

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TRAIN 2	)	
RETAIN RESOURCES, LLC FOR APPROVAL	)	CASE NO.
OF COMMISSIONER TRAINING AND	)	2020-00304
CONTINUING EDUCATION CREDIT	)	

ORDER

On September 16, 2020, Train 2 Retain Resources, LLC (Train 2 Retain) requested approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for the proposed water district management training scheduled to take place on October 22, 2020, at East Pendleton Water District in Falmouth, Kentucky. Having carefully considered Train 2 Retain's request, the Commission conditionally approves and accredits the program to satisfy up to six hours of annual training required by KRS 74.020(6) and (7) for water district commissioners. Train 2 Retain did not request that the proposed training program be approved and accredited to satisfy any portion of the 12 hours of initial training for newly appointed commissioners required by KRS 74.020(8).

DESCRIPTION OF TRAINING PROGRAM

The training program will last for six hours and will consist of a three hour session regarding succession planning and a three hour session regarding asset management planning. The training session on succession planning discusses, among other things, the various operator classifications, including a discussion of Department of Water (DOW) regulations regarding staffing and operator training; the importance of succession planning on the operation of the water and wastewater utility; and ways to plan for

succession. The training session on asset management planning defines assets and explains the “Seven Questions That Drive Asset Management,” which it identified as:

1. What do we have? Data, GIS, inventory verification, maps, etc.;
2. What is it worth? Asset valuations, depreciations, salvage value, resale;
3. What is its condition? Visual Analysis, CCTV, Hydraulic Modeling;
4. What do we need to do to it? Rehabilitate, replace, nothing, enhance, expand;
5. When do we need to do it? Prioritize, master plans, budgeting, planning;
6. How much will it cost? Construction, materials operations, maintenance, human resources, bonds
7. How will we finance it? Rate studies, bond issues, grants, loans.

In discussing those questions, the slides for the training program indicate that the presenter will, among other things, discuss how to value assets; define depreciation and explain how to track it; define the salvage value of an asset and explain the importance of salvage values; discuss methods to assess and track the condition of assets; discuss how to decide what actions to take when the condition of an asset deteriorates; discuss the need to prioritize projects; and explain how to evaluate the cost of projects.

The program is being presented by Train 2 Retain, which is a small Kentucky business owned by Melissa Brothers. Ms. Brothers served as staff of the Kentucky Operator Certification Program within the Energy and Environment Cabinet (EEC) for 16 years and as Executive Director of the Kentucky Water and Wastewater Operators Association (KWWOA) for five years. Ms. Brothers and training personnel contracted by

Train 2 Retain have conducted numerous training sessions related to water and wastewater system operations and management in addition to providing tutoring to operational personnel preparing for certification examinations.

The training program proposed in this matter will be presented by George Haynes. Mr. Haynes obtained a degree in General Engineering from the University of Mississippi. Mr. Haynes served as an engineer and a water and wastewater educational trainer for the Division of Compliance Assistance for seven years, and he was also previously employed as a training specialist for Florida Gateway Community College specializing in water and wastewater training courses. Mr. Haynes is currently employed by Jacksonville Florida Environmental Authority (JEA) as a Pollution Prevention Coordinator.

#### DISCUSSION

KRS Chapter 74 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 Chapter 74 must be administered by a board of commissioners, which shall control and manage the affairs of the district.<sup>1</sup> 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.<sup>2</sup> KRS 74.020(6) and (7) encourage water district commissioners to complete six instructional hours of "water district

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<sup>1</sup> See KRS 74.020(1).

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

management training approved by the Public Service Commission” in each calendar year by allowing the commissioners to receive a raise if they complete that training each year.

Train 2 Retain states that it is seeking to have the training program approved to satisfy the six hours of annual training necessary for water commissioners to satisfy KRS 74.020(6) and (7), but is not seeking to have it approved to satisfy the initial training requirements of KRS 74.020(8). The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of annual training described in KRS 74.020(6) and (7) if it determines that the programs are “high quality” and will “enhance a water district commissioner's understanding of his or her responsibilities and duties.”<sup>3</sup> However, third parties applying for approval of a proposed water district commissioner training program must file their applications, including a detailed description of the program, a description of the qualifications of any presenters, and a copy of the written materials to be distributed at the program among other things, 30 days prior to the first date on which the program is to be offered.<sup>4</sup>

Train 2 Retain provided the information required by 807 KAR 5:070 and the Commission’s Order in Case No. 2018-00085 in a timely manner. Based on that information, the Commission finds that Train 2 Retain’s training program is of a “high quality” and will enhance water district commissioners understanding of their

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<sup>3</sup> 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”).

<sup>4</sup> 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 4-5.

responsibilities and duties.<sup>5</sup> Thus, the Commission conditionally 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). The program is not approved to satisfy the initial training for newly appointed water commissioners required pursuant to KRS 74.020(8).

IT IS THEREFORE ORDERED that:

1. Train 2 Retain's training program scheduled to take place on October 22, 2020, is hereby conditionally approved and accredited for up to six hours of water district management training for water district commissioners seeking to satisfy the annual training requirements set forth in KRS 74.020(6) and (7).

2. Train 2 Retain'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).

3. Train 2 Retain shall retain a record of all water district commissioners attending the training program.

4. No later than 45 days after the scheduled training program, Train 2 Retain shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed;

b. A description of any changes in the presenters or purposed curriculum that occurred after the application;

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<sup>5</sup> 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").

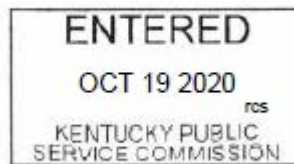
c. The name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the presentations if not previously provided.

5. Upon receipt of the materials identified in paragraph 4 and provided there are no material changes to the program, the Commission shall issue a final Order approving and accrediting the training program.

6. Train 2 Retain shall permit a representative of the Commission to attend the training program at the Commission's discretion, without charge, to assess compliance with this Order or the quality of instruction or for any other purpose deemed necessary by the Commission.

By the Commission



ATTEST:



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Deputy Executive Director

Case No. 2020-00304

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