

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF RUSS, INC. FOR)	
APPROVAL OF COMMISSIONER)	CASE NO.
TRAINING AND CONTINUING)	2018-00101
EDUCATION CREDIT)	

ORDER

On or about March 12, 2018, Russ, Inc. (“Russ”) filed for approval and accreditation for water district management training it intended to offer on March 21, 2018 (hereinafter the “Training Program”). Having carefully considered Russ’s request, the Commission denies Russ’s request for approval and accreditation.

DESCRIPTION OF TRAINING PROGRAM

Russ indicated the Training Program would consist of six hours of training on the topic of “water distribution.” Russ described the objective of the course as providing “operators with new information to assist them in the operations of the Water Treatment Plant and Distribution system or serve as a fresher [sic] to aid them.” Russ indicated, “each operator must sign-in each day and a proctor will be present to ensure that all of the participants attend the courses.” Russ indicated that no written materials would be provided to attendants and thus requested a deviation from the requirement that written materials be provided. The Training Program was being offered at no cost.

Russ indicated the Training Program would consist of the following courses:

1. Operator Ethics: “This presentation will focus on the operator responsibilities to practice safe operating procedures to insure [sic] the health of the customer.”

2. DOW Update: “This presentation [sic] current issues facing the water industry as well as a look at what’s to come.”
3. Sample Collection and Preservation: “This presentation will deal with daily testing procedures and sample collection and preservation.”
4. “Developing SOP’s”: “This presentation will deal [sic] development of Standard Operating Procedures and there [sic] importance.”
5. Distribution O&M: “This presentation will cover the day to day operations of the Distribution System along with some of the problems they face.”

The descriptions of the courses quoted above are the only descriptions of the substance of the courses.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners which shall control and manage the affairs of the district.¹ KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioners’ initial appointment.² KRS 74.020 (6) and (7) encourage water district commissioners who are not serving in their first year to complete six instructional hours of “water district management training approved by the Public Service Commission” in each additional year by allowing the commissioners to receive a raise if they complete that training each year.

¹ See KRS 74.020(1).

² KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

Russ does not state whether it is seeking to have the Training Program approved to satisfy the initial training requirements of KRS 74.020(8) or to satisfy the training requirements of KRS 74.020 (6) and (7). However, “to ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may no longer satisfy their initial training obligations by taking training courses offered by third parties,” but rather, must complete the initial training offered by the Commission.³ Moreover, the Commission is only permitted to approve a program to satisfy the initial water district training requirements if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁴ Russ’s Training Program is not equivalent to the Commission’s program of instruction and does not cover the responsibilities of water district commissioners in managing water districts.⁵ Thus, the Commission is not able to approve Russ’s Training Program to satisfy the initial training requirements for water district commissioners as set forth in KRS 74.020(8).

³ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 (“Water Training Order”); *see also* Water Training Order at 5 (“To satisfy his or her training obligations set forth in KRS 74.020(8), every newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner's appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission's seminars.”).

⁴ *See* KRS 74.020(8)(a).

⁵ *See* Water Training Order at 5, Appendix (describing the Commissions program).

The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020 (6) and (7) if it determines that the programs are “high quality” and will “enhance a water district commissioner’s understanding of his or her responsibilities and duties.”⁶ However, consistent with 807 KAR 5:070, Section 1, third parties applying for approval of a proposed water district commissioner training program must file the following documents and information 30 days prior to the first date on which the course is to be offered:

- (1) The name and address of the applicant;
- (2) The name and sponsor of the program and the subject matter covered by the program;
- (3) A summary of the content of the program in detail sufficient to describe how the program will enhance the management, operation, and maintenance of water treatment and distribution systems;
- (4) The number of credit hours requested for the program;
- (5) The name and relevant qualifications and credentials of each instructor presenting the program.
- (6) A copy of written materials given to water commissioners attending the program; and
- (7) If the program has been certified by an organization that provides training to persons associated with the water industry, the name of the certifying organization and a statement that the certification remains valid.

Moreover, the Commission expects written materials to be provided to water district commissioners, as indicated 807 KAR 5:070, Section 1(6), and that those materials will be provided to the Commission for review as part of the request for approval.⁷

⁶ See KRS 74.020(7)(c) (stating that the Commission “shall encourage and promote the offering of high quality water district management training programs that enhance a water district commissioner’s understanding of his or her responsibilities and duties.”).

⁷ Water Training Order 4-5; 807 KAR 5:070, Section 1.

Here, the course descriptions provided with the application are cursory at best. Thus the Commission is not able to determine the quality of the courses or whether, and how, the courses will enhance water district commissioners' understanding of their responsibilities and duties. Furthermore, it would appear that the program is largely intended for the benefit of operators as opposed to water district commissioners. Russ also indicated that it has no intention of providing materials to participants that they might reference later when a related issue arises. Moreover, the request for approval was received shortly before the session was scheduled to take place, such that the Commission was not able to review the program before it was scheduled to occur. Thus, the Commission finds that Russ has failed to establish that the Training Program will enhance water districts commissioners' understanding of their responsibilities and duties, and therefore, the Commission is not able to approve the Training Program to satisfy the training requirements of KRS 74.020 (6) and (7).

IT IS THEREFORE ORDERED that:

1. Russ's request for approval and accreditation of the Training Program scheduled to take place on March 21, 2018, is hereby DENIED.
2. Russ's Training Program may not be used by water district commissioners to satisfy their training obligations pursuant to KRS 74.020(6), KRS 74.020(7), or KRS 74.020(8).
3. Within 10 days from the entry of this order, Russ shall:
 - a. Provide the Commission with a list of water district commissioners who attended the Training Program and, if known, their water districts;

b. Certify that a copy of this order was sent to each water district commissioner who attended the Training Program.

4. Any document filed pursuant to ordering paragraph 3 of this Order shall reference the number of this case and shall be retained in the post case correspondence file.

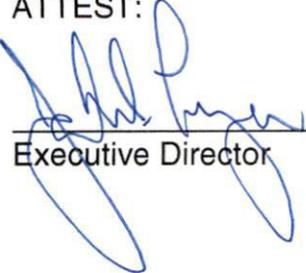
5. This case is closed and removed from the Commission's docket.

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By the Commission

ENTERED
APR 11 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For 

Executive Director

*Gary Russ
80 Parkway Lane
Central City, KENTUCKY 42330