

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF POSSIBLE VACANCY)	CASE NO.
ON THE BOARD OF COMMISSIONERS OF BIG)	2019-00187
SANDY WATER DISTRICT)	

ORDER

By Order entered July 10, 2019, the Commission established this case to determine whether a vacancy exists on Big Sandy Water District's (Big Sandy District) Board of Commissioners (Board) as a result of the expiration of the term of Larry Shockey and, if so, to identify a qualified candidate to fill the vacancy. Big Sandy District presented contemporaneous letters from the Boyd County Clerk to Big Sandy District's Board indicating that Larry Shockey was initially appointed to the Board in February 2011 to fill the term of another water district commissioner whose term expired on September 4, 2014, and that he was reappointed on September 9, 2014. The date indicated in the documents provided by Big Sandy District from the Boyd County Clerk for the expiration of Larry Shockey's term is consistent with the date provided in letters from the Boyd County Attorney and the Boyd County Judge/Executive. Thus, the Commission finds that Mr. Shockey's position on Big Sandy District's Board became vacant on September 9, 2018.

KRS 74.020(4), which addresses the appointment of members to the boards of commissioners of water districts, states in relevant part:

Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment.

Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding KRS 67.710, a vacancy resulting from the expiration of a term or the death, resignation, or removal of the incumbent shall be filled by the Public Service Commission if, within ninety (90) days following the vacancy, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.

Since Mr. Shockley's position on the board has remained vacant for more than 90 days, the Commission has the authority to fill the position. Accordingly, the Commission finds that further proceedings are necessary to determine who should be appointed to fill the vacancy.

To ensure a wide range of candidates are considered, the Commission will require Big Sandy District to publish the notice of vacancy attached as an Appendix to this order in a newspaper of general circulation in Boyd County. The Commission will consider any applications submitted within 20 days after the publication of notice, and each such application should be made in writing, should include the applicant's name, address, telephone number, and qualifications and shall reference this case number. The Commission will also consider recommendations and letters from references submitted in writing and received within a reasonable time, though such letters should reference this case number to ensure they are placed in the proper file. After receiving the applications, the Commission will determine whether each candidate meets the constitutional and statutory requirements for the office of water district commissioner and, of those candidates that meet these requirements, which is best suited to sit on Big Sandy District's Board.

IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of entry of this Order, Big Sandy District shall publish, in a newspaper of general circulation in Boyd County, the notice of the vacancy on Big Sandy District's Board attached as Appendix hereto.

2. Within five days of the publication, Big Sandy District shall supply proof of publication to the Commission.

3. Within 20 days of the date of publication, any person who wishes to apply as a candidate to fill the vacancies on Big Sandy District's Board of Commissioners shall submit to the Commission, in writing, their name, address, telephone number, qualifications and shall reference Case No. 2019-00187.

4. The term of each commissioner appointed shall be four years pursuant to KRS 74.020, and the terms of current commissioners shall be extended to four years and staggered upon the filling of vacancies to be determined upon final order.

5. The Executive Director shall serve a copy of this Order upon the Boyd County Judge/Executive; the members of the Boyd County Fiscal Court, the Carter County Fiscal Court, the Johnson County Fiscal Court, the Lawrence County Fiscal Court; the Boyd County Attorney; and the Big Sandy District's Board.

By the Commission

ENTERED
SEP 19 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00187

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00187 DATED **SEP 19 2019**

Let it be known to the residents served by Big Sandy Water District that there is a vacancy on the Big Sandy Water District Board of Commissioners. The requirements to serve as a commissioner can be found at KRS 74.020. Any person interested in applying for the position shall submit a notification, in writing, referencing Case No. 2019-00187 with contact information and any qualifications to the Public Service Commission located at 211 Sower Boulevard, Frankfort, Kentucky 40601, within 20 days of the date of this publication.

*Big Sandy Water District
18200 Kentucky Route #3
Catlettsburg, KY 41129

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