

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)	2015-00352
WESTERN PULASKI COUNTY WATER)	
DISTRICT)	

ORDER

By letter received on October 26, 2015, Don Calder, Chairman of the Western Pulaski County Water District ("Western Pulaski District"), advised the Commission of a vacancy on the Board of Commissioners ("Board") of Western Pulaski District resulting from the expiration of a commissioner's term. According to the Mr. Calder, the term of Jimmy Dalton as a commissioner of Western Pulaski District ended on May 22, 2015. Mr. Calder also stated in his letter that he would like to nominate Mr. Dalton to serve as Commissioner for the next term of four years.

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 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.

Western Pulaski District has advised the Commission in writing of the existence of a vacancy resulting from the expiration of a term of one of its commissioners. Per the

facts conveyed by Western Pulaski District, the vacancy has gone unfilled for more than 90 days. Pursuant to KRS 74.020(4), if the vacancy has been unfilled for more than 90 days, the Commission has the statutory duty and exclusive authority to fill it.

The Commission finds that a proceeding should be initiated to determine whether a vacancy did exist for more than 90 days on Western Pulaski District's Board. If the Commission finds that a vacancy did exist for more than 90 days, we will proceed to determine whom the Commission should appoint to fill the vacancy on the Western Pulaski District's Board.

The Commission will make Western Pulaski District a party to this case and request that it provide certain information which is set forth in a request attached hereto as an Appendix to this Order. The Commission finds that Mr. Calder has nominated Mr. Dalton. The Commission will also request, by separate letter, that the Pulaski County Clerk file copies of the meeting minutes of the Pulaski County Fiscal Court appointing Jimmy Dalton, whose term is alleged to have expired on May 22, 2015. The Commission also will direct that a copy of this Order be served upon the Pulaski County Judge/Executive, the Pulaski County Fiscal Court, the Pulaski County Attorney, and Western Pulaski District's Board to notify them of this proceeding and permit each to nominate candidates. Any additional nominations to fill the vacancy should be submitted as set forth in ordering paragraph 8 below.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to determine whether there is a vacancy on the Western Pulaski District Board that has existed for more than 90 days in 2015.
2. Western Pulaski District is made a party to this proceeding.

3. Any party filing documents with the Commission shall serve a copy of those documents upon all other parties.

4. Western Pulaski District shall file with the Commission within 14 days of the date of this Order the original and one copy of the information listed in the Appendix to this Order.

5. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

6. Service of any document or pleading required by this Order shall be filed with the Commission and served upon all parties of record in accordance with 807 KAR 5:001, Section 4(8).


7. The Executive Director shall serve a copy of this Order upon the Pulaski County Judge/Executive, the members of the Pulaski County Fiscal Court, the Pulaski County Attorney, and the Western Pulaski Board.

8. Anyone who wishes to nominate a person to fill the vacancy shall submit such nomination to the Commission in writing within 20 days of the date of this Order. The nomination shall include the candidate's name, address, and telephone number.

For the Commission

ENTERED
DEC 09 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00352

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2015-00352 DATED **DEC 09 2015**

1. List the name of each current Western Pulaski District commissioner and the date on which his or her term expires.
2. Provide a map of Western Pulaski District's territory.
3. Provide the ordinances and resolutions of the Pulaski County Fiscal Court that establish Western Pulaski District's territorial boundaries.
4. Provide all correspondence with the Pulaski County Judge/Executive regarding the expiration of the term of the individual whose term is alleged to have expired on May 22, 2015.

*Don Calder
Chairman
Western Pulaski County Water District
1059 West Highway 80
Somerset, KY 42503

Joel Wilson
Secretary
Western Pulaski County Water District
66 Garfield Tarter Road
Nancy, KENTUCKY 42544

*Don Calder
Chairman
Western Pulaski County Water District
1059 West Highway 80
Somerset, KY 42503

Randall Wilson
Treasurer
Western Pulaski County Water District
164 Anderson Road
Nancy, KENTUCKY 42544

Martin L Hatfield, Esq.
Pulaski County Attorney
103 South Maple Street
Somerset, KENTUCKY 42501

*Steve Kelley
Pulaski County Judge/Executive
100 N. Main Street, Ste. 202
Somerset, KENTUCKY 42501

Pulaski County Fiscal Court c/o Steve Kelley,
100 N. Main Street
skelley@pcgovt.com
Somerset, KENTUCKY 42501

Teddy Roberts
Commissioner
Western Pulaski County Water District
204 Roberts Road
Nancy, KENTUCKY 42544

*Western Pulaski County Water District
1059 West Highway 80
Somerset, KY 42503