

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL VACANCIES ON WESTERN) CASE NO.
PULASKI COUNTY WATER DISTRICT BOARD) 2014-00406
OF COMMISSIONERS)

ORDER

On November 17, 2014, the Commission received a letter from Don Calder, Chairperson of Western Pulaski County Water District's ("Western Pulaski District") Board of Commissioners, advising the Commission of the existence of two vacancies on Western Pulaski District's Board of Commissioners due to the expiration of his term and that of Teddy Roberts more than 90 days earlier; requesting that the Commission fill the vacancies; and proposing that he and Mr. Roberts be reappointed.¹ By this Order, we grant the request.

Western Pulaski District, a water district organized pursuant to KRS Chapter 74, owns and operates facilities that distribute water for compensation to approximately 8,226 customers in Pulaski, Russell, and Wayne counties, Kentucky.² As of December

¹ Letter from Don Calder, Chairperson of Western Pulaski County Water District's Board of Commissioners, to Jeff Derouen, Executive Director of the Kentucky Public Service Commission (Nov. 17, 2014).

² *Annual Report of Western Pulaski District to the Public Service Commission of Kentucky for the Year Ended December 31, 2013* ("Annual Report") at 12 and 53.

31, 2013, Western Pulaski District had total assets of \$1,641,624.³ For the calendar year ended December 31, 2013, it had total operating revenues of \$2,675,111.⁴ A five-member board of commissioners administers Western Pulaski District and has the statutory responsibility to “control and manage” the water district’s affairs.⁵ Pursuant to KRS 74.020(1)(a), the county judge/executive appoints water district commissioners with the approval of the county’s fiscal court, and the water district’s commissioners’ terms are staggered.⁶

However, KRS 74.020(4) provides that the Commission shall fill a vacancy on the board of commissioners “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.”

On December 22, 2014, we initiated this proceeding to fill the two existing vacant positions on Western Pulaski District’s Board of Commissioners. In that Order, we determined that the terms of Mr. Calder and Mr. Roberts ended on July 11, 2014,⁷ and Commission records did not reflect the appointment of any successors to Mr. Calder or Mr. Roberts.⁸ Therefore, the Commission determined that we have the statutory responsibility to fill those vacancies.

³ *Id.* at 21.

⁴ *Id.* at 24.

⁵ KRS 74.020(1).

⁶ See KRS 74.020(1)(a), “Initial appointments shall be for terms of two (2), three (3), and four (4) years, as designated by the Court.”

⁷ Order (Dec. 22, 2014) at 1.

⁸ *Id.*

To ensure notice to all persons with a significant interest in this matter, the Commission ordered that Western Pulaski District be made a party to this proceeding. Commission Staff also mailed letters on December 22, 2014, to then-Pulaski County Judge/Executive Barty Bullock and then-Pulaski County Judge/Executive-elect Steve Kelley requesting any recommendations they may have had to fill the two vacancies. We further directed all nominees to provide information regarding their personal background and afforded all individuals the opportunity to nominate additional individuals to fill the existing vacancies.

Western Pulaski District's Board of Commissioners' representatives in this matter, Randall Wilson and Mr. Calder, have submitted nominees for the two vacancies. Mr. Wilson nominated Mr. Calder to serve for another term, and Mr. Calder nominated Mr. Roberts to serve for another term. The nominees have each responded to the Commission's directives to provide information.

In making our selection, the Commission must consider the totality of the circumstances, including the education, business and management experience, and personal history of the proposed candidates, and the existing financial and operating condition of the water district. Based upon our review of the evidence of record, we find no information to suggest that Mr. Calder and Mr. Roberts are unqualified to serve in the designated positions. We find that both Mr. Calder and Mr. Roberts currently serve on Western Pulaski District's Board of Commissioners. We further find that Mr. Calder and Mr. Roberts both reside within Western Pulaski District's territory and possess

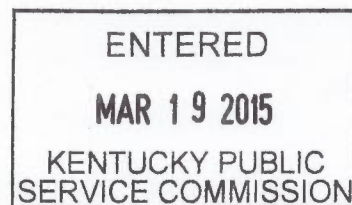
adequate education, business skills, and experience to perform the duties of water district commissioner.

As the record contains no evidence to suggest that Mr. Calder and Mr. Roberts are unqualified to hold the positions, we find that Mr. Calder and Mr. Roberts should both be reappointed to fill the existing vacant positions on Western Pulaski District's Board of Commissioners.

IT IS THEREFORE ORDERED that:

1. Don Calder is appointed to fill the existing vacancy on Western Pulaski District's Board of Commissioners. His term shall expire July 11, 2018.
2. Teddy Roberts is appointed to fill the existing vacancy on Western Pulaski District's Board of Commissioners. His term shall expire July 11, 2018.

By the Commission



ATTEST



Executive Director

*Don Calder
Chairman
Western Pulaski County Water District
1059 West Highway 80
Somerset, KY 42503

*Western Pulaski County Water District
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