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December 22, 2014

Honorable Steve Kelley
Pulaski County Judge/Executive Elect
P.O. Box 712
Somerset, Kentucky 42502

**Re: Case No 2014-00406, Request to Fill Vacancies on Western Pulaski County
Water District Board of Commissioners**

Dear Mr. Kelley,

We are contacting you as the elected head of Pulaski County's Fiscal Court to notify you of the expiration of terms for two of Western Pulaski County Water District's Commissioners, Chairperson Don Calder and Teddy Roberts. These terms expired on July 11, 2014.

Kentucky Revised Statute (KRS) 74.020 (1) and (4) specifically indicates who controls the appointments of water district commissioners in the Commonwealth of Kentucky. The County Judge/Executive, with the consent of the Fiscal Court, has exclusive appointment authority except in specific situations. Those specific situations are established in KRS 74.020(4), which states, "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".

The Public Service Commission has no jurisdiction or role in the appointments of commissioners of water districts unless the above quoted criteria is met. If the criterion is met then the Public Service Commission has exclusive jurisdiction to make such appointments.¹

¹ Case No. 2008-00395, *Request to Fill Existing Vacancies on the Board of Commissioners of Letcher County Water and Sewer District* (Ky. PSC Jan. 28, 2009); See also Case No. 2013-00149, *Appointment of Commission to Fill an Unexpired Term on the Board of Commissioners of Sandy Hook Water District* (Ky. PSC Oct. 1, 2013).

Honorable Steve Kelley
December 22, 2014
Page 2

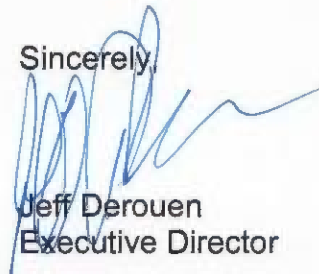
On November 17, 2014, the Commission received a request from Mr. Calder to fill the two Water District Commissioner vacancies that have existed since July 11, 2014. Since more than 90 days have passed since the expiration of these terms, the Commission is initiating a proceeding to consider this request.

We have attached the Order initiating this proceeding for your review. Please submit any recommendations you may have to fill these two vacancies within 20 days of the date of this Order.

Additionally, Commission records indicate that the term of Joel Wilson expired on October 4, 2014. Commission records do not reflect the appointment of a successor to this position. As less than 90 days have passed since the expiration of this term, jurisdiction to fill this vacancy remains with the Pulaski County Judge/Executive. If more than ninety days pass following the expiration of Joel Wilson's term, the Commission will have exclusive jurisdiction to fill the vacancy.

Thank you for your assistance in this matter.

Sincerely,



Jeff Derouen
Executive Director