

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF HENDERSON	)	
COUNTY WATER DISTRICT AND JONATHAN	)	
EBLEN, A MEMBER OF THE HENDERSON	)	CASE NO.
COUNTY WATER DISTRICT BOARD, FOR AN	)	2023-00271
EXTENSION OF TIME TO COMPLETE	)	
REQUIRED TRAINING FOR NEWLY REPORTED	)	
WATER DISTRICT COMMISSION	)	

ORDER

On August 14, 2023, Henderson County Water District (Henderson District) and Jonathan Eblen filed an application requesting an extension of time to complete training requirements, pursuant to KRS 74.020(9). Henderson District stated that a miscommunication between Mr. Eblen and the utility’s former superintendent led to Mr. Eblen failing to register for the required 12 hours of training a new commissioner must attend within 12 months of appointment.<sup>1</sup> Therefore, Henderson District requested an extension of time until December 31, 2023, for Mr. Eblen to complete the required 12-hour new commissioner training required by KRS 74.020(8)(a). This matter now stands submitted for a decision by the Commission.

LEGAL STANDARD

KRS 74.020(8)(b) states, “Within twelve (12) months of initial appointment, each commissioner shall complete the program of instruction...any commissioner who fails to complete the program within twelve (12) months of his or her appointment shall forfeit his

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<sup>1</sup> Application at 3.

or her office and all right to act in discharge of the duties of the office.” However, KRS 74.020(9) allows the Commission to grant a reasonable extension of time, not to exceed six (6) months, for good cause shown. Additionally, KRS 74.020(4) provides that if a vacancy on a water district’s board of commissioners has not been filled by the county judge executive with the approval of the fiscal court within 90 days following the vacancy, the Commission shall fill the vacancy.

### DISCUSSION AND FINDINGS

With its application Henderson District included a letter dated June 28, 2022, from the Henderson County Judge Executive, Brad Schneider.<sup>2</sup> In the letter, Judge Executive Schneider writes that Jonathan Eblen was appointed as a commissioner on Henderson District’s board on June 28, 2022.<sup>3</sup> Henderson District and Mr. Eblen acknowledged in the motion that since Mr. Eblen’s appointment he has not attended any programs of instruction to train newly appointment commissioners.<sup>4</sup> The Commission held training for newly-appointed commissioners in July 2022, September 2022, October 2022, and December 2022. Henderson District stated that Mr. Eblen did not register for any of these training sessions due to a miscommunication with the former superintendent. Additionally, the Commission held new commissioner training in July 2023. However, Mr. Eblen did not seek an extension of time in which to obtain new commissioner training that would have encompassed the July 2023 offering, nor did he attend the July 2023 training.

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<sup>2</sup> Application, Exhibit 1.

<sup>3</sup> Application, Exhibit 1.

<sup>4</sup> Application at 3.

Thus, having reviewed the application and being otherwise sufficiently advised, the Commission finds that as a result of his failure to complete the training required for newly appointed commissioners by June 28, 2023, Mr. Eblen forfeited his position as a commissioner for Henderson District on June 29, 2023. This is consistent with commission precedent on the issue.<sup>5</sup> The Commission cannot grant an extension of time for Mr. Eblen to attend the statutorily required training, because by operation of law, Mr. Eblen has already forfeited his position. Therefore, the position formerly occupied by Mr. Eblen has been vacant since June 29, 2023. Pursuant to KRS 74.020(4), the Henderson County Judge Executive, with approval of the fiscal court, must fill the position by appointing a new commissioner on or before September 27, 2023. The Commission finds that this proceeding should remain open to permit Henderson District to inform the Commission of the new appointment. Further, the Commission finds that if no appointment is made by September 27, 2023, the Commission will open a proceeding to fill the position.

IT IS THEREFORE ORDERED that:

1. Henderson District and Mr. Eblen's application for an extension of time to complete training requirements is denied.
2. Mr. Eblen forfeited his office as a member of the Henderson County Water District Board as of June 29, 2023.

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<sup>5</sup> See Case No. 2012-00449, *Legal Qualifications of Rebekah Johnston to Continue to Serve as a Member of the Board of Commissioners of Sandy Hook Water District* (Ky. PSC Apr. 2, 2013), final Order at 7. Case No. 2022-00248, *Electronic Investigation of Possible Vacancy on the Board of Commissioners of Crittenden-Livingston County Water District Due to Dennis Fleet's Alleged Violation of KRS 74.020(8)(b)* (Ky. PSC May 2, 2023).

3. A copy of this Order shall be served upon the Henderson County Judge Executive.

4. Henderson District shall inform the Commission of the appointment of a new Commissioner to its board within ten days of appointment by the fiscal court, by filing documentation of the appointment into the record of this proceeding.


5. In the event that the Henderson County Judge Executive, with the approval of the Henderson County Fiscal Court, fails to fill the vacant position by September 27, 2023, the Commission shall open a separate proceeding to fill the position.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
AUG 31 2023 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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