

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF POSSIBLE	)	
VACANCY ON THE BOARD OF	)	
COMMISSIONERS OF CRITTENDEN-	)	CASE NO.
LIVINGSTON COUNTY WATER DISTRICT DUE	)	2022-00248
TO DENNIS FLEET'S ALLEGED VIOLATION OF	)	
KRS 74.020(8)(B)	)	

ORDER

The Commission, on its own motion, entered an Order on August 23, 2022, establishing this case to investigate whether a vacancy exists on Crittenden-Livingston Water District's (Crittenden-Livingston District) board of commissioners (Board) due to one Board member, Dennis Fleet, allegedly failing to attend the 12-hours of new commissioner training within 12 months of his appointment as required by KRS 74.020(8)(b). The August 23, 2022 Order, which is attached as an Appendix hereto, ordered Crittenden-Livingston District to file an answer within 45 days of the date of service of the Order explaining whether Mr. Fleet is still serving as a commissioner and whether he has satisfied the requirements of KRS 74.020(8)(b). Crittenden-Livingston District was served at its email on file with the Commission in accordance with 807 KAR 5:006, Section 3, and a copy of the Order was mailed to the Crittenden-Livingston District's Board, the Crittenden County Judge/Executive, the Crittenden County Fiscal Court, the Livingston County Fiscal Court, the Crittenden County Attorney, and the Livingston County Attorney. More than 45 days have elapsed, and no answer has been filed by Crittenden-Livingston District.

The Commission notes that 807 KAR 5:006, Section 3, requires all utilities, including Crittenden-Livingston District, to notify the Commission of its electronic mail address and requires it to access the electronic mail account at least once weekly. KRS 278.380 allows the Commission to serve any orders on a utility via electronic mail and states that mailing shall be deemed to have occurred for orders served via electronic mail on the date they are transmitted.

The Commission requires the information requested in the August 23, 2022 Order to determine what, if any, actions must be taken with respect to Mr. Fleet's position on the board. However, despite the Commission serving Crittenden-Livingston District pursuant to KRS 278.380 and mailing the August 23, 2022 Order to Crittenden-Livingston District, along with other potentially interested parties, Crittenden-Livingston District has not filed any answer to the August 23, 2022 Order.

To ensure that Crittenden-Livingston District receives the August 23, 2022 Order, the Commission finds that Executive Director of the Commission should serve this Order, along with the August 23, 2022 Order, attached as an Appendix hereto, on Crittenden-Livingston District via U.S. certified mail, return receipt requested.<sup>1</sup> The Commission further finds that Crittenden-Livingston District should provide an answer to the August 23, 2022 Order within 15 days of the date of service of this Order, explaining whether Mr. Fleet is still serving as a commissioner and whether he has satisfied the requirements of KRS 74.020(8)(b) by attending the required new commissioner training.

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<sup>1</sup> Although the Commission is directing that this Order be served via U.S. certified, mail, Crittenden-Livingston District should check its email on file with the Commission pursuant to 807 KAR 5:006, Section 3 and update its email address on file with the Commission, if necessary, because unless otherwise ordered, future orders and filings in this case will be served on Crittenden-Livingston District via email pursuant to KRS 278.380.

Finally, the Commission finds that a copy of this Order shall be served via first class mail upon the Crittenden-Livingston Judge/Executive, Livingston County Judge/Executive, the Crittenden County Fiscal Court, the Livingston County Fiscal Court, the Crittenden County Attorney, the Livingston County Attorney, and the Crittenden-Livingston District's Board to notify them of this proceeding.

IT IS THEREFORE ORDERED that:

1. The Executive Director shall serve Crittenden-Livingston District with a copy of this Order by U.S. certified mail, return receipt requested at the address for Crittenden-Livingston District on file with the Commission in accordance with 807 KAR 5:006, Section 3.

2. Crittenden-Livingston District shall, by counsel, file an answer explaining whether Mr. Fleet is still serving as a commissioner and whether he has satisfied the requirements of KRS 74.020(8)(b) within 15 days of the date of service of this Order.

3. Any party filing documents with the Commission shall serve a copy of those documents upon all other parties. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001E, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

4. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>2</sup> regarding filings with the Commission. Electronic

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<sup>2</sup> Case No. 2020-00085. *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8.

documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

5. The Executive Director shall serve, by U.S. first class mail, a copy of this Order upon the Crittenden County Judge/Executive, Livingston County Judge/Executive, the Crittenden County Fiscal Court, the Livingston County Fiscal Court, the Crittenden County Attorney, the Livingston County Attorney, and Crittenden-Livingston District's Board.

6. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

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PUBLIC SERVICE COMMISSION

  
Chairman

\_\_\_\_\_  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00248 DATED FEB 10 2023

NINE PAGES TO FOLLOW

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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TO DENNIS FLEET'S ALLEGED VIOLATION OF	)	
KRS 74.020(8)(B)	)	

ORDER

The Commission, on its own motion, establishes this case to investigate whether a vacancy exists on Crittenden-Livingston Water District's (Crittenden-Livingston District) board of commissioners (Board) due to one Board member, Dennis Fleet, allegedly failing to attend the required 12-hour new commissioner training within 12 months of his appointment to the Crittenden-Livingston District's Board.

LEGAL STANDARD

KRS 74.020(8)(b) states:

Within twelve (12) months of initial appointment, each commissioner shall complete the program of instruction described in paragraph (a) of this subsection. Except as provided in subsection (9) of this section, any commissioner who fails to complete the program within twelve (12) months of his or her initial appointment shall forfeit his or her office and all right to act in discharge of the duties of the office. A commissioner required to attend a program under this subsection shall be reimbursed for the cost of instruction by his or her water district.

KRS 74.020(9) states, “The Public Service Commission may grant a reasonable extension of time, not to exceed six (6) months, for completing the training requirements of subsections (6), (7), and (8) of this section for good cause shown.”

KRS 74.020(4) 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.

#### DISCUSSION

Crittenden-Livingston District submitted an email to [PSCED@ky.gov](mailto:PSCED@ky.gov) on June 6, 2022, asking what to do about a board member who served 18 months on Crittenden-Livingston District’s Board but had not attended the required 12 hours of commissioner training. After Commission Staff requested additional information, on July 27, 2022, Crittenden-Livingston District sent a follow-up email stating that Mr. Fleet was appointed in January 2021, was signed up to attend training in December 2021, but failed to attend due to his work schedule and was unaware of the July 2022 training. A copy of the July 6, 2022 and July 27, 2022 email chain is attached as an Appendix to this Order.

Neither Crittenden-Livingston District nor Mr. Fleet requested an extension of time to complete the training in accordance with KRS 74.020(9).

Accordingly, the Commission finds this proceeding should be initiated to determine whether a vacancy exists on the Crittenden-Livingston District’s Board due to Mr. Fleet



allegedly failing to attend the required 12-hour new commissioner training in violation of KRS 74.020(8)(b).

If the Commission finds that a vacancy exists and that it existed for more than 90 days, we will then proceed to identify qualified candidates for appointment to those positions. To ensure that a wide range of candidates are considered, the Commission will permit all interested persons the opportunity to nominate candidates for the position(s) and will then determine whether each of these candidates meets the constitutional and statutory requirements for the office of water district commissioner and, of those candidates who meet these requirements, who is best suited to sit on the Board.

The Commission directs Crittenden-Livingston District to provide an answer within 45 days of the date of service of this Order, explaining whether Mr. Fleet is still serving as a commissioner and whether he has satisfied the requirements of KRS 74.020(8)(b).

The Commission directs that a copy of this Order shall be served upon the Crittenden County Judge/Executive, Livingston County Judge/Executive, the Crittenden County Fiscal Court, the Livingston County Fiscal Court, the Crittenden County Attorney, the Livingston County Attorney, and Crittenden-Livingston District's Board to notify them of this proceeding.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to determine whether a vacancy exists on the Crittenden-Livingston District's Board.
2. Crittenden-Livingston District shall be served by electronic mail at the electronic mail address for Crittenden-Livingston District on file with the Commission in accordance with 807 KAR 5:006, Section 3.

3. Crittenden-Livingston District shall, by counsel, file an answer within 45 days of the date of service of this Order.

4. Any party filing documents with the Commission shall serve a copy of those documents upon all other parties. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

5. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

6. The Executive Director shall serve, by U.S. mail, a copy of this Order upon the Crittenden County Judge/Executive, Livingston County Judge/Executive, the Crittenden County Fiscal Court, the Livingston County Fiscal Court, the Crittenden County Attorney, the Livingston County Attorney, and Crittenden-Livingston District's Board.

7. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.

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<sup>1</sup> Case No. 2020-00085. *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

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

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00248 DATED AUG 23 2022

TWO PAGES TO FOLLOW

JUL 27 2022

PUBLIC SERVICE  
COMMISSION

**From:** [Tyler Pierson](#)  
**To:** [PSC Executive Director](#)  
**Subject:** Re: Attn. Linda Bridwell  
**Date:** Wednesday, July 27, 2022 3:23:14 PM

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Dennis Fleet was appointed for Livingston County on January of 2021. He was unable to attend the training in December of 2021 that he was signed up for because of his work schedule. We were unaware there was a training in July of 2022, so he did not attend that course either. Thank you.

On Mon, Jul 25, 2022 at 12:54 PM PSC Executive Director <[PSCED@ky.gov](mailto:PSCED@ky.gov)> wrote:

Please see attached letter requesting additional information.

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**From:** Tyler Pierson <[piersonclw@gmail.com](mailto:piersonclw@gmail.com)>  
**Sent:** Thursday, July 21, 2022 11:50 AM  
**To:** PSC Executive Director <[PSCED@ky.gov](mailto:PSCED@ky.gov)>  
**Subject:** Re: Attn. Linda Bridwell

Just wanted to check in to see if there were any updates on our board member training issue. Thank you.

On Tue, Jun 7, 2022 at 6:58 AM PSC Executive Director <[PSCED@ky.gov](mailto:PSCED@ky.gov)> wrote:

We have received your email communication below. If you have any further questions, please don't hesitate to contact us.

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**From:** Tyler Pierson <[piersonclw@gmail.com](mailto:piersonclw@gmail.com)>  
**Sent:** Monday, June 6, 2022 1:37 PM  
**To:** PSC Executive Director <[PSCED@ky.gov](mailto:PSCED@ky.gov)>  
**Subject:** Attn. Linda Bridwell

Good afternoon, this is Tyler Pierson with the Crittenden Livingston Water District. We have a board member who is currently on his 18th month and has not yet received his 12 hours of commissioner training. He was signed up for an online training course last year, but failed to attend because of his conflicting work schedule. I was uncertain what we needed to do from here. If you could let us know what our next steps are.

Thank you,

Tyler Pierson, Superintendent

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Salem, KY 42078

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