

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RURAL WATER)	
ASSOCIATION FOR ACCREDITATION)	CASE NO.
APPROVAL OF COMMISSIONER TRAINING AND)	2019-00331
CONTINUING EDUCATION CREDIT)	

ORDER

On September 9, 2019, Kentucky Rural Water Association (KRWA) filed an application for approval and accreditation of a training program to be offered on October 16, 2019, entitled "Sustainable Management Workshop" (hereinafter the Training Program). Having carefully considered KRWA's request, the Commission approves the program to satisfy the six hours of training described by KRS 74.020(6) and KRS 74.020(7). However, the Training Program is not approved to satisfy any of the 12 hours of initial training for water district commissioners required by KRS 74.020(8), which approval KRWA did not request.

DESCRIPTION OF TRAINING PROGRAM

The Training Program is scheduled to take place at Dawson Springs Branch Library in Dawson Springs, Kentucky. The program was developed by the United States Environmental Protection Agency (USEPA) and the United States Department of Agriculture (USDA) to assist small, rural utilities in developing sustainable management practices. It presents 10 Key Management Areas for sustainable development and then has the water district commissioners analyze their utilities based on those areas and begin to develop solutions to any issues identified. The 10 Key Management Areas are

resource adequacy, product quality, customer satisfaction, community sustainability and economic development, employee and leadership development, financial viability, operational optimization, infrastructure stability, operational stability, and stakeholder understanding and support.

The Training Program consists of three sessions of varying lengths for a total of six possible credit hours. Those sessions are:

1. Key Utility Management Areas: This session covers common challenges faced by utilities, including aging infrastructure, rate issues, and operational expenses, and characteristics of well-managed utilities, including the 10 Key Management Areas discussed above.
2. System Improvement Priorities: Utility Self-Assessment: This session is a utility self assessment where attendees will rate their utility's level of achievement in the 10 Key Management Areas with the assistance of instructors.
3. Improving Outcomes: This session is designed to start utilities along the path of developing a management improvement plan. Attendees will be guided through a prioritization process to determine their highest, medium and lowest goals as a means to develop a management improvement plan, including a discussion of who would be responsible for certain improvements. Attendees will also discuss what is working and what is not working in current improvement plans and practices.

The presenter for the sessions is Randall Kelley with the Kentucky Rural Water Association. Attendees of the program will receive the Rural and Small Systems Guidebook to Sustainable Utility Management published by the USEPA and USDA and a PowerPoint summarizing the program. The training program is being offered free of charge. Based on previous Orders of the Commission requiring the same, KRWA pledged to provide a sworn statement attesting that the accredited instruction was performed as proposed, to note material changes in the presenters or proposed program curriculum, if any, and to provide a list of the water commissioners who attend, among other things.

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. 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 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.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 additional calendar year by allowing the commissioners to receive a raise if they complete that training each year.

KRWA indicated that it is seeking to have the Training Program approved to satisfy the six hours of annual training necessary for water district commissioners to satisfy KRS 74.020(6) and (7) but are 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

¹ See KRS 74.020(1).

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

responsibilities and duties.”³ 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.⁴

Here, KRWA properly filed its request for approval, and the Training Program covers topics that will be relevant and useful to water district commissioners. Moreover, the presenter appears to have knowledge of the topics he intends to discuss, and based on a review of the materials provided, the Training Program appears to be well developed and of high quality. Thus, the Commission finds that KRWA’s 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.

IT IS THEREFORE ORDERED that:

1. KRWA’s Training Program scheduled to take place on October 16, 2019, is hereby conditionally approved and accredited for up to six hours of annual water district management training for water district commissioners seeking to satisfy the 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 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 Water Training Order at 4–5.

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

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, 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 purposed curriculum that occurred after the application;

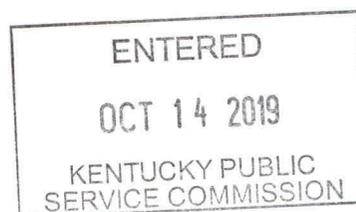
c. The name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the 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 or for any other purpose deemed necessary by the Commission.

By the Commission



ATTEST:


Executive Director

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