

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL AN EXISTING VACANCY ON )  
THE BOARD OF COMMISSIONERS OF ) CASE NO. 2005-00384  
LEDBETTER WATER DISTRICT )  
)

ORDER

Chris Lasher, County Judge/Executive of Livingston County, Kentucky, has applied to the Commission to make an appointment to fill a vacancy on the Board of Commissioners of Ledbetter Water District.<sup>1</sup> In his application, Judge Lasher states that the term of Commissioner Arnie Puckett expired on September 14, 2005 and that he appointed another person to fill this vacancy. Judge Lasher further states that Livingston County Fiscal Court failed to approve this appointment and that an impasse now exists. He requests that the Commission act to fill this 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 shall be filled by the Public Service Commission if, within ninety (90) days following the expiration of the term, the vacancy has not

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<sup>1</sup> On September 19, 2005, Judge Lasher wrote the Commission to advise of the vacancy and to request Commission action to fill that vacancy. The Commission shall consider this letter as an application to make an appointment to fill the vacancy.

been filled by the appropriate county judge/executive with approval of the fiscal court.

The Commission recognizes our responsibility to act upon vacancies that occur and that cannot be filled within 90 days. As the vacancy in the present case has existed for less than 90 days, Judge Lasher's application is not yet ripe for Commission action. Accordingly, the Commission will defer any action on the application until after December 13, 2005. If the vacancy has not been filled by that date, we will take necessary actions to fill it.<sup>2</sup>

IT IS THEREFORE ORDERED that:

1. Judge Lasher's application is deferred until December 14, 2005.
2. Ledbetter Water District shall advise the Commission no later than December 18, 2005 as to whether a vacant position still exists on its board of commissioners.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of October, 2005.

By the Commission

ATTEST:

  
Executive Director

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<sup>2</sup> This delay should not seriously affect Ledbetter Water District's operations. Pursuant to KRS 65.008(2), Mr. Puckett may continue to serve as a member of the water district's board of commissioners until a successor is appointed and qualified.