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February 26, 2018

Re: Martin County Water District, Case No. 2016-00142

By this letter, I give notice that I will no longer recuse myself from participation in this proceeding.

On August 8, 2016, I caused to be filed in the record of this proceeding a letter by which I announced my recusal from this case. The reasons that at the time I accepted my appointment to the Commission, I was still engaged in the practice of law with a law firm in Eastern Kentucky. In my capacity as a private attorney, I represented clients that had business relationships with Martin County Water District, and/or were customers of the water district. Based upon my representation of these entities, I recused from this proceeding.

Historically, when the appearance of a potential conflict of interest has arisen due to previous employment in private practice, the Commission has utilized a six-month period of recusal for that Commissioner. The Executive Branch Ethics Commission has twice stated, in Advisory Opinions, that this six-month period is a reasonable period to abstain from participating in matters in which there is a potential appearance of a conflict. (See, Executive Branch Ethics Commission Advisory Opinion 08-20 (issued September 26, 2008), and Executive Branch Ethics Commission Advisory Opinion 08-21 (issued July 11, 2008).

Based upon previous practice, any possible conflict that could have existed at the time of my recusal over 18 months ago no longer exists. I severed my employment with the private firm on June 30, 2016, and have not engaged in the private practice of law since then. Nor does my prior firm represent any party before the Commission in this proceeding. Moreover, I note that I am currently participating in Case No. 2018-00017, Martin County Water District's application for a rate increase, and no party to that proceeding has objected to my participation.

Based upon the foregoing, I will no longer recuse myself from participation in this case.



Michael J. Schmitt
Chairman

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