

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
RURAL WATER ASSOCIATION FOR)	CASE NO.
ACCREDITATION APPROVAL OF)	2024-00009
COMMISSIONER TRAINING AND CONTINUING)	
EDUCATION CREDIT)	

ORDER

On January 08, 2024, Kentucky Rural Water Association (KRWA) filed an application¹ for approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for the proposed water district management training titled Water District Commissioner Training (Training Program) scheduled to take place on February 21, 2024, at the Sloan Convention Center in Bowling Green, Kentucky, Kentucky.

Having reviewed the KRWA's request and being otherwise sufficiently advised, the Commission approves the Training Program to satisfy the six hours of training described by KRS 74.020(6) and (7), subject to the conditions discussed below. KRWA did not request the 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).

¹ All applications should be filed in an optimized pdf format (searchable or OCR) and include bookmarks to distinguish sections. Any future applications from KRWA not meeting this requirement will be rejected as deficient.

DESCRIPTION OF TRAINING PROGRAM

The Training Program will be conducted in person on February 21, 2024, at the Sloan Convention Center in Bowling Green, Kentucky. The Training Program will consist of the following sessions:

1. Essential Requirements for Utilities Undergoing a PSC Inspection (Part 1). (1 hour): An understanding of the expected requirements of utilities when undergoing inspections. The presentations will address essential requirements for a positive inspection and the common deficiencies that can be avoided in order to meet regulatory standards Includes an overview of Kentucky utility statutes and regulations. Discussion will include PSC authority, rates, types of rate cases, CPCN, and financing requirements.
2. Essential Requirements for Utilities Undergoing a PSC Inspection (part 2). (1 hour): Continuation of Part 1.
3. Practical Suggestions for a Successful PSC Rate Adjustment Filing. (1 hour): Practical suggestions for a successful and uneventful rate proceeding before the Public Service Commission. Topics will include frequency of rate applications, timing of a rate filing, issues to consider before preparing the application, strategies, preparing for a hearing and a discussion of common mistakes to avoid.
4. Utility Consolidation Through Merger or Acquisition. (30 minutes): A detailed overview of the step-by-step approach for evaluating a potential utility consolidation and factors to consider when assessing options. Presenter will detail the methodology for evaluating a potential consolidation.
5. Joint Operations.(30 minutes): Joint Operations will be defined as an option when considering consolidation. The value of this alternative collaboration will be

detailed. Suggestions for developing a joint management and operations agreement will be included.

6. The Importance of Cybersecurity. (1 hour): Importance of a robust cybersecurity strategy to protect utility infrastructure, ensure reliability of services, and safeguard sensitive data. A real-world example of a cyber-attack will be presented as an example of how such an attack can impact an organization, including water and wastewater utilities.

7. Call Before You Dig: Kentucky 811. (1 hour): Regulations and procedures that require individuals or entities to notify authorities before excavating or digging in a particular area. Presenter will provide a brief history of the 811 law and its changes, how the law impacts water and wastewater operators, and enforcement and penalties associated with excavation activities.

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 that shall control and manage the affairs of the district.² 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 commissioners' initial appointment.³ KRS 74.020(6) and (7) encourage

² KRS 74.020(1).

³ KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

water district commissioners to complete six instructional hours of “water district management training approved by the Public Service Commission” in each calendar year by allowing the commissioners to receive a raise if they complete the training each year.

KRWA indicates that it is seeking to have the Training Program approved to satisfy six hours of annual training necessary for water district commissioners to satisfy KRS 74.020(6) and (7), but it 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 subsequent 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.”⁴ 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.⁵

KRWA provided the information required by 807 KAR 5:070 and the Commission’s Order in Case No. 2018-00085 in a timely manner. The Training Program also covers topics that will be relevant and useful to water district commissioners. Moreover, the presenters appear to have knowledge of the topics they intend to discuss, and based on

⁴ 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”).

⁵ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commission of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 4–5.

a review of the materials provided, the Training Program appears to be well developed and of a high quality.

The Commission finds that the Training Program will provide water district commissioners relevant and useful knowledge that will enhance the quality, management, operation, or maintenance of the water systems they operate, and therefore the Training Program should be conditionally approved to satisfy the training requirements set forth in KRS 74.020(6) and (7) or a portion thereof.

IT IS THEREFORE ORDERED that:

1. KRWA's Training Program scheduled to take place on February 21, 2024, is hereby conditionally approved and accredited for up to six hours of annual water district management training for water district commissioners seeking to satisfy training requirements set forth in KRS 74.020(6) and (7).

2. KRWA'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. KRWA shall retain a record of all water district commissioners attending the Training Program.

4. No later than 45 days after each scheduled offering of the Training Program, KRWA shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed, including a statement that the materials regarding each session were distributed as required by the Commission herein;

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

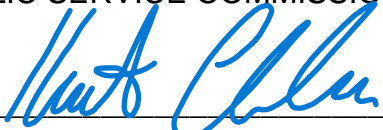
c. The name of each attending water district commissioner, his or her water district, the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the sessions that was not previously provided to the Commission.

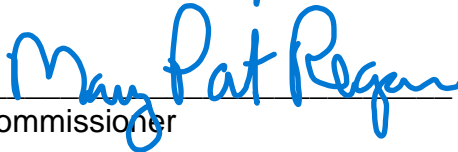
5. Upon receipt of the materials identified in paragraph 4 and provided there are no material changes to the program, the Commission shall issue a final order approving and accrediting the Training Program.

6. KRWA 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 for any other purpose deemed necessary by the Commission.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
FEB 07 2024 bsb
KENTUCKY PUBLIC
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ATTEST:

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