

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF FOUNTAIN RUN WATER )  
DISTRICT FOR APPOINTMENT OF ) CASE NO. 2010-00027  
COMMISSIONERS )

O R D E R

Joe Cornwell, Chairman of Fountain Run Water District ("Fountain Run District") Board of Commissioners, has advised the Commission in writing of the existence of vacancies on the Board due to the expiration of three incumbents' terms and has requested that the Commission fill each vacancy. More specifically, Mr. Cornwell, on behalf of Fountain Run District, requests that the incumbents – John Downing, Raven Propes, and Ronnie Smith – be appointed to fill the unexpired terms.

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

Based upon the above, the Commission finds that a proceeding should be initiated to consider Fountain Run District's request.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to fill the existing vacancies on Fountain Run District's Board of Commissioners.

2. Fountain Run District, Monroe County Judge/Executive Wilbur Graves, Monroe County Fiscal Court, John Downing, Raven Propes, and Ronnie Smith are made parties to this proceeding.

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

4. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

5. John Downing, Raven Propes, and Ronnie Smith shall each file with the Commission, on or before March 17, 2010, the original and six copies of the information listed in Appendix A. A party's failure to file the requested information in a timely manner shall be considered as notice that the party does not wish to be considered for reappointment to Fountain Run District's Board of Commissioners.

6. Fountain Run District shall file with the Commission, on or before March 17, 2010, the original and six copies of the information listed in Appendix B.

7. 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, with copies to all parties of record and six copies to the Commission.

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 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.

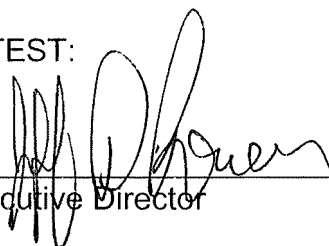
d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

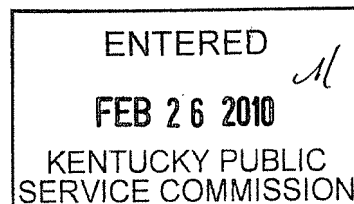
e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

8. Any party who wishes to nominate a person to fill any of the three vacancies shall submit its nomination to the Commission in writing within 20 days of the date of this Order.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director



Case No. 2010-00027

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2010-00027 DATED FEB 26 2010

1. Provide your resume or curriculum vitae.
2. State your date of birth.
3. State your current street address and your current mailing address (if different from your street address).
4. State whether you have ever been convicted of violating any law (other than minor traffic offenses). If yes, list the conviction, the court that adjudged the sentence, and date and place.
5. State whether you reside in Fountain Run District's territory.
6. State whether you have fought a duel with deadly weapons or sent or accepted a challenge to fight a duel with deadly weapons, acted as second in carrying a challenge, or aided or assisted any person doing so.
7. State whether you are a customer of Fountain Run District.
8. Describe your educational background.
9. Describe your experience in operating or managing a water utility.
10. Describe your experience in managing or operating organizations similar to a water utility.
11. List all positions that you currently hold with any local, state, or federal governmental entity.
12. a. List all non-governmental organizations and non-profit corporations for which you serve as an officer.

b. For each organization and corporation listed, state whether the organization or corporation transacts business with Fountain Run District.

13. List all contracts that you have ever entered into with Fountain Run District to provide goods or services. Provide a copy of each contract.

14. List all business transactions that you have had with Fountain Run District in a personal or non-official capacity.

15. List all family members that Fountain Run District currently employs and the position that each family member holds. State the date on which each family member began his or her employment with Fountain Run District.

16. List all family members that Fountain Run District has previously employed and the position that each family member held. State the dates on which each family member began and ended his or her employment with Fountain Run District.

17. List all courses of water district management training that you have attended since January 1, 2001.

## APPENDIX B

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2010-00027 DATED FEB 26 2010

1. List the name of each current Fountain Run District commissioner and the date on which his or her term expired.
2.
  - a. Provide a map of Fountain Run District's territory.
  - b. Provide the ordinances and resolutions of Monroe County Fiscal Court, Allen County Fiscal Court, and Barren County Fiscal Court that establish Fountain Run District's territorial boundaries.
  - c. Provide all orders of the Monroe County Judge/Executive, Allen County Judge/Executive, and Barren County Judge/Executive that address Fountain Run District's territorial boundaries.
3. Provide all documents of the Monroe County Fiscal Court that address the most recent appointment to Fountain Run District's Board of Commissioners of:
  - a. John Downing;
  - b. Raven Propes; and
  - c. Ronnie Smith.
4. For each person list in Item 3, state the date on which his term expired.
5. Provide all correspondence with the Monroe County Judge/Executive regarding the expiration of the last term of the individuals listed in Item 3.
6. List all contracts that each person listed in Item 3 has entered into with Fountain Run District to provide goods or services. Provide a copy of each contract and the minutes of the meeting of the Fountain Run District Board of Commissioners in which the contract was approved.

7. List all business transactions that each person listed in Item 3 has entered into with Fountain Run District in a personal or non-official capacity.

8. List all family members of each person listed in Item 3 that Fountain Run District currently employs and the position that each family member holds. State the date on which each family member began his or her employment with Fountain Run District.

9. List all family members of each person listed in Item 3 that Fountain Run District has previously employed and the position that each family member held. State the dates on which each family member began and ended his or her employment with Fountain Run District.

10. State the percentage of the total assets of Fountain Run District's distribution system that is located in:

- a. Monroe County;
- b. Barren County; and
- c. Allen County.

Joe Cornwell  
Chairman  
Fountain Run Water District #1  
226 Main Street  
P.O. Box 118  
Fountain Run, KY 42133