

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RURAL WATER)
ASSOCIATION FOR ACCREDITATION AND) CASE NO.
APPROVAL OF COMMISSIONER TRAINING) 2019-00249
AND CONTINUING EDUCATION CREDIT)

ORDER

On July 16, 2019, Kentucky Rural Water Association (KRWA) requested approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for proposed water district management training, entitled *Kentucky Rural Water Association*, to take place on August 26, 2019, through August 28, 2019, at the Hyatt Regency Hotel and Lexington Convention Center in Lexington, Kentucky. Having carefully considered KRWA's request, the Commission conditionally approves and accredits the program to satisfy up to six hours of annual training required by KRS 74.020(6) and (7) for water district commissioners. KRWA did not request that the proposed training program be approved and accredited to satisfy any portion of the 12 hours of training for newly appointed commissioners required by KRS 74.020(8).

DESCRIPTION OF TRAINING PROGRAM

The Training Program will consist of 17 courses ranging in length from 1 hour to 1.5 hours. Some of the courses will take place concurrently such that attendees will have the opportunity to earn 6 hours of credit on August 26, 2019, 3 hours of credit on August 27, 2019, and 3 hours of credit on August 28, 2019. The courses offered as part of the Training Program vary in their focus and include sessions on specific technologies,

management, legal obligations, and regulatory and other trends related to water districts.

Examples of the courses to be offered include:

1. The Kentucky Emergency Response Commission and Kentucky Water and Wastewater Utilities: This course will cover the various duties of the Kentucky Emergency Response Commission (KERC), including KERC's implementation of the Emergency Planning and Community Right-To-Know Act (EPCRA), and will address how KERC works with water and wastewater utilities to ensure compliance with EPCRA.
2. GPS and GIS: A Utilities Perspective: This course, which is presented by Kenny Ratliff of Oldham County Water District and Charles Altendorf of Hardin County Water District #1, will cover the use of GPS by water and wastewater utilities and will illustrate how a smaller utility can set up and utilize a GPS/GIS program.
3. ARC Flash and Electric Safety: This course will address electrical shock and arc flash hazards, NFPA 70E requirements, and ways to protect employees from electrical hazards.
4. Water Audits and Water Loss Control for Public Utilities: This course will discuss how to address water loss through a water audit, an intervention to identify the source of losses and implement solutions, and an evaluation of intervention measures and the need for further improvement.
5. Wastewater Disinfection with Peracetic Acid: This course will provide an overview of the use of peracetic acid for wastewater disinfection, including a discussion of its chemical characteristics, efficacy in treating wastewater, and its application around Kentucky.
6. Legal and Regulatory Aspects of Unaccounted-for Water: This course will examine how the Kentucky Public Service Commission has historically addressed unaccounted-for water for ratemaking and other regulatory purposes and its current regulatory stance towards unaccounted-for water.

The presenters of each course appear to have relevant knowledge in the subjects on which they will present. They include the Program Coordinator for the Kentucky Emergency Response Commission, the GIS Manager for Oldham County Water District, the Principal Engineer and Project Manager for an environmental consulting firm, an engineer who is employed as the General Manager of a number of water districts, an

attorney who regularly represents water districts before the Commission and previously spent more than 26 years as an attorney with the Commission, the executive director and other staff of KRWA, and the Chairman of the Kentucky Public Service Commission. Further, KRWA provided detailed PowerPoints for the presentations and indicated that they would be provided to attendees.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities, among other things. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners, which shall control and manage the affairs of the district.¹ KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of initial training offered or approved by the Commission within 12 months of the commissioner's initial appointment.² KRS 74.020(6) and (7) encourage water district commissioners to complete six instructional hours of "water district management training approved by the Public Service Commission" in each educational year, defined as the period running from January 1 to December 31, by allowing the commissioners to receive a raise in each year that they complete the training.

KRWA stated in its application that it is not seeking to have the Training Program approved to satisfy the initial training requirements of KRS 74.020(8). Further, "[t]o ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may

¹ See KRS 74.020(1).

² KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

no longer satisfy their initial training obligations by taking training courses offered by third parties,” but rather, must complete the initial training offered by the Commission.³ Additionally, the Commission is only permitted to approve a program to satisfy the initial water district commissioner training requirements of KRS 74.020(8) if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁴ Thus, the Commission is not able to approve KRWA’s Training Program to satisfy the initial training requirements for newly appointed water district commissioners prescribed KRS 74.020(8).

The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of annual 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.”⁵ 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

³ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 (Water Training Order); *see also* Water Training Order at 5 (“To satisfy his or her training obligations set forth in KRS 74.020(8), every newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner's appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission's seminars.”).

⁴ *See* KRS 74.020(8)(a) (stating that the Commission “shall provide or cause to be conducted” the training program “[a]t least once annually”).

⁵ *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”).

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.⁶

KRWA provided the information required by the Commission in a timely manner. Based on that information, the Commission finds that KRWA's Training Program is of "high quality" and will enhance water district commissioners understanding of their responsibilities and duties.⁷ Thus, the Commission conditionally approves and accredits the Training Program for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020(6) and (7). The program is not approved to satisfy the initial training for newly appointed water commissioners required pursuant to KRS 74.020(8).

IT IS THEREFORE ORDERED that:

1. KRWA's Training Program scheduled to take place on August 26, 2019, through August 28, 2019, is hereby conditionally approved and accredited for up to six hours of water district management training for water district commissioners seeking to satisfy the annual 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.

⁶ Water Training Order at 4–5.

⁷ 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").

4. No Later than 30 days after the scheduled training program, KRWA shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed;

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

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

d. A copy of any written material given to water district commissioners attending the presentations if not previously provided.

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 or for any other purpose deemed necessary by the Commission.

By the Commission

ENTERED
JUL 31 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director for
Gerald R. Pearson

Case No. 2019-00249

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