



Kentucky Rural Water Association

Helping water and wastewater utilities help themselves

October 7, 2015

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PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen, Executive Director
Public Service Commission
P. O. Box 615
Frankfort, KY 40602-0615

Case No. 2015-00339

Dear Mr. Derouen:

Kentucky Rural Water Association will present a training session entitled **Utility Law Seminar – 2015 Water Law Series** on October 27, 2015, at the Holiday Inn University Plaza/Sloan Convention Center in Bowling Green, Kentucky. This one-day seminar will offer six (6) hours of continuing education credit for water district commissioners.

Please find enclosed an agenda for the session which includes a description of each topic and a bio for all speakers. With this letter and enclosure, Kentucky Rural Water Association respectfully requests that this training be approved for continuing education credit for commissioners as referenced in regulation 807 KAR 5:070. If additional information is needed, please do not hesitate to contact our office.

Sincerely,

Janet Cole
Education Coordinator
j.cole@krwa.org

Enclosures
(Original and 10 packets)



Utility Law Seminar 2015 Water Law Series Utility Leadership Institute

Presented by:

**Kentucky Rural Water Association
Stoll Keenon Ogden PLLC**

October 27, 2015

**Holiday Inn University Plaza/Sloan Convention Center
Bowling Green, Kentucky**

(Time: CDT)

7:45 - 8:25

Registration and Refreshments

8:25 - 8:30

Program Overview and Welcome

8:30 - 9:15

PSC Review of Municipal Utility Rates: Practices, Procedures, & Practical Suggestions

Gerald Wuetcher & Damon Talley

This presentation addresses the Kentucky Public Service Commission's role in setting a municipal utility's wholesale rate for water or wastewater service to PSC-regulated water and wastewater utilities. The presenters will cover the basic rules and procedures governing municipal utility wholesale rates and service. They will also provide practical suggestions for representing municipal utilities and PSC-regulated utilities in PSC proceedings involving municipal utility wholesale rate adjustments.

9:15 - 9:25

BREAK

9:25 - 9:55

Why Did They Do That? – Lessons Learned from Recent PSC Municipal Utility Cases

Damon Talley & Gerald Wuetcher

In the last five years, the Kentucky Public Service Commission has issued several significant decisions on disputes involving municipal utility wholesale rates. The number of these cases is increasing. Presenters will discuss recent PSC proceedings involving the Cities of Versailles, Frankfort, Hopkinsville, Glasgow and Danville and will identify and analyze the substantive issues that were common to each proceeding. They will identify the tactics that produced successful results and those that should be avoided. This presentation is intended to assist wholesale suppliers and wholesale customers in presenting their best case to the PSC.

9:55 - 10:05

BREAK

10:05 - 10:30

When Bad Things Happen – PSC Investigations - Damon Talley

Recently the Kentucky Public Service Commission has taken a more aggressive stance towards violations of its statutes and regulations and has severely penalized several water utilities and their commissioners/managers. This presentation examines recent PSC proceedings in which the PSC investigated alleged violations of its statutes and regulations. The presenter will discuss PSC procedures and the best means to represent a water utility's interests in such setting. He will also identify the actions that can be taken to avoid violations and to mitigate the effects of PSC sanctions.



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P.L.L.C.

- 10:30 - 11:00 **All Things Meter - Damon Talley**
Presentation will discuss the Kentucky Public Service Commission's regulations on metering testing and recent PSC rulings that raise questions over when and how testing should be performed and whether meter manufacturers are complying with those PSC regulations.
- 11:00 - 11:10 **BREAK**
- 11:10 - 12:10 **EEO No! An Employment Law Primer – Stacy Miller**
It has often been said that the best defense is a good offense. That was never truer than in the field of employment law. In this session, we will survey some of the most common bases for employment litigation and discuss how to manage your personnel decisions to sidestep these legal pitfalls.
- 12:10 – 1:10 **LUNCH (Provided Onsite)**
- 1:10 - 2:10 **Privacy and Data Security Update for Water Utilities - Doug Brent**
This one hour section provides an update on privacy law issues relevant to the water sector. Topics include critical infrastructure protection guidance, the evolving NIST cyber security framework, 2015 legislation on threat information sharing, and best practices for data protection. There will also be discussion about cyber security collaboration within other utility sectors in Kentucky.
- 2:10 - 2:20 **BREAK**
- 2:20 - 3:20 **Recent Developments in Utility Regulation – Damon Talley & Gerald Wuetcher**
This presentation reviews recent developments in public utility law and regulation. Recent changes in Kentucky statutes affecting the operation of water utilities, including House Bill 1 and House Bill 5, will be discussed. Presenters will examine recent revisions to Public Service Commission regulations and discuss the effect these revisions will have on a water utility's operations and on Commission proceedings that frequently involve water utilities. Presenters will identify and discuss recent Commission decisions and possible trends represented by these decisions.
- 3:20 – 3:30 **BREAK**
- 3:30 – 4:30 **Ethical Problems for Utility Board Members & Attorneys – Gerald Wuetcher**
The ethics laws and principles that affect utility policy makers, managers, and their attorneys are discussed through the use of diverse and commonly recurring fact situations. Emphasis will be on the ethical obligations of a utility board member to his or her utility under statutory and common law and the ethical obligations of a utility's attorney under the Kentucky Rules of Professional Conduct.
- 4:30 **Closing Remarks/Administrative Announcements**



RESUMÉS OF SPEAKERS

Damon R. Talley

Damon joined Stoll Keenon Ogden PLLC on May 1, 2015. He is a member of the Utility & Energy practice. He practices out of the Hodgenville, Louisville, and Lexington, Kentucky offices. Damon brings to SKO more than 35 years of experience working in private practice focusing on public utility work. He serves as General Counsel of the Kentucky Rural Water Association and has served in this capacity since 1979.

He is a frequent speaker at training sessions sponsored by the Kentucky Rural Water Association, Public Service Commission, Division of Water, Utility Management Institute, and other Utility Industry Groups.

Damon received his J.D. from the University of Kentucky College of Law in 1975, and earned his B.S.M.E. in 1972 from the University of Kentucky College of Engineering. He served as a board member of the Kentucky Infrastructure Authority for 15 years (2000-2015), and was a charter member, a long-time board member and Board Chairman for two terms of the KY FFA Foundation, Inc. He also serves as a board member for a variety of other non-profit organizations.

Stacy E. Miller

Stacy is a Member of the Labor, Employment & Employee Benefits practice in Stoll Keenon Ogden's Lexington office. Stacy concentrates her practice on counseling, civil litigation and administrative defense with emphasis on employee benefits, the Family and Medical Leave Act, the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act, the Kentucky Civil Rights Act, wrongful termination and noncompetition and other employment agreements.

Stacy received her J.D. from the University of Kentucky College of Law in 2005. Prior to that, she earned her Master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky in 2001.

Stacy serves as a member of the Board of Directors for the Foster Care Council of LexKy, and is a member of the Society for Human Resources Management (SHRM). Stacy is the author of "Discrimination Based Upon Disability," UK/CLE Employment Law in Kentucky Handbook, 4th ed., 2013, Chapter 6. She is a regular presenter at seminars and trainings on employment law issues.

Douglas F. Brent

Doug is an experienced regulatory lawyer and chairs the Privacy & Information Security and the Class Action practices for Stoll Keenon Ogden PLLC. Doug's focus includes telecommunications industry litigation and representation of competitive wireline, wireless, cable and information service providers in regulatory and legislative matters, including tariff, tax recovery and TCPA compliance. He has also represented industrial customers in disputes with energy and communications providers, including the discovery and recovery of tariff overcharges. He is a frequent speaker on information privacy topics, including cyber security regulation and critical infrastructure protection.

His telecommunications law experience includes practice before the FCC and numerous state commissions before and after the passage of the 1996 Telecommunications Act. He was in-house counsel to a global telecommunications carrier before joining the firm. He began his career as an attorney for the Kentucky Public Service Commission.

Doug received his J.D. from the University of Kentucky College of Law in 1986. He earned his B.B.A. (Honors Program) from the University of Kentucky in 1982.

Doug is AV Preeminent® Peer Review Rated™ by Martindale-Hubbell®, listed in *The Best Lawyers in America*® and recognized as a Top Lawyer by Louisville Magazine. A member of the Kentucky Bar Association and the Federal Communications Bar Association, he is a member of the International Association of Privacy Professionals (IAPP) with the CIPP/US certification. Doug has also served as a Trustee for the Olmsted Parks Conservancy.

Gerald E. Wuetcher

Jerry is Counsel to the Firm and a member of the Utility & Energy practice. He brings to Stoll Keenon Ogden more than 25 years of experience working at the Kentucky Public Service Commission, where he served as a staff attorney, deputy general counsel and executive advisor. He frequently appeared before the Commission in administrative proceedings involving electric, natural gas, water and sewer utility issues and represented the Commission in state and federal courts. Jerry also served as the Commission's representative in a number of interagency groups addressing water and wastewater issues. Between 2009 and 2013, he was the Commission's representative on the Board of the Kentucky Infrastructure Authority. Jerry developed and implemented the Commission's training program for water utility officials in 1998 and served as one of its principal instructors during his tenure with the Commission.

Jerry served for 27 years in the United States Army as a judge advocate before retiring at the rank of Colonel in 2011. His service encompassed numerous roles on active duty and in a reserve status, including claims officer, trial and defense counsel and legal assistance officer. He commanded the 139th Legal Support Organization – an Army Reserve unit consisting of four legal services teams in Kentucky and Tennessee – and has served as the Staff Judge Advocate to the 100th Division (Training). His military awards include the Legion of Merit and Meritorious Service Medal.

Jerry received his J.D. from Emory University in 1984, and earned his B.A. in History in 1981 from Johns Hopkins University. Jerry also serves as a member of Board of Trustees of the Woodford County Library and has previously served as an adjunct professor at the University of Louisville Brandeis School of Law.