

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)	2017-00426
SOUTH 641 WATER DISTRICT)	

ORDER

This proceeding was initiated to determine whether a vacancy exists on the Board of Commissioners of South 641 Water District (South 641 District). Based upon the evidence in the record, the Commission, by Order entered August 31, 2018, determined that two vacancies do exist. Pursuant to KRS 74.020(4), the Commission, by this Order, appoints Nancy Mieure and Ricky Walls to fill the vacant seats.

South 641 District, a water district organized in 1978 pursuant to KRS Chapter 74, owns and operates facilities that distribute water for compensation to approximately 15,924 customers in Calloway County, Kentucky.¹ As of December 31, 2017, South 641 District had a net utility plant of \$170,566.42.² For the calendar year ended December 31, 2017, it had total operating revenues of \$155,407.43.³

¹ *Annual Report of South 641 Water District to the Public Service Commission of Kentucky for the Year Ended December 31, 2017* at 9 and 45.

² *Id.* at 15.

³ *Id.* at 17.

A three-member Board of Commissioners administers South 641 District and has the statutory responsibility to “control and manage” the water district’s affairs.⁴ By letter dated September 28, 2017, Amy Fadden, South 641 District’s Administrator, advised the Commission that there were vacancies on the South 641 District Board of Commissioners resulting from the expiration of two commissioners’ terms. According to the Administrator, the term of the commissioner, John Paschall, ended on May 17, 2017, and the term of commissioner, Nancy Mieure, expired on June 15, 2016, and the Calloway County Judge/Executive had not appointed new commissioners or reappointed those commissioners as of September 19, 2017.

By Order entered November 21, 2017, the Commission established this case to determine whether a vacancy exists on the South 641 District Board of Commissioners. The evidence of record shows that two such vacancies exist. The Calloway County Fiscal Court minutes show that John Pashall’s term expired on May 17, 2017. The Calloway County Fiscal Court minutes also show that Nancy Mieure’s term expired on June 15, 2016. The Calloway County Fiscal Court minutes further show that the vacancies created by the expiration of the terms of Mr. Paschall and Ms. Mieure were not filled within 90 days. As the vacancies created by the expiration of the terms of Mr. Paschall and Ms. Mieure had not been filled by September 19, 2017, the statutory duty, and the exclusive authority to fill the vacancies shifted from the Calloway County Judge/Executive and Calloway County Fiscal Court to the Commission.

The August 31, 2018 Order concluded that two vacancies exist and established a procedure to fill the vacancies. Having received one nomination to fill the two vacant

⁴ KRS 74.020(1).

seats, the Commission advised South 641 to publish a second notice of vacancy in an Order filed November 21, 2018. The Commission received a total of three nominations, with one candidate withdrawing from consideration. The Commission conducted interviews with the remaining candidates and, after a thorough review, concludes that Nancy Mieure and Ricky Walls should be appointed to fill the vacant seats on the South 641 District Board of Commissioners.

In making an appointment, 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 condition of the water district.⁵ Based upon our review of the evidence of record, and Ms. Mieure's and Mr. Walls' experience, we find that Ms. Mieure and Mr. Walls are the best-suited candidates and that there is no information to suggest that they are unqualified to serve in the designated positions. We further find that both candidates reside in South 641 District's territory, are of legal age, possess adequate education, business skills, and experience to perform the duties of water district commissioner and do not have any legal disability that would disqualify them from serving in their respective positions. Accordingly, we find that Ms. Mieure and Mr. Walls should be appointed to fill the existing vacant seats on South 641 District's Board of Commissioners.

⁵ 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)

IT IS THEREFORE ORDERED that:

1. Nancy Mieure and Ricky Walls are appointed to fill the two vacant seats identified in the August 31, 2018 Order. Nancy Mieure's term shall expire May 17, 2021, and Ricky Walls' term shall expire June 15, 2020.
2. The Executive Director shall serve a copy of this Order upon the Calloway County Judge/Executive, the members of the Calloway County Fiscal Court, the Calloway County Attorney, and the South 641 District's Board of Commissioners.
3. This proceeding is closed and removed from the Commission's docket.

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By the Commission

ENTERED
JAN 10 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For  _____
Executive Director

Case No. 2017-00426

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South 641 Water District
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