

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
NORTHERN KENTUCKY WATER)	
DISTRICT AND STOLL KEENON)	CASE NO.
OGDEN PLLC FOR APPROVAL OF)	2018-00091
COMMISSIONER TRAINING AND)	
CONTINUING EDUCATION CREDIT)	

ORDER

On or about March 12, 2018, Northern Kentucky Water District and Stoll Keenon Ogden, PLLC (“Northern Kentucky Water”) requested approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for proposed water district management training scheduled for March 26, 2018, at Northern Kentucky Water’s offices in Erlanger, Kentucky. The training program was entitled *Northern Kentucky Water Training 2018* (hereinafter the “Training Program”). On April 24, 2018, Northern Kentucky Water filed supplemental documents indicating, among other things, that the program occurred as scheduled and identified the water district commissioners who attended the program. Having carefully considered Northern Kentucky Water’s request, the Commission approves the Training Program to satisfy the six hours of training, described by KRS 74.020(6) and KRS 74.020(7), for water district commissioners who are not serving in the first year following their appointment.

DESCRIPTION OF TRAINING PROGRAM

The Training Program consisted of eight one-hour sessions with certain sessions occurring concurrently such that water district commissioners could only attend six

sessions and earn six hours of credit. The sessions were: Recent Developments in Utility Regulation; Eliminating Harassment in the Work Place; PSC Consumer Services, One-on-One Discussion – Rosemary Tutt, Session I; Public Service Commission Treatment of Employee Compensation; PSC Consumer Services, One-on-One Discussion – Rosemary Tutt, Session II; Extending Meter Service Life, Keeping Lead Out of Kentucky’s Drinking Water; and Legal Issues in the Operation & Management of Water Systems. Each session was described in the materials provided with the application, including detailed PowerPoint slides for the presentations. The presenters for the sessions were attorneys with experience practicing before the Commission, a Commission Staff member, and the Assistant Director of the Kentucky Division of Water. Northern Kentucky Water submitted with its application, the written materials that would be provided to program participants, and stated that participants would also be provided a flash drive containing an electronic copy of each presentation, applicable laws, regulations, Kentucky court decisions, and Commission orders, as well as several reference publications.

On April 24, 2018, Northern Kentucky Water made a supplemental filing and provided, among other things, a sworn statement certifying that the training occurred as indicated; a statement identifying minor changes to the program; a list of the water district commissioners who attended the program and the number of hours each attended; copies of PowerPoint slides for the presentation with minor edits made following the application; and a list of documents provided on a flash drive to water district commissioners. The documents identified as being provided on a flash drive primarily consisted of public documents readily identifiable based on the citations

provided and electronic versions of the documents presented in hard copy to the Commission.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners that shall control and manage the affairs of the district.¹ KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioner's initial appointment.² KRS 74.020(6) and (7) encourage water district commissioners who are not serving in their first year to complete six instructional hours of "water district management training approved by the Public Service Commission" in each additional year by allowing the commissioners to receive a raise if they complete that training each year.

"[T]o ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may no longer satisfy their initial training obligations by taking training courses offered by third parties," but rather, must complete the initial training offered by the Commission.³ Moreover, the Commission is only permitted to approve a program to

¹ See KRS 74.020(1).

² KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

³ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 ("Water Training Order"); see also Water Training Order at 5 ("To satisfy his or her training obligations set forth in KRS 74.020(8), every

satisfy the initial water district training requirements if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁴ Northern Kentucky Water’s program is not equivalent to the Commission’s program of instruction.⁵ Thus, the Training Program may not be used by newly appointed water district commissioners to satisfy the initial training requirements as set forth in KRS 74.020(8).

The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020(6) and (7). However, consistent with 807 KAR 5:070, Section 1, third parties applying for approval of a proposed water district commissioner training program must file the following documents and information 30 days prior to the first date on which the course is to be offered:

- (1) The name and address of the applicant;
- (2) The name and sponsor of the program and the subject matter covered by the program;
- (3) A summary of the content of the program in detail sufficient to describe how the program will enhance the management, operation, and maintenance of water treatment and distribution systems;
- (4) The number of credit hours requested for the program;
- (5) The name and relevant qualifications and credentials of each instructor presenting the program.
- (6) A copy of written materials given to water commissioners attending the program; and
- (7) If the program has been certified by an organization that provides training to persons associated with the water

newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner’s appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission’s seminars.”).

⁴ See KRS 74.020(8).

⁵ See Water Training Order at 5, Appendix (describing the Commission’s program).

industry, the name of the certifying organization and a statement that the certification remains valid.

Moreover, the Commission expects written materials to be provided to water district commissioners, as indicated in 807 KAR 5:070, Section 1(6), and that those materials be provided to the Commission for review as part of the request for approval.⁶

Northern Kentucky Water provided, among other things, detailed descriptions of the sessions, materials that would be handed out at the sessions, and detailed descriptions of the presenters for each session. The materials were not provided 30 days prior to the first scheduled date on which the program was to take place, but this application was filed before the order in Case No. 2018-00085 was entered. Based on the information provided, the Commission finds that Northern Kentucky Water's Training Program is of a "high quality" and will enhance water district commissioners understanding of their responsibilities and duties.⁷ Thus, the Commission approves and accredits the Training Program for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020(6) and (7) for water district commissioners not serving in the first year following their appointment subject to the conditions discussed herein below.

IT IS THEREFORE ORDERED that:

1. Northern Kentucky Water's Training Program that took place on March 26, 2018, is hereby approved and accredited for six hours of water district management

⁶ Water Training Order 4-5; 807 KAR 5:070, Section 1.

⁷ See KRS 74.020(7)(c)(stating that the Commission "shall encourage and promote the offering of high quality water district management training programs that enhance a water district commissioner's understanding of his or her responsibilities and duties").

training for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020(6) and (7).

2. Water district commissioners who attended the program shall receive credit toward their six hours of annual training, described by KRS 74.020(6) and KRS 74.020(7), for water district commissioners who are not serving in their first year based on the number of hours they attended the program.

3. Northern Kentucky Water's Training Program may not be used by water district commissioners seeking to satisfy any portion of the initial training requirement for water district commissioners required by KRS 74.020(8).

4. Northern Kentucky Water shall retain a record of all water district commissioners attending the Training Program.

5. This matter is closed and removed from the Commission's docket.

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By the Commission



ATTEST:


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