

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTH)	
NELSON WATER DISTRICT AND ROBERT)	
CECIL, A MEMBER OF THE BOARD OF)	
COMMISSIONERS OF NORTH NELSON WATER)	CASE NO.
DISTRICT, FOR AN EXTENSION OF TIME TO)	2023-00254
COMPLETE REQUIRED TRAINING FOR NEWLY)	
APPOINTED WATER DISTRICT)	
COMMISSIONERS)	

ORDER

On August 2, 2023, North Nelson Water District (North Nelson District) and Robert Cecil (collectively, the Applicants) filed an application for an extension of time until December 6, 2023, for Robert Cecil to complete the required 12-hour new commissioner training pursuant to KRS 74.020(9). This matter now stands submitted for a decision by the Commission.

LEGAL STANDARD

KRS 74.020(8)(b) states that “[w]ithin 12 months of initial appointment, each commissioner shall complete the program of instruction . . . any commissioner who fails to complete the program within 12 months of his or her appointment shall forfeit his or her office and all right to act in discharge of the duties of the office.”¹ However, KRS 74.020(9)

¹ KRS 74.020(8)(b).

allows the Commission to grant a reasonable extension of time, not to exceed six months, for good cause shown.²

DISCUSSIONS AND FINDINGS

The Applicants requested that the Commission approve an extension of time for Mr. Cecil until December 6, 2023, to complete the training required by KRS 74.020(8)(b). Mr. Cecil registered for the water commissioner training scheduled in Frankfort on December 5-6, 2023. According to North Nelson District's Annual Report ³ as well as the application, Mr. Cecil was appointed to North Nelson District's board of commissioners on August 16, 2022.

As a basis for its request, the Applicants asserted that Mr. Cecil was originally registered to attend training on December 7–8, 2022.⁴ However, Mr. Cecil broke his foot and was unable to attend the in-person training. Mr. Cecil ended up being scheduled for surgery on December 7, 2022. At the last minute, Mr. Cecil's surgery was rescheduled for December 13, 2022. Mr. Cecil was unable to attend the virtual training due to the pain related to his foot injury.

The next training that Mr. Cecil could have attended was the July 11–12, 2023 commissioner water training scheduled in Kentucky Dam Village. Due to a prior scheduled family vacation on July 10–14, 2023, Mr. Cecil was also unable to attend this water training. Mr. Cecil's employer, Lincoln National Bank, required employees to

² KRS 74.020(9).

³ *Annual Report of North Nelson District to the Public Service Commission for the Year Ending on December 31, 2022* at 15 of 68.

⁴ Application, Exhibit 1.

schedule their vacations early in the year. Mr. Cecil scheduled his vacation before the water training schedule was published.

The Commission finds that North Nelson District's request should be granted. North Nelson District made the request for extension of time prior to the expiration of the 12-month period. The Commission has previously found that situations such as prior commitments and being out of state on a family matter rise to the level of good cause required under KRS 74.020(9).⁵ Mr. Cecil's broken foot, which required pain medication and surgery, is a valid medical excuse and would meet the level of good cause required by the KRS 74.020 (9). Mr. Cecil's vacation could be considered a prior commitment, as he had scheduled off work earlier in the year to attend his vacation. The vacation, also like being out of state for a family matter, would meet the level of good cause required by KRS 74.020(9).

IT IS THEREFORE ORDERED that:

1. The Applicants request for an extension through December 6, 2023, for Mr. Cecil to complete the required 12-hour new commissioner training is granted.
2. This case is closed and removed from the Commission's docket.

⁵ See Case No. 2022-00345, *Electronic Application of Webster County Water District for an Extension of Time to Complete Required Water Management Training*, (Ky. PSC October 25, 2022), Order at 2. Case No. 2022-00223, *Electronic Application of Gallatin County Water District for an Extension of time to Complete Required Water District Management Training* (Ky. PSC Aug. 11, 2022), Order at 2.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner



ATTEST:


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