

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTILL COUNTY WATER DISTRICT NO. 1 AND)	
ITS INDIVIDUAL COMMISSIONERS,)	CASE NO.
GREG WRIGHT, WILLIAM BEARD,)	2017-00467
AND JERRY ARNOLD)	
_____)	
)	
ALLEGED FAILURE TO COMPLY)	
WITH KRS 278.300)	

ORDER

The matter is before the Commission upon two motions filed separately on January 31, 2018, by Estill County Water District No. 1 (“Estill District”) requesting, respectively, an Order dismissing the hearing set for February 27, 2018, and dismissing the Commissioners as parties to the proceeding. Additionally, Estill District, Commissioner William Beard, Commissioner Greg Wright, and Commissioner Jerry Arnold filed separate responses, waiving their rights to a hearing.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that a hearing should proceed on the merits to show cause, if any, why Estill District and its named Commissioners should not be subject to penalties pursuant to KRS 278.990. These proceedings need to be conducted before the Commission so that Estill District and its Commissioners may be subject to cross-examination and recorded. Therefore, the waiver of rights to a hearing by Estill District and its commissioners, and Estill District’s Motion to Dispense with Evidentiary Hearing and Submit Case for Decision, should be denied.

Furthermore, the Commission finds that pursuant to KRS 278.990, if the Commission finds that a commissioner willfully violated KRS 278.300, the commissioners may be subject to a Commission-imposed penalty, and KRS 278.350 is not a defense. Based upon the foregoing, Estill District's Motion to Dismiss Commissioners as Parties to Proceeding should be denied.

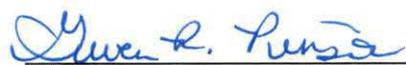
IT IS THEREFORE ORDERED that:

1. Estill District's Motion to Dispense with Evidentiary Hearing and Submit Case for Decision is denied.
2. Estill District's Motion to Dismiss Commissioners as Parties to Proceeding is denied.

By the Commission

ENTERED
FEB 20 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2017-00467

Jerry Arnold
Commissioner
Estill County Water District #1
76 Cedar Grove Road
Irvine, KY 40336

William Beard
Commissioner
Estill County Water District #1
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*Greg Wright
Chairman
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