Michael Lee Stephens, County Judge/Executive of Adair County, Kentucky, to Jeff Derouen, Executive Director, Public Service Commission (Aug. 14, 2015).

condition of the water district.⁶ Based upon our review of the evidence of record, and Mr. Harris's experience as a former Magistrate of Adair County and a former member on the Board of Directors of other utilities,⁷ we find that Mr. Harris is the best suited candidate and that there is no information to suggest that he is unqualified to serve in the designated position. We further find that that Mr. Harris resides within Adair County District's territory, is of legal age, possesses adequate education, business skills, and experience to perform the duties of water district commissioner and does not have any legal disability that would disqualify him from serving in the position. Accordingly, we find that Mr. Harris should be appointed to fill the existing vacancy on Adair County District's Board of Commissioners.

IT IS THEREFORE ORDERED that William Harris of Columbia, Kentucky, is appointed to fill the existing vacancy on Adair County District's Board of Commissioners. His term shall expire August 10, 2018.

By the Commission



ATTEST:


Acting Executive Director *for*

⁶ See, e.g., Case No. 2012-00052, *Request to Fill Vacancies on Western Pulaski County Water District Board of Commissioners* (Ky. PSC Jan. 16, 2013).

⁷ Mr. Harris has served on the Board of Directors for both Taylor Country Rural Electric Cooperative Corporation and East Kentucky Power Cooperative, Inc.

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