COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF)	
NICHOLAS COUNTY WATER DISTRICT AND ITS)	
INDIVIDUAL COMMISSIONERS SILAS)	
CLEAVER, PHILLIP MCDONALD, DAVID)	CASE NO.
TINCHER, DEBBIE HIGGINBOTHAM, WENDY)	2025-00349
SPARKS AND MANAGER TARA DUNCAN TO)	
COMPLY WITH KRS 278.140, 807 KAR 5:006,)	
SECTION 4(1), 807 KAR 5:006, SECTION 4(2),)	
807 KAR 5:001, SECTION 4(3))	

ORDER

The Commission, on its own motion, establishes this proceeding to investigate the alleged failure of Nicholas County Water District (Nicholas District), its commissioners, and manager in failing to file a 2024 Gross Annual Operating Revenue Report; the 2023 and 2024 Financial and Statistical Reports; and the 2022, 2023, and 2024 Financial Statement Audit Reports.

KRS 278.040 grants the Commission exclusive jurisdiction over the rates and services of utilities, authorizes the Commission to adopt regulations to implement the provisions of KRS Chapter 278, and requires the Commission to enforce the provisions of KRS Chapter 278. KRS 278.250 provides the Commission with statutory authority to investigate the condition of a utility. KRS 278.260(1) authorizes the Commission to investigate a utility's rates and any practice relating to the service of a utility on the Commission's own motion.

Pursuant to 807 KAR 5:006, Section 4(1), all utilities must file a gross annual operating revenue report on or before March 31, each year. Section 4(2) of 807 KAR 5:006 requires all utilities to file annually a financial and statistical report on or before March 31 of each year. 807 KAR 5:006, Section 4(3) requires that all utilities that are required to file a financial statement audit report must file a financial statement audit report on or before September 30 of each year.

Nicholas District is a water district created and organized under KRS Chapter 74, which is a utility as defined in KRS 278.010(3), and pursuant to KRS 278.040(2), is subject to Commission jurisdiction. Silas Cleaver, Phillip McDonald, David Tincher, Debbie Higginbotham, and Wendy Sparks were listed as Nicholas District commissioners in Nicholas District's most recently filed Annual Report.¹ Tara Duncan was listed as Nicholas District's manager.² As officers, agents, or employees of a utility, these individuals may be subject to civil penalties as permitted by KRS 278.990(1).

On March 17, 2025, the Commission's Division of Inspections (DOI) conducted a periodic inspection at the district.³ DOI noted several deficiencies, including failing to file a Gross Annual Operating Revenue Report pursuant to 807 KAR 5:006, Section 4(1), and failing to file a Financial and Statistical Report pursuant to 807 KAR 5:006 Section 4(2).⁴

DOI requested that Nicholas District respond to these deficiencies within 30 days of the letter informing it of the inspection results. Nicholas District responded by email on

¹ Annual Report of Nicholas County District to the Public Service Commission for the Year Ending December 31, 2022 (2022 Annual Report) at 14.

² 2022 Annual Report at 14.

³ Inspection Report (issued Apr. 15, 2025) attached as Appendix A.

⁴ Appendix A, Inspection Report at 17.

June 3, 2025.⁵ In the email, Nicholas District stated that the failure to file the requested reports was the result of staffing changes, and current staff was working to get the required filings completed and submitted.⁶

By letter dated July 2, 2025, DOI requested additional information, including a detailed explanation for the continued delay in filing the reports, requesting a date certain on which the reports would be filed and asking what action Nicholas District is taking to assure the reports are filed timely in the future.⁷

Nicholas District responded via a letter dated July 9, 2025.⁸ Nicholas District reiterated that it had undergone staffing changes, and that the reason for the failure to file the reports for 2021, 2022, 2023 were unknown.⁹ Nicholas District also stated that it was working with Chad Robinson, CPA, of Kerbaugh, Rodes & Butler, CPAs to get all audits completed and that it anticipated the 2022 audit to be complete by July 31, 2025.¹⁰ The Commission notes that pursuant to Commission records Nicholas County District has also failed to file its Financial Statement Audit Report for year 2024 as required by 807 KAR 5:006, Section 4(1).

Based upon its review of the above-referenced Inspection Report, Nicholas District's responses, and Commission records, and being otherwise sufficiently advised, the Commission finds that an investigation is appropriate to determine if Nicholas District

⁵ Nicholas District's Email Response (dated June 3, 2025) attached as Appendix B.

⁶ Appendix B, Nicholas District's Email Response.

⁷ DOI Letter (dated July 2, 2025) attached as Appendix C.

⁸ Nicholas District's Response (dated July 9, 2025) attached as Appendix D.

⁹ Appendix D, Nicholas District's Response.

¹⁰ Appendix D, Nicholas District's Response.

has failed to comply with KRS 278.140, 807 KAR 5:006, Section 4(1), 807 KAR 5:006, Section 4(2), and 807 KAR 5:001, Section 4(3).

Finally, the Commission finds that the parties identified above, if determined to have violated KRS 278.140, 807 KAR 5:006, Section 4(1), 807 KAR 5:006, Section 4(2), 807 KAR 5:001, or Section 4(3) or willfully aided and abetted in any above violation, may be subject to penalties pursuant to KRS 278.990 and removal pursuant to KRS 74.025 for incompetency, neglect of duty, gross immorality, or nonfeasance, misfeasance, or malfeasance.

IT IS THEREFORE ORDERED that:

- 1. This proceeding is established to investigate whether Nicholas District, any of its individually named commissioners or manager violated KRS 278.140, 807 KAR 5:006, Section 4(1), 807 KAR 5:006, Section 4(2), or 807 KAR 5:001, Section 4(3).
 - 2. Motions to intervene shall be filed within 30 days of service of this Order.
- 3. Any party filing documents with the Commission shall serve a copy of those documents set forth in 807 KAR 5:001, Section 8, related to the 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. 2020-00085¹¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

¹¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID19* (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).

- 5. Nicholas District and each of the individually named commissioners, acting in their respective official and individual capacities as officers of Nicholas District's Board of Commissioners, as well as Nicholas District's manager shall submit individual written responses to the allegations contained in this Order within 20 days of the date of service of this Order, including but not limited to, any and all written testimony or documentation that would dispute the allegations.
- 6. Counsel for each individual party shall enter an appearance or appearances within 20 days of the date of entry of this Order.
- 7. All parties shall file a written response to the allegations contained in this Order within 20 days of the date of service of this Order.
- 8. 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 the 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.
- 9. All parties shall respond to any requests for information propounded by Staff as provide in those requests.
- 10. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.
- 11. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from

testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

- 12. The County Judge Executive in Nicholas County, Kentucky, shall be served with a copy of this Order: 125 E. Main Street, Carlisle, KY 40311.
- 13. The following parties: Silas Cleaver, Phillip McDonald, David Tincher, Debbie Higginbotham, Wendy Sparks, and Manager Tara Duncan, shall be served electronically through Nicholas District's email on file with the Commission and through the U.S. Postal Service, Certified Mail, Return Receipt Requested, and First-Class Mail at 1639 Old Paris Road, Carlisle, Kentucky 40311.
- 14. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

ATTEST:

Executive Director

ENTERED
DEC 11 2025

KENTUCKY PUBLIC SERVICE COMMISSION

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00349 DATED DEC 11 2025

EIGHTEEN PAGES TO FOLLOW

Periodic Compliance Inspection

Jtility: Nicholas County Water District			
Jtility location: Nicholas County			
nvestigator: <u>Taylor Stamper</u>			
Date(s) of inspection: 3/17/2025			
Date(s) of last inspection: 10/1/2024			
Deficiencies noted during last inspection: Utility is not requiring fire departments to submit usage quart 1) Utility has not submitted its Quarterly Meter Report as require Utility is not instructing their employees who in the course electrical shock, asphyxiation, or drowning, in accepted meth	ed by 807 KAR 5 of their work, a	:006, Section 4(are subject to t	(4) he hazard o
Have deficiencies been corrected since last inspection:	Yes ⊠	No 🗌	N/A 🗌
Primary utility representative(s) involved with inspection:			
Name: <u>Kirk Robinson</u> Title: Field	Manager		
Who with the utility should receive the inspection report	cover letter fro	m the commiss	sion?
Name: Tara George Title: <u>Office Manger</u>			
Mailing address: 1639 Old Paris Road, Carlisle, KY 40311			
Current Commissioners and term exp.			
Name: Silas Cleaver III 12/25 Name: Phillip McDonald 12/25 Name: David Tincher 12/25 Name: David Sparks 12/26			

Name: Kenton Holbrook 12/25

Periodic Compliance Inspection

Treatment Facility

Source Water:

Plant Capacity:

Avg. Amount Produced:

Miles of Water Line: 150

Utility Information

Address:

Metering System:

Meter Reading:

Number of Customers: 1725

Number of Employees: 4

Number of Office Employees: 2

Number of Certified Meter Testers: 0

Avg. Amount Purchased: 12,000,000

Emergency Connections: Buffalo Trail

Distribution Facility

General Questions Source Water: Western Fleming, City of Carlisle Area of Operation: Nicholas County, Harrison, Bourbon, Bath Water sold at wholesale rate to other water systems: Harrison County Number of Certified Water Treatment Employees: 0 Number of Certified Distribution Employees: 2 Utility Chairperson/President: Silas Cleaver III

AMR ⊠	АМІ 🗌	Other 🗌	Manual 🗌

Type of meter used for customers:	Master			
Does the Utility Test Meters No Deviation? No	Replace Meters	Yes	M	leter Testing
Contractor(s): Employed by Utility Tilton Construction				
Review Current Emergency Response F	Plan (ERP):			
Has the utility made any revisions to the E	RP in the past 24 mon		_	_
When the last year construction was perfo	rmed? 2025	Yes 🗌	No ⊠	N/A 🗌
What did the construction project consist o	of? Pump Station			
Future Construction Projects? Water Towe	er			
	807 KAR 5:006 (General Rules)			
Section 4: Reports				
Has the utility filed its gross annual operati	ng revenue report?			
		Yes 🗌	No 🗵	N/A 🗌
Does the utility file Quarterly Meter Repo amount of refunds?	orts (QMR) indicating	meter teste Yes ⊠	d, number of cus No □	tomers, and N/A □
Section 7: Billings, Meter Readings, and	d Information			
Does each bill for utility service, issued per	riodically by a utility, cl	early show	the following?	
The date the bill was issued:		Yes ⊠	No 🗌	N/A 🗌
Class of service:		Yes ⊠	No 🗌	N/A 🗌
Present and last preceding meter readings	3:	Yes ⊠	No 🗌	N/A 🗌
Date of the present reading:		Yes ⊠	No 🗌	N/A 🗌
Number of units consumed:		Yes ⊠	No 🗌	N/A 🗌
Meter constant, if applicable:		Yes ⊠	No 🗌	N/A 🗌

Periodic Compliance Inspection

Net amount for service rendered:	Yes ⊠	No 🗌	N/A 🗌
All taxes:	Yes 🛚	No 🗌	N/A 🗌
Adjustments, if applicable:	Yes 🛚	No 🗌	N/A 🗌
The gross amount of the bill:	Yes ⊠	No 🗌	N/A 🗌
The date after which a penalty may apply to the gross amount:	Yes ⊠	No 🗌	N/A 🗌
If the bill is estimated or calculated:	Yes ⊠	No 🗌	N/A 🗌
Is the rate schedule under which the bill is computed posted on t site)?	the utility's Web Yes □	site (if it maintair No □	ıs a Web N/A ⊠
Also furnished by one (1) of the following methods, by:			
Printing it on the bill:	Yes 🗌	No 🖂	N/A 🗌
Publishing it in a newspaper of general circulation once each year	ar:		
	Yes 🗌	No 🖂	N/A 🗌
Mailing it to each customer once each year; or:	Yes 🗌	No 🖂	N/A 🗌
Provide a place on each bill for a customer to indicate the custorates:	omer's desire for Yes 🏻	a copy of the a No \boxtimes	pplicable N/A □
Does the utility (except if prevented by reasons beyond its quarterly?	control) read c Yes ⊠	ustomer meters No 🗌	at least N/A □
Is each customer-read meter read manually, at least once during	g each calendar y Yes ⊠	year? No □	N/A 🗌
Does the utility maintain the information required by this subsect and any customer requesting this information?	tion, and is it ava Yes ⊠	ailable to the cor No	nmission N/A 🏻
If, due to reasons beyond its control, a utility is unable to read a does the utility record the date and time the attempt was made was unable to read the meter?			
Section 9: Non-recurring Charges			
Is a charge assessed if a customer requests the meter be administrative regulation and the tests show the as-found meter by 807 KAR 5:066, Section 15(2)(a)?	•		

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings?

Periodic Compliance Inspection Yes 🖂 No 🗌 N/A Does the utility keep a record of all written complaints concerning the utility's service? Yes 🖂 No \square N/A 🗌 Does the record include the following? The customer's name and address: Yes 🖂 No \square N/A □ Yes 🖂 No \square The date and nature of the complaint: N/A The disposition of the complaint: Yes 🖂 No \square N/A Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes 🖂 No □ N/A If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? N/A Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes 🖂 No 🗌 N/A 🗌 If a telephonic complaint is not resolved, does the utility provide at least oral notice to the customer of his or her right to file a complaint with the commission? Yes 🖂 No \square N/A Section 11: Bill Adjustment Does the utility monitor a customer's usage at least quarterly? Yes 🖂 No \square N/A \square Are the utility's procedures designed to draw the utility's attention to unusual deviations in a customer's Yes 🛚 usage? No 🗌 N/A 🗌 If a customer's usage is unduly high and the deviation is not otherwise explained, will the utility test the customer's meter? Yes 🖂 № П N/A If a utility's procedure for monitoring usage indicates that an investigation of a customer's usage is necessary, does the utility notify the customer in writing? Yes 🖂 No 🗌 N/A If knowledge of a serious situation requires more expeditious notice, does the utility notify the customer by the most expedient means available? Yes 🖂 No \square N/A 🗌 If the meter shows an average meter error greater than two (2) percent fast or slow, does the utility maintain the meter in question at a secure location under the utility's control, for a period of six (6) months

from the date the customer is notified of the finding of the investigation and the time frame the meter will

Yes 🖂

No □

Section 14: Utility Customer Relations

be secured by the utility or if the customer has filed a formal complaint?

N/A \square

Does the utility post and maintain regular business hours and μ its customers and to respond to inquiries from the commission re			to assist
	Yes ⊠	No 🗌	N/A 🗌
What are the Utility's business hours? 8-4:30 M-F			
Does the utility designate at least one (1) representative to be resolve disputes, and negotiate partial payment plans at the utility		swer customer q	uestions,
	Yes ⊠	No 🗌	N/A 🗌
If the utility has annual operating revenues of \$250,000 or more available during the utility's established working hours not few days per week excluding legal holidays?		•	
If the utility has annual operating revenues of less than representative available during the utility's established working day, one (1) days per week?			-
Does the utility provide the following?			
Maintain a telephone:	Yes ⊠	No 🗌	N/A 🗌
Publish the telephone number in all service areas:	Yes 🛚	No 🗌	N/A 🗌
Permit all customers to contact the utility's designated represent	ative without cha Yes ⊠	nrge: No 🗌	N/A 🗌
Does the utility prominently display in each office open to the p on its Web site, if it maintains a Web site) a summary, prepared customer's rights pursuant to this section and Section 16 of this	d and provided b	by the commission	•
Does the utility inspect the condition of its meter and service connections to a new customer so that prior or fraudulent use or new customer?		-	
Section 17: Meter Testing			
Does the utility maintain meter standards and test facilities, as 5:066?	more specifically Yes □	y established in 8 No ⊠	807 KAR N/A 🗌
Meter Test Bench Cert Exp.			
Before being installed for use by a customer, are all meters adjusted as close to the optimum operating tolerance as possible KAR 5:066, Section 15(2)(a)-(b)?			•
Does the utility have all or part of its testing of meters performed	by another utility Yes ⊠	y or agency? No □	N/A 🗌

Who performs testing of meters for Utility? Master Meter			
Does the utility or agency employ apprentices in training for co	ertification as m Yes ⊠	neter testers? No □	N/A 🗌
Are all tests performed during this period by an apprentice wit	nessed by a ce Yes ⊠	ertified meter test No 🏻	er? N/A □
Section 18: Meter Test Records			
Does the utility maintain a complete record of all meter tests checking of test calculations?	and adjustmen Yes ⊠	ts and data suffice No □	cient to allow N/A □
Do the records include the following?			
Information to identify the unit and its location:	Yes ⊠	No 🗌	N/A 🗌
Date of tests:	Yes ⊠	No 🗌	N/A 🗌
Reason for the tests:	Yes ⊠	No 🗌	N/A 🗌
Readings before and after test:	Yes ⊠	No 🗌	N/A 🗌
Statement of "as found" and "as left" accuracies sufficiently employed:	complete to pe Yes ⊠	ermit checking of No □	f calculations N/A □
Statement of repairs made, if any:	Yes ⊠	No 🗌	N/A 🗌
Identifying number of the meter:	Yes ⊠	No 🗌	N/A 🗌
Type and capacity of the meter:	Yes ⊠	No 🗌	N/A 🗌
Does the utility maintain a complete record of tests of each r test periods and shall in no case be less than two (2) years?	neter continuoເ Yes ⊠	ıs for at least two No □	o (2) periodic N/A 🗌
Does the utility maintain numerically arranged and properly c uses, and inventories?	lassified record Yes ⊠	s for each meter No □	that it owns,
Do these records include the following?			
Identification number:	Yes ⊠	No 🗌	N/A 🗌
Date of purchase:	Yes ⊠	No 🗌	N/A 🗌
Name of manufacturer:	Yes ⊠	No 🗌	N/A 🗌
Serial number:	Yes ⊠	No 🗌	N/A 🗌
Type:	Yes ⊠	No 🗌	N/A 🗌

Name and address of each customer on whose premise installation and removal:	es the meter has b Yes ⊠	oeen in service No □	with date of N/A
Do these records contain condensed information concer and general results of the adjustments?	ning all tests and Yes ⊠	adjustments in No	cluding dates N/A □
Do these records reflect the date of the last test and indica	ate the proper date t Yes ⊠	for the next per No □	iodic test?
Section 19: Request Tests		_	
Does the utility make a test of a meter upon written requestrequently than once each twelve (12) months?	st of a customer if tl Yes ⊠	ne request is no No □	ot made more N/A □
Does the utility afford the customer the opportunity to be p	resent at the reque Yes ⊠	sted test? No □	N/A 🗌
If the tests show the as-found meter accuracy is within 15(2)(a), does the utility may make a reasonable charge for		by 807 KAR 5	:066, Section
	Yes ⊠	No 🗌	N/A 🗌
Has the utility filed a tariff (commission approved) establish	hing a meter test ch Yes ⊠	arge? No □	N/A 🗌
Section 20: Access to Property			
Do employees of the utility (whose duties require him distinguishing uniform or other insignia, identifying them a or other identification that shall identify them as an employ	is an employee of t	•	•
	Yes ⊠	No 🗌	N/A 🗌
Section 23: System Maps and Records			
Does the utility have on file at its principal office located the commission a map or maps of suitable scale of the g serve?			
Is the map or maps available in electronic format as a PDF	_	· · · · <u>—</u>	
Is following data available on the map or maps?	Yes ⊠	No 🗌	N/A 🗌
Operating districts:	Yes ⊠	No 🗌	N/A 🗌
Rate districts	Yes ⊠	No 🗌	N/A 🗌
Communities served:	Yes ⊠	No 🗌	N/A 🗌

Location and size of distribution lines, and service connections:	Yes ⊠	No 🗌	N/A 🗌
Section 24: Location of Records	165	NO [N/A 🗀
Are all records required by 807 KAR Chapter 5 kept in the or representatives, agents, or staff of the commission upon reasons		•	
Section 25: Safety Program			
Has the utility adopted and executed a safety program, appropri	ate to the size ar Yes ⊠	nd type of its ope No □	rations? N/A □
At a minimum, does the safety program include the following?			
A safety manual with written guidelines for safe working practice employees:	es and procedure Yes ⊠	es to be followed No 🏻	by utility N/A □
Instruct employees in safe methods of performing their work?	Yes ⊠	No 🗌	N/A 🗌
(Utility has monthly safety meetings) Y			
Instruct employees who, in the course of their work, are su asphyxiation, or drowning, in accepted methods of artificial respi	-		al shock,
	Yes ⊠	No 🗌	N/A 🗌
Section 26: Inspection of Systems			
Has the utility adopted inspection procedures to assure safe facilities and compliance with KRS Chapter 278 and 807 KAR C	•	operation of the	e utility's
	Yes 🛚	No 🗌	N/A 🗌
Have these inspection procedures been filed with the commission	on for review?		
	Yes ⊠	No 🗌	N/A 🗌
Upon receipt of a report of a potentially hazardous condition at portions of the system that are the subject of the report?	a utility facility, o Yes ⊠	does the utility ir No 🏻	nspect all N/A 🏻
Are appropriate records kept by a utility to identify the inspection			
the person conducting the inspection, deficiencies found, and ac	tion taken to cor Yes ⊠	rect the deficiend No []	cies? N/A 🗌
Water utility inspections. Each water utility shall make systematin paragraphs (a) through (c) of 807 KAR 5:006 Section 26(6) requirements are being met. These inspections shall be materially than as established in paragraphs (a) through (c) of the second facilities and through financial in the second facilities and through the second facilities and through the second facilities are second facilities.	6) to insure that de as often as	the commission necessary but	<u>'s safety</u> not less
classes of facilities and types of inspection.			

Periodic Compliance Inspection

The utility shall annually inspect all structures pertaining to source of supply for their safety and physical and structural integrity.

Does the utility inspect the structures listed below?			
Dams	Yes 🗌	No 🗌	N/A ⊠
Intakes	Yes 🗌	No 🗌	N/A ⊠
Traveling screen	Yes 🗌	No 🗌	N/A ⊠
Does the utility semiannually inspect the structures listed	below?		
Wells	Yes 🗌	No 🗌	N/A ⊠
Well motors and structures	Yes 🗌	No 🗌	N/A ⊠
Electric power wiring and controls	Yes ⊠	No 🗌	N/A 🗌
The utility shall annually inspect all structures pertains structural integrity, and for leaks.	ng to purification fo	r their safety,	physical and
Does the utility annually inspect the structures listed belo	w?		
Sedimentation basins	Yes 🗌	No 🗌	N/A ⊠
Filters	Yes 🗌	No 🗌	N/A ⊠
Clear Wells	Yes 🗌	No 🗌	N/A ⊠
Chemical feed equipment	Yes 🗌	No 🗌	N/A ⊠
Pumping equipment	Yes ⊠	No 🗌	N/A 🗌
Water storage facilities	Yes ⊠	No 🗌	N/A 🗌
Hydrants	Yes ⊠	No 🗌	N/A 🗌
Mains	Yes ⊠	No 🗌	N/A 🗌
Meters	Yes ⊠	No 🗌	N/A 🗌
Meter settings	Yes ⊠	No 🗌	N/A 🗌
Valves	Yes ⊠	No 🗌	N/A 🗌
Does the utility monthly inspect the equipment listed lubrication, and safety features?	below for defects,	wear, operatio	nal hazards,
Construction equipment	Yes 🗌	No 🖂	N/A 🗌
Vehicles	Yes 🗌	No 🖂	N/A 🗌

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Periodic Compliance Inspection

Section 27: Reporting of Accidents, Property Damage, or Loss of Service

Within two (2) hours following discovery does the utility notify the mail of a utility related accident that results in the following:	ne commission b	by telephone or e	electronic
Death or shock or burn requiring medical treatment at a hospital requiring inpatient overnight hospitalization:	or similar medic Yes ⊠	al facility, or any No □	accident N/A 🗌
Actual or potential property damage of \$25,000 or more:	Yes ⊠	No 🗌	N/A 🗌
Loss of service for four (4) or more hours to ten (10) percent whichever is less:	or 500 or more Yes ⊠	of the utility's cu No	ıstomers, N/A □
Are summary written reports submitted by the utility to the com the utility related accident?	mission within se Yes ⊠	even (7) calenda No 🏻	r days of N/A □
Section 28: Deviations from Administrative Regulation:			
Has the utility been permitted by the commission to deviate from	i these administr Yes □	ative regulations' No ⊠	? N/A □
807 KAR 5:011 (Tariffs)			
Section 12: Posting tariffs, Administrative Regulations, and	Statutes		
Does the utility display a suitable placard, in large type, that sta available for public inspection?	ates that the utili Yes ⊠	ty's tariff and sta No	tutes are N/A □
Does the utility provide a suitable table or desk in its office or p view all effective tariffs?	lace of business Yes ⊠	on which the pu	ıblic may N/A □
Section 13: Special Contracts			
Does the utility have any special contracts that establish rate contained in its tariff?	es, charges, or Yes 🏻	conditions of se No \boxtimes	rvice not N/A □
If yes has the utility filed, the special contracts with the PSC?	Yes 🗌	No 🗌	N/A ⊠
807 KAR 5:066 (Water)			
Section 2: Information Available to Customers:			

Does the utility provide the information listed below to any customer upon request?

A description in writing of chemical constitutes and barequired by the Division of Water	icteriological standard Yes ⊠	ds of the treat No □	ed water as
Schedule of rates for water service	Yes ⊠	No 🗌	N/A 🗌
Method of reading meters	Yes ⊠	No 🗌	N/A 🗌
Past readings of a customer's meter for a period of two (2	2) years Yes ⊠	No 🗌	N/A 🗌
Section 3: Quality of Water			
Is the utility in compliance with the Division of Water?	Yes ⊠	No 🗌	N/A 🗌
Section 4: Continuity of Service			
Does the utility immediately notify the fire chief if an emeany public fire protection device?	ergency interruption o Yes ⊠	of service affec No □	cts service to N/A 🏻
If the utility schedules an interruption of service are a interruption?	all customers notified Yes ⊠	d that are affe No □	ected by the N/A
Does the utility have standby pumps capable of providing	the maximum daily p Yes ⊠	oumping demar No 🏻	nd? N/A 🗌
Does the utility's minimum storage capacity equal the ave	erage daily consumpti Yes ⊠	on? No □	N/A 🗌
Does the utility keep a record of all interruption?	Yes ⊠	No 🗌	N/A 🗌
Does the record contain the information listed below?			
Cause of interruption	Yes ⊠	No 🗌	N/A 🗌
Date	Yes ⊠	No 🗌	N/A 🗌
Time	Yes ⊠	No 🗌	N/A 🗌
Direction			
Duration	Yes ⊠	No 🗌	N/A 🗌

Does the customer's service pipe under normal conditions fal exceed 150 psig?	I below thirty (3 Yes □	80) psig or static No ⊠	pressure N/A 🗌	
Does the utility have one (1) or more recording pressure gauges	s to make press Yes ⊠	ure surveys? No □	N/A 🗌	
(Does the Utility have scada/Telemetry to monitor their pressure	es throughout sy	stem?) Yes		
Is the utility maintaining one (1) or more of these recording pres on the utility's mains at a minimum of one (1) week per month in		•	tive point	
	Yes ⊠	No 🗌	N/A 🗌	
Is the utility, at least once annually, making a survey of pressure	es in its distributi Yes ⊠	ion system? No □	N/A 🗌	
Section 6: Water Supply Measurement				
Has the utility installed a measuring device at each source of su	pply? Yes ⊠	No 🗌	N/A 🗌	
Section 7: Standards of Construction				
Is the utility failing to operate its facilities so as to provide adequate to water loss exceeding 15 percent? (Water Loss 20.7%)	uate and safe se Yes ⊠	ervice to its custo No 🏻	mers due N/A 🗌	
Section 8: Distribution Mains				
Are dead ends provided with a hydrant, flushing hydrant, or blov	or blowoff for flushing purpose? Yes ⊠ No □ N/A □			
Section 9: Service Lines	100 🖂		,,	
Does the utility inspect the customer's service line?	Yes 🛚	No 🗌	N/A 🗌	
Does the utility substitute its inspection for the proof of an inslocal plumbing inspector?	spection done b	y the appropriate	e state or	
Section 13: Measurement of Service	Yes ⊠	No 🗌	N/A 🗌	
Does the utility meter all water sold?	Yes ⊠	No 🗌	N/A 🗌	
Does the utility have any flat water rates?	Yes 🗌	No 🛚	N/A 🗌	
Has the utility adopted a standard method of installing meters a	nd service lines′ Yes ⊠	? No □	N/A 🗌	
Section 15: Accuracy requirement of Water Meters	. 55 🖂		.,,,,	

Are all new meters, and any meter removed from service for an placed into service?	y cause tested fo	or accuracy prior	to being		
placed into service:	Yes ⊠	No 🗌	N/A 🗌		
Do the meters tested register within the accuracy limits specified	tested register within the accuracy limits specified in 807 KAR 5:066, Section 15 (2)(a)? Yes No No N/A				
Section 16: Periodic Tests	res 🖂	140	N/A L		
Is the utility testing all water meters so that no meter remains in than specified by the table in 807 KAR, Section 16 (1)? (How many meters are out of compliance?	service without t	testing for a perio No ⊠	od longer N/A 🗌		
Section 17: Water Shortage Response Plan					
Has the utility submitted a copy of its Water Shortage Response	Plan with the Co Yes ⊠	ommission? No 🏻	N/A 🗌		
Section 18: Deviations from Administrative Regulation:					
Has the utility been permitted by the commission to deviate from	these administr Yes ⊠	ative regulations No	? N/A □		
807 KAR 5:095 (Fire Protection Service for Wat	er Utilities)				
Section 9					
Does the utility allow a utility to withdraw water from its distribute purposes at no charge?	tion system for fi Yes ⊠	re protection and No □	d training N/A □		
Does the utility require a fire department to submit quarterly repo	orts demonstratir Yes ⊠	ng its water usag No	e? N/A 🗌		
Does the utility's tariff state the penalty to be assessed for failure	e to submit water Yes ⊠	usage reports? No 🗌	N/A 🗌		
What is the Fire Departments Usage on Annual Report? 71,300					
Are all buildings, pump stations, and tanks properly labeled? No					
List of Cases currently at Commission. N/A					

Periodic Compliance Inspection

Last rate case? 2023

How is the district notified of line locates? Call-ins

Periodic Compliance Inspection

Review of Facilities:			
1. Tank: Capacity: Condition:			
2.			
Tank:			
Capacity:			
Condition:			
	_		
3.			
Tank:			
Capacity:			
Condition:			
	_		
4.			
Pump Station:			
Condition:			
5.			
Pump Station: Condition:			
Condition:			
			
6.			
Pump Station: Condition:			
Condition:			
		· · · · · · · · · · · · · · · · · · ·	

Total Storage Capacity: 389,000

Total Daily Consumption: 300,000

Periodic Compliance Inspection

Deficiency(ies)

- 1. 807 KAR 5:006, Section 26, 6(a), 6(b), 6(c) Utility did not have annual written inspection records as required. (Utility is not inspecting vehicles)
- 2. 807 KAR 5:066 Section 6(3) Unaccounted-for water loss. For ratemaking purposes, a utility's unaccounted-for water loss shall not exceed fifteen (15) percent of total water produced and purchased, excluding water used by a utility in its own operations. [DESCRIPTION (20.7%)].
- 3. 807 KAR 5:006 Section 4 (1)(a) Gross annual operating revenue reports. Each utility shall file with the commission its gross operating revenue report on or before March 31 of each year. (annual report as not been filled for the past 2 years, no extensions requested)
- 4. 807 KAR 5:006 Section 4 (2)(a) Financial and statistical reports. Each utility shall file with the commission its gross operating revenue report on or before March 31 of each year. Utility has not filed their 2023 or 2024 annual reports.

Additional Inspector Comments

Comment: During this periodic regulatory compliance inspection, it was not possible to review/discuss every record relating to all Commission requirements. Therefore, in some instances the results contained in this report are indicative of those items inspected and reviewed on a sample basis.

Report by: Date: 4/15/2025

Taylor Stamper

Taylor Stamper

Utility Regulatory & Safety Investigator

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment(s):

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00349 DATED DEC 11 2025

TWO PAGES TO FOLLOW

RECEIVED

JUN 03 2025

From: Hembree, Aimee M (PSC)
To: Bradford, Megan (PSC)
Subject: FW: Nicholas County Inspection
Date: Wednesday, June 4, 2025 8:54:22 AM

PUBLIC SERVICE COMMISSION

From: PSC Executive Director <PSCED@ky.gov>

Sent: Tuesday, June 3, 2025 3:02 PM

To: Hembree, Aimee M (PSC) <Aimee.Hembree@ky.gov>

Subject: FW: Nicholas County Inspection

From: Tara George < ncwaterdistrict@outlook.com>

Sent: Tuesday, June 3, 2025 2:52 PM

To: PSC Executive Director < PSCED@ky.gov>

Subject: Nicholas County Inspection

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

?

This email is in response to the Kentucky Public Service Commission Periodic Inspection of the Nicholas County Water District. I will be giving a detailed explanation for the deficiencies that were found.

- 1.) 807 KAR 5:006, Section 26, 6(a), 6 (b), 6(c) The District did not have written documentation of equipment maintenance. Since the inspection the District has purchased maintenance books for every piece of equipment the district owns and the operators have been keeping maintenance records.
- 2.) 807 KAR 5:066 Section 6(3) The NCWD had greater that 15% unaccounted for water loss. The Operators have been working diligently to find any leaks that could be causing such a high percentage. Over the past couple of months, they have been able find a few leaks and make the necessary repairs to help bring the percentage down a bit.
- 3.) 807 KAR 5:006 Section 4 (1)(a) The 2024 gross annual report was not filed because of staffing changes over the past couple of years. The previous staff did not complete proper documentation so that the annual report could be completed. Current staff is working with Mr. Chad Robinson with Kerlaugh, Rodes & Butler; Certified Public

Accountants to get all missing paperwork completed and submitted.

4.) 807 KAR 5:006 Section 4 (2)(a)- The 2023 and 2024 Annual Reports were not filed due to staffing changes within the District during that time. We are working with Logan Hart with Bluegrass Area Development District and Chad Robinson with Kerlaugh, Rodes & Butler; Certified Public Accountants to get these reports completed and submitted.

I hope that I have completed all that is needed from me at this time, if I have left any thing out please let me know and I will give it my prompted attention.

Have a blessed day.

Tara R. George

Nicholas County Water District Office Manager 1639 Old Paris Road Carlisle, Kentucky 40311 859-289-3157

E-mail: ncwaterdistrict@outlook.com

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00349 DATED DEC 11 2025

TWO PAGES TO FOLLOW

Andy Beshear Governor

Rebecca W. Goodman Secretary Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Angie Hatton Chair

Mary Pat Regan Commissioner

July 2, 2025

Kirk Robinson Nicholas County Water District 1639 Old Paris Rd. Carlisle, KY 40311

Re: Periodic Water Inspection

Nicholas County Water District

Nicholas County, KY

Dear Nicholas County Water District:

The Kentucky Public Service Commission (Commission) has exclusive jurisdiction over regulation of utility rates and services in the Commonwealth of Kentucky pursuant to KRS 278.040. KRS 278.250 grants the Commission authority to investigate the condition of a utility subject to its jurisdiction. The Division of Inspections regulates the safety and requirements of jurisdictional water utilities pursuant to 807 KAR Chapter 005.

Commission Staff performed a periodic water inspection of Nicholas County Water District's system on March 17, 2025, reviewing Nicholas County Water District's operations and management practices pursuant to Commission regulations. Commission Staff prepared an Inspection Report which was mailed to Nicholas County Water District on May 2, 2025. The Inspection Report noted four violations. On June 3, 2025, Commission Staff received a response from Nicholas County Water District.

After reviewing the response, Commission Staff is requesting additional information. Nicholas County Water District stated that it has been working diligently to find any leaks to reduce unaccounted for water loss. Staff requests that Nicholas County Water District provide details of the efforts to reduce water the unaccounted-for water loss and a detailed plan on how unaccounted-for water loss will be further reduced. Per the 2025 inspection, the unaccounted-for water loss was reported to be 20.7 percent. From the 2022 annual report (the last completed annual report from Nicholas County Water District) water loss was reported at 18.79 percent.

According to the Inspection Report, Nicholas County Water District failed to file its 2024 gross operating revenue report and its 2023 and 2024 annual reports. These documents have not yet been submitted. Commission Staff notes that Nicholas County

July 2, 2025 Page 2

Water District has been investigated for this issue before in Case No. 2023-00314¹. Commission Staff requests that Nicholas County Water District provide a detailed explanation for the continued delay, a date certain on which the reports will be filed, and what actions Nicholas County Water District is taking to assure timely filing of the reports going forward.

In its response, Nicholas County Water District stated that it did not have written documentation of equipment maintenance at the time of inspection. However, the district has since purchased maintenance books for every piece of equipment it owns, and operators have been keeping maintenance records. Please provide a copy of the maintenance records on the equipment of Nicholas County Water District.

Nicholas County Water District's response will be used by Commission Staff in determining whether a penalty will be assessed and, if so, the amount of the penalty to be assessed against Nicholas County Water District. Nicholas County Water District will have the ability to contest any proposed penalty at a hearing in front of the Commission where the Commission will make a final determination, if Nicholas County Water District so desires.

Nicholas County Water District's response should be submitted within <u>thirty (30)</u> <u>days</u> of the date of this letter via email to <u>PSCED@ky.gov</u>.

If Nicholas County Water District does not respond within thirty (30) days of the date of this letter, the Commission may institute an administrative proceeding against Nicholas County Water District. The Administrative Proceeding will include a formal hearing in front of the Commission during which Nicholas County Water District will have an opportunity to show cause as to why Nicholas County Water District should not be subject to penalties under KRS 278.990 for the violations cited herein.

If you have questions, please contact Justin Young, the attorney representing the Division of Inspections, at 502-782-0150 or justinw.young@ky.gov.

Sincerely,

Brandon S. Bruner

BL B

Director, Division of Inspections

¹ Case No. 2023-00314, Electronic Investigation into Nicholas County Water District for an Alleged Failure to Comply with a Commission Order and KRS 278.160, (KY PSC Oct. 31, 2023) Order.



APPENDIX D

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00349 DATED DEC 11 2025

NINETEEN PAGES TO FOLLOW

NICHOLAS COUNTY WATER DISTRICT

To

Public Service Commission

211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602 Telephone: (502)564-3940 Date **July 9, 2025**

RECEIVED
JUL 10 2025

PUBLIC SERVICE COMMISSION

Re: Periodic Water Inspection Nicholas County Water District Nicholas County, Kentucky

To Whom It May Concern,

This letter is the written response from the Nicholas County Water District to the Public Service Commission's letter dated July 2, 2025 regarding the violations from the Periodic Water Inspection performed on March 17, 2025.

In response to:

- 1.) 807 KAR 5:006, Section 6(3) The District purchased all new radio read meters a little over a year ago. These meters let us know if a customer has a leak. When we receive this information, the customer is contacted. Most customers fix the leak right away, which helps our unaccounted-for water loss. The operators have been keeping a close eye on the water tower levels, as soon as they notice a significate decrease, they are out checking mains for any possible breaks. We now have three (3) full-time operators, this makes it easier for them to spread out to locate a leak in faster time.
- 2.) 807 KAR 5:006 Section 4 (1)(a) and Section 4 (2)(a) The Nicholas County Water District has undergone some office staffing changes since April of 2023. For unknown reasons the annual audits for 2021, 2022 and 2023 had not been completed and filed. As the new Office Manager, I have been working with Chad Robinson, CPA, with Kerbaugh, Rodes & Butler; Certified Public Accountants, to get all audits completed. It has been my understanding that revenue and annual reports cannot be completed until we are up to date on audit filings. If I am incorrect about the filing procedures please let me know and I will work as quickly as possible to correct he issue. In a letter (attached) from the accounting firm the 2022 audit will be completed by July 31, 2025. Once completed they will begin the 2023 then the 2024 audits. I will be in contact with Chad Robinson to follow through with the completions.

CONTACT



859-289-3157



1639 Old Paris Road Carlisle, Kentucky 40311

NICHOLAS COUNTY WATER DISTRICT

To **Public Service Commission**

Date **July 9, 2025**

211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602 Telephone: (502)564-3940

3.) 807 KAR 5:006 Section 26, 6 (a), 6 (b), 6 (c) – A copy of the maintenance records has been attached to this email. If the Inspector feels that more detail is needed for records let me know and operators will be informed ASAP.

If there is anything else needed from the Water District please let me know. Thank you for your time and patience while we work to make our business better.

Sincerely,

JavaN Yeorge
Tara R. George
Office Manager

CONTACT

9

859-289-3157



1639 Old Paris Road Carlisle, Kentucky 40311

Kerbaugh, Rodes & Butler, PLLC ____

Certified Public Accountants

John B. Rodes, CPA Martha Kerbaugh King, CPA Chad Robinson, CPA 132 North Second Street P.O. Box 729 Danville, Kentucky 40422 859/236-3924 FAX 859/236-6435

52 Liberty Square Liberty, Kentucky 42539 606/787-9928 krb-cpa.com

June 19, 2025

Kentucky Department for Local Government Cities and Special Districts 100 Airport Road, 3rd Floor Frankfort, KY 40601

RE: Nicholas County Water District December 31, 2022 Audit

To Whom it May Concern:

We are writing at the request of Nicholas County Water District regarding their audit for the year ended December 31, 2022. We are currently working on the 2022 audit. Provided we receive information and responses timely from the District, we anticipate the audit to be completed no later than July 31, 2025.

Once the December 31, 2022 audit is completed, we will begin the December 31, 2023 audit upon receipt of the information from the District.

Should you have any questions, feel free to reach out to me directly.

Sincerely,

Chad Robinson, CPA

Kerbaugh, Rodes & Butler, PLLC

MA

2004 Chevy Silverado 2500 - Workbed

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INVENANCE LOG BOOK

SYSTEMS MAINTENANCE SERVICE

Maintenance Log Book

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MAINTENANCE SERVICE

Maintenance Log Book

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2607 Chevy Trunk 2600 HD

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MAINTENANCE LOG BOOK

MAINTENANCE SERVICE

Maintenance Log Book Majorantanes / Community

Silas Cleaver Commissioner Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

Debbie Higginbotham Commissioner Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

Wendy Sparks Commissioner Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

David Tincher Commissioner Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

Phillip McDonald Commissioner Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

*Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311

*Tara Duncan Manager Nicholas County Water District 1639 Old Paris Road Carlisle, KY 40311