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July 24, 2019

RECEIVED

JUL 24 2019

PUBLIC SERVICE
COMMISSION

Ms. Gwen R. Pinson, Esq.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

**Re: *An Investigation of Possible Vacancy of the Board of Commissioners of Big Sandy Water District
Case No. 2019-00187***

Dear Ms. Pinson:

Enclosed for filing in the above-referenced matter are the original and ten copies of Big Sandy Water District's Response to the Commission's Order of July 10, 2019.

In its Order of July 10, 2019, the Commission does not specifically identify who must respond. Big Sandy Water District assumes that, as it is the only party in this proceeding, it is the responsible party. It has advised the Boyd County Attorney as much.

Very truly yours,

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink that reads "Gerald E. Wuetcher".

Gerald E. Wuetcher

GEW
Enclosure
Cc: C. Phillip Hedrick (via e-mail)

RECEIVED

JUL 24 2019

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

RESPONSE OF BIG SANDY WATER DISTRICT
TO THE COMMISSION'S ORDER OF JULY 10, 2019

Big Sandy Water District submits its Response to the Commission's Order of July 10,
2019.

Dated: July 24, 2019

Respectfully submitted,



Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3017
Fax: (859) 259-3517
gerald.wuetcher@skofirm.com

Counsel for Big Sandy Water District

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

RESPONSE OF
BIG SANDY WATER DISTRICT
TO
THE COMMISSION'S ORDER OF JULY 10, 2019

FILED: July 24, 2019

BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

Question No. 1

Responding Witness: Teresa Brown

Q-1. List the name of each current Big Sandy Water District Commissioner and the date on which their [sic] term expires.

A-1. See table below.

Commissioner	Position	County	Term Expires
Paul Thomas	Chairman	Carter	08/08/2020
William Hardin	Vice-Chairman	Lawrence	01/31/2022
James Salisbury	Secretary	Boyd	09/01/2019
Charles Shockey	Treasurer	Lawrence	03/31/2022
Larry Shockey	Asst. Secretary/Asst. Treasurer	Boyd	09/09/2018

BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

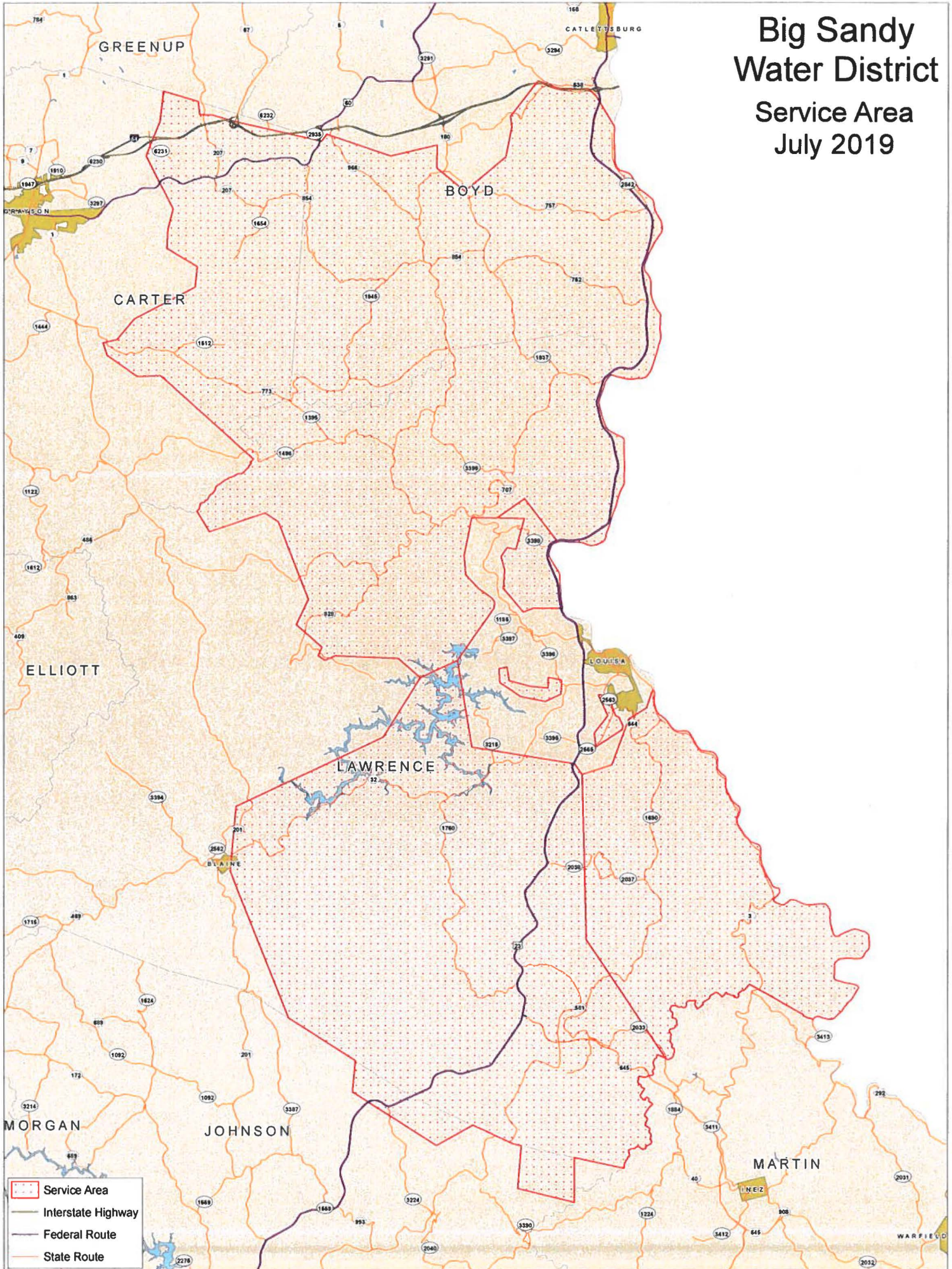
Question No. 2

Responding Witness: Teresa Brown

Q-2. Provide a map of Big Sandy Water District's territory

A-2. See Attachment to this Response.

Big Sandy Water District Service Area July 2019



BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

Question No. 3

Responding Witness: Theresa Brown

Q-3. Provide the ordinances and resolutions of Boyd County Fiscal Court that establish Big Sandy Water District's territorial boundaries

A-3. Attached to this response are the resolutions of Boyd County Fiscal Court or orders of the Boyd County Judge/Executive establishing Big Sandy Water District's territory in Boyd County, Kentucky. (In 1987 the Boyd County Judge Executive approved Big Sandy Water District's annexation of certain areas within Cannonsburg Water District's territory. A copy of the annexation proposal is attached. Big Sandy Water District has yet to locate the order approving this annexation and is continuing to search for it. This response will be supplemented when the order is located.)

Please note that Big Sandy Water District's territory extends over four counties: Boyd, Carter, Johnson, and Lawrence. Boyd County Fiscal Court created Big Sandy Water District. Big Sandy Water District expanded into the other three counties by orders of judge/executives of those counties. *See* KRS 74.115.

IN THE MATTER OF: BIG SANDY WATER DISTRICT

ORDER ESTABLISHING AND CREATING WATER DISTRICT
TO BE KNOWN AS
BIG SANDY WATER DISTRICT

WHEREAS, there has heretofore been filed a Petition by at least 25 freeholders and residents of an area lying in this County, for the creation of a water district, and asking that same be named BIG SANDY WATER DISTRICT, pursuant to Chapter 74 of the Kentucky Revised Statutes, and

WHEREAS, this Court, by Order entered on May 18, 1977, set the case for hearing on the 6th day of July, 1977, at 9:30 A.M., E.D.T., and

WHEREAS, a Notice of the filing of such Petition and Notice of the hearing as to same was duly published in the APPEAL INDEPENDENT, on June 1, 1977, and on June 21, 1977, advising interested parties of the fact that they were afforded a period of thirty days after the first publication of said Notice within which to file objections to the creation of said District, in compliance with all legal requirements, as set out in Affidavit of Publication heretofore filed in this proceeding, and

WHEREAS, a period of thirty days has expired after the first publication of such Notice, during which time all residents of the proposed district had an opportunity to file objections, and

WHEREAS, the Court has found and does hereby find that the establishment of such district is reasonably necessary for the public health, convenience, fire protection, safety and comfort of the residents within the

area described in the Petition as being the area sought to be established as said water district,

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That this Court has found and does hereby find that the establishment of a water district embracing the area described below is reasonably necessary for the public health, convenience, fire protection, safety and comfort of the residents of said area.

2. That this Court has determined and does hereby determine, that the original Petition filed in this Court for the creation of said Water District was signed by at least twenty-five (25) resident freeholders of the proposed District, as required by law, and that the creation of said District has been approved by the Public Service Commission of Kentucky as required by law, as evidenced by the order of said Public Service Commission filed with said Petition.

3. That this Court has determined that the territory of said District, as described hereinafter, does not embrace any portion of an incorporated municipality or other district in the County, and that all of the territory embraced by said District is located within the boundaries of this County.

4. That it is hereby ordered that there be and there is hereby established pursuant to KRS Chapter 74, a water district which shall have all of the powers available to water districts under KRS Chapter 74, and said district is hereby named "Big Sandy Water District."

5. It is further ordered that the boundaries of said District shall be and are hereby determined to be as follows:

Beginning at a point in the Big Sandy River, said point of beginning being the intersection of Boyd and Lawrence Counties, Kentucky, join at the West Virginia State Line. Thence running Westerly and with the Boyd and Lawrence County Line to the point of intersection of Boyd, Carter, and Lawrence Counties, Kentucky; thence leaving the Lawrence County line and running Northerly with the Boyd and Carter County line to a point at the intersection of the Boyd-Carter County line and the centerline of Hack Estep Road (Pigeon Roost Road) said point also being a point in the Leon-Hitchins Water District Line; thence with the centerline of Hack Estep Road and with the Leon-Hitchins Water District in a Northeasterly direction to a point at the intersection of the centerline of State Route No. 854 and Hack Estep Road; thence running with the Leon-Hitchins Water District in a Northerly direction on a line 1,500 feet East of, and parallel to the centerline of State Route No. 854 to a point 1,500 feet East of the intersection of State Route No. 854 and the Boyd-Carter County Line; thence in a Northwesterly direction 1,500 feet to a point in the Boyd-Carter County line, said point also being located 1,500 feet Northeasterly of the intersection of the Boyd-Carter County Line and the centerline of State Route No. 854; thence leaving the Leon-Hitchins Water District and running with the Boyd-Carter County Line in a Northerly direction to a point in the Cannonsburg Water District Boundary Line; thence leaving the Boyd-Carter County Line, and running with the Cannonsburg Water District Boundary S 70° - 30'E 19,500 feet to a point; thence S 33° - 30'E 12,000 feet to a point; thence N 30° - 30'W 29,000 feet to a point in the Southerly Right-of-Way line of Interstate 64; thence leaving the Cannonsburg Water District Line and running Easterly with the Southerly Right-of-Way line of Interstate 64 11,800 feet to a point in the Kentucky and West Virginia State Lines at the Big Sandy River; thence running Southerly with the Big Sandy River along the Kentucky and West Virginia State Lines to the point of beginning.

6. It is further ordered that three commissioners of said District shall be immediately appointed by separate Order of this Court, in accordance with Chapter 74 of the Kentucky Revised Statutes.

Entered this 6th day of July, 1977.

George P. Hall
Judge of the Boyd County Court

CERTIFICATE OF COUNTY CLERK

I, RAY L. SLONE, hereby certify that I am the duly qualified and acting County Clerk of Boyd County, Kentucky, and that the foregoing is a true copy of an Order entered by the County Court of said County on July 6, 1977, as appears of record in County Court Order Book 42, Page 145, in said office.

WITNESS my signature and seal of office this July 6, 1977.

(Seal of County)

Ray L. Slone
County Clerk
by: Bayle May, D.C.

FILED

JUL 6 1977

CLERK, BOYD COUNTY COURT
BY _____ D. C.

BEFORE THE COUNTY JUDGE/EXECUTIVE
BOYD COUNTY, KENTUCKY

RE: BIG SANDY WATER DISTRICT

ORDER APPROVING ANNEXATION OF TERRITORY
TO BIG SANDY WATER DISTRICT

WHEREAS, there has heretofore been filed with the Boyd County Judge/Executive a Petition by the Commission of the Big Sandy Water District, petitioning the County Judge/Executive to annex to said Water District the territory referred to in said Petition and in this Order, pursuant to Sections 74.110-120 of the Kentucky Revised Statutes, and

WHEREAS, on March 18, 1982, the County Judge/Executive entered an Order setting this matter for Hearing on April 30, 1982, at 10:00 A.M., E.S.T. (11:00 A.M., E.D.T.), and directing publication of Notice of Filing of said Petition for annexation and of notice of the time of the Hearing, and

WHEREAS, Notice of the filing of such Petition and Notice of the Hearing as to same, was duly published in accordance with the provisions of KRS Chapter 74 and KRS Chapter 424 by publication in the ASHLAND INDEPENDENT, on ~~April~~ ^{MARCH} 24, 1982, and on April 21, 1982, advising interested parties of the fact that they were afforded a period of thirty days after the first publication of said Notice within which to file objections to said proposed annexation, as set out in the Affidavit of Publication heretofore filed in this proceeding, and

WHEREAS, said thirty-day period has expired without any objections being filed,

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That the undersigned County Judge/Executive has found and does hereby find that it is reasonably necessary for the public health, convenience, fire protection, safety, and comfort of the residents of the area proposed to be annexed, that such area be annexed to the Big Sandy Water District.

2. That the undersigned County Judge/Executive has determined that the territory sought to be annexed does not embrace any existing and incorporated city, water district, or other municipality, or any part thereof.

3. That IT IS HEREBY ORDERED that additional territory be and is hereby annexed to and made a part of the Big Sandy Water District, as follows:

Beginning at a point at the intersection of the Boyd-Carter County line with the centerline of State Route #854; thence in a northeasterly direction with the Boyd-Carter County line 1500 ft. to a point; thence in a southerly direction on a line 1500 ft. east of, and parallel to the centerline of State Route #854 to a point 1500 ft. east of the intersection of State Route #854 and Pigeon Roost Road; thence in a southwesterly direction 1500 ft. to a point at the intersection of the centerline of State Route #854 and Pigeon Roost Road; thence with the centerline of Pigeon Roost Road in a southwesterly direction to the Boyd-Carter County line; thence with the Boyd-Carter County line in a northerly direction to the Point of Beginning.

This Order is entered on this 30th day of April, 1982, shall be effective immediately, and shall be filed by the County Clerk with all other records of the Big Sandy Water District in the Boyd County Clerk's office.

Entered on this 30th day of April, 1982.

County Judge/Executive

STATE OF KENTUCKY)
COUNTY OF BOYD)

RAY VANHOOSE

I, ~~RAY VANHOOSE~~, hereby certify that I am the duly qualified and acting County Clerk of Boyd County, Kentucky, and I certify that the foregoing is a true copy of an Order of the Boyd County Judge/Executive approving the annexation of certain territory to the Big Sandy Water District, as entered by the county Judge/Executive on April 30, 1982, and that said Order has been recorded in County Judge/Executive Order Book No. 47, Page 322, in my office.

IN TESTIMONY WHEREOF, witness my signature and official seal on this April 30, 1982.

Boyd County Clerk

(Seal of County)

MINUTES

BOYD COUNTY COURT

Term, REGULAR Day 70TH Day of, MARCH 19 85

Moved by *Clarence Jackson* seconded by *John Green*
that the following Resolution be adopted:

WHEREAS, coal severance tax receipts are currently being received at a rate which would exceed the official estimate of \$121 million for 1984-85, and;
WHEREAS, funds are advanced to coal counties under the Local Government Economic Assistance Program based on official estimates by the Revenue Cabinet of anticipated annual receipts, and;
WHEREAS, county governments are often to be in dire need of all available funds in the spring to correct the winter deterioration of county roads,
IT IS HEREBY RESOLVED, by the members of the Kentucky Coal County Coalition, Inc. that Governor Martha Layne Collins is requested to direct the Revenue Cabinet to review severance tax collections in order to increase the official estimate to permit more funds to be advanced to counties in the April, 1985 disbursements.

Approved: unanimously by the membership meeting in general session this 8th day of January, 1985.

Voted as follows: Bill Scott *yes* Clarence Jackson *yes*
John Green *yes* Judge Paul Purvis *yes*

Moved by *Bill Scott* seconded by *Clarence Jackson*
that the County Judge Executive, County Treasurer and Sheriff John Green be hereby authorized to give funds to meet payroll for the entire help existing in the County Jail.

Voted as follows: Bill Scott *yes* Clarence Jackson *yes*
John Green *yes* Judge Paul Purvis *yes*

A Public Hearing was held at 9:00 AM in the Boyd County Courthouse District Courtroom on the proposed Annexation of Big Sandy Water District. All members of the Fiscal Court and Sam Lauria came before the Court with his requests and opinions on the annexation.

Moved by *Bill Scott* seconded by *Clarence Jackson*
that the petition submitted by the Big Sandy Water District for proposed annexation be approved with the following description:

Commence now the Big Sandy Water District through its Board of Commissioners, and hereby request the County Judge Executive of Boyd County, Kentucky, for the addition of proposed territory situated within the corporate boundaries of the Cannonsburg Water District of Boyd County, Kentucky, to the present District boundaries, said annexation is reasonably necessary because the territory is bounded by water lines of the Big Sandy Water District. The description of said territory sought to be annexed to the Big Sandy Water District boundaries in Boyd County, Kentucky, is as follows:

Begin at a point in the Common Big Sandy Water District and Cannonsburg Water District boundary line in the southerly right-of-way line of I-64 said point being approximately 8,000 feet west of the intersection of I-64 with U.S. 77, thence easterly with the southerly right-of-way line of I-64 approximately 1,000 feet to a point in Lower Orchard Creek; thence in a generally southwesterly direction approximately 8,500 feet parallel to and 500 feet west of Kentucky Route 3 to a point 500 feet west of the intersection of Kentucky Route 3 with Spurlock Hill Road (formerly called Laurel Ridge Road or Leach Station Road); thence in a southwesterly direction 500 feet to a point in the centerline of Kentucky Route 3; thence in a generally southerly direction approximately 7,200 feet to a point in a Tennessee Gas Pipeline gasline, said point being approximately 300 feet east of the intersection of Bowling Drive Road with Callihan Ridge Road (formerly called Campbells Branch Road or Leach Station Road) and 200 feet from the centerline of Callihan Ridge Road; thence in a southwesterly direction approximately 1,000 feet parallel to and 200 feet from the centerline of Callihan Ridge Road to a point in the centerline of Fog Fork Road; thence in a southwesterly direction approximately 1,000 feet parallel to and 200 feet from the centerline of Fog Fork Road to a point in the centerline of Briarwood Drive; thence in a southwesterly direction approximately 4,200 feet to a point at the end of a road, said road being approximately 2,000 feet west of the intersection of Kentucky Route 757 with Fog Fork Road, thence in a southerly direction approximately 3,300 feet to a point in the mouth of a branch entering Millington Creek; thence in a southwesterly direction with the centerline of the branch approximately

270

MINUTES

BOYD COUNTY COURT

Term, REGULAR Day 20TH Day of, MARCH 19 85

2,000 feet to a point where branch crosses the common Big Sandy/Cannonsburg Water District boundary line, said point being approximately 1,500 feet south of a power line; thence with the common Big Sandy/Cannonsburg Water District boundary line, S 30° 30' E, approximately 1,400 feet to a point; thence with the Big Sandy/Cannonsburg Water District boundary, N30° 30' E, approximately 28,000 feet to the point of beginning.

Vote as follows: Bill Scott *[initials]* Clarence Jackson *[initials]*
John Greer *[initials]* Judge Paul Purvis *[initials]*

Moved by *Clarence Jackson* seconded by *Bill Scott*
and Court adjourn.

Vote as follows: Bill Scott *[initials]* Clarence Jackson *[initials]*
John Greer *[initials]* Judge Paul Purvis *[initials]*

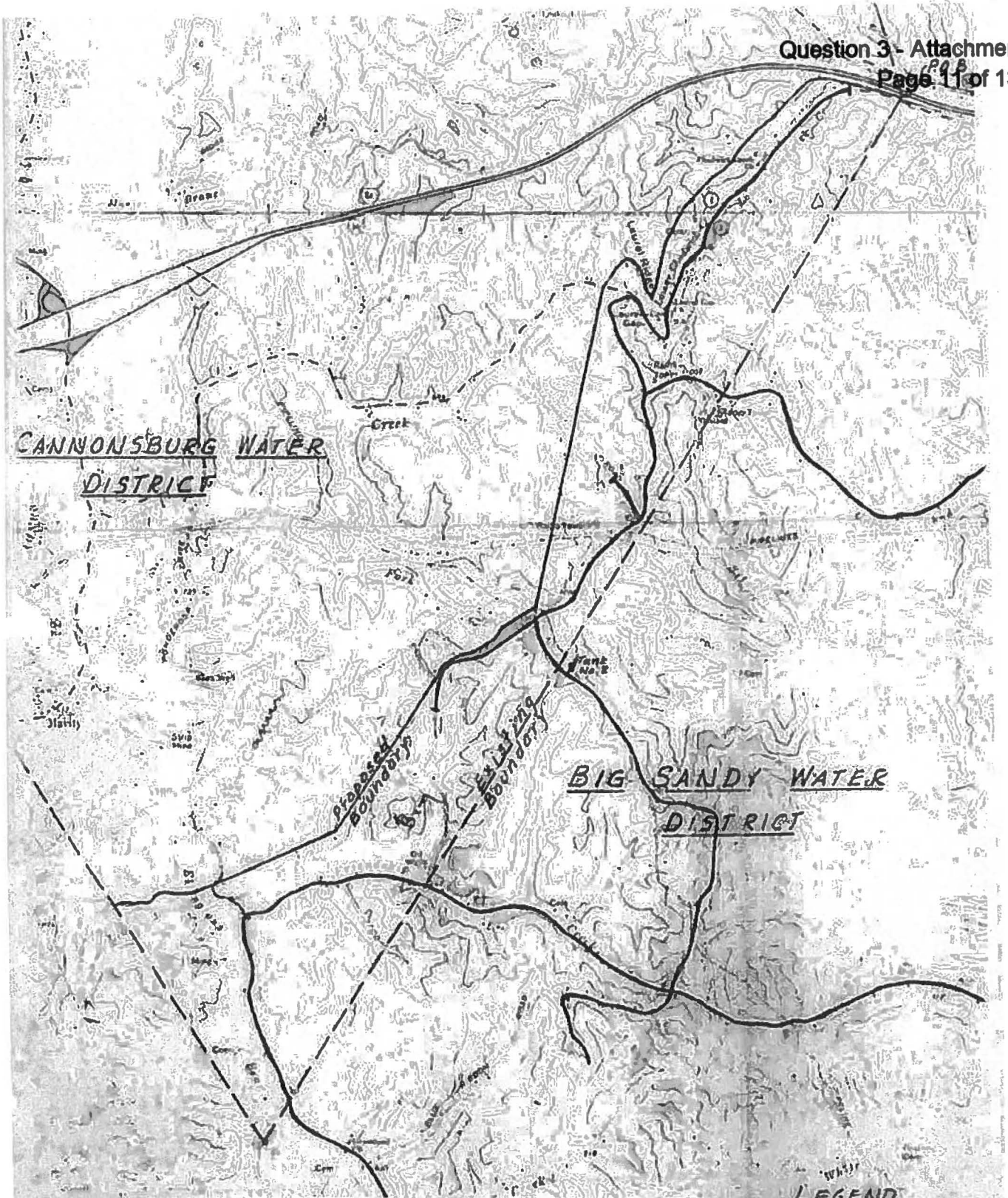
Paul J. Purvis
BOYD COUNTY FISCAL COURT

PROPOSED ANNEXATION
BIG SANDY WATER DISTRICT

DESCRIPTION

Beginning at a point in the common Big Sandy Water District and Cannonsburg Water District boundary line in the southerly right-of-way line of I-64, said point being approximately 8,000 feet west of the intersection of I-64 with U.S. 23; thence easterly with the southerly right-of-way line of I-64 approximately 1,000 feet to a point in Lower Chadwick Creek; thence in a generally southwesterly direction approximately 8,500 feet parallel to and 500 feet west of Kentucky Route 3 to a point 500 feet west of the intersection of Kentucky Route 3 with Spurlock Hill Road (formerly called Laurel Ridge Road or Leach Station Road); thence in a southwesterly direction 500 feet to a point in the centerline of Kentucky Route 3; thence in a generally southerly direction approximately 7,200 feet to a point in a Tennessee Gas Pipeline gasline, said point being approximately 300 feet east of the intersection of Bowling Drive Road with Callihan Ridge Road (formerly called Campbells Branch Road or Leach Station Road) and 200 feet from the centerline of Callihan Ridge Road; thence in a southwesterly direction approximately 1,000 feet parallel to and 200 feet from the centerline of Callihan Ridge Road to a point in the centerline of Dog Fork Road; thence in a southwesterly direction approximately 2,000 feet parallel to and 200 feet from the centerline of Dog Fork Road to a point in the centerline of Briarwood Drive; thence in a southwesterly direction approximately 4,200 feet to a point at the end of a road, said road being approximately 2,000 feet west of the intersection of Kentucky Route 757 with Dog Fork Road; thence in a southwesterly direction approximately 3,300 feet to a point in the mouth of a branch entering Ellingtons Creek; thence in a southwesterly direction with the centerline of the branch approximately 2,000 feet to a point where branch crosses the common Big Sandy/Cannonsburg Water District boundary line, said point being approximately 1,500 feet south of a power line; thence with the common Big Sandy/Cannonsburg Water District boundary line, S 30° 30' E, approximately 6,500 feet to a point; thence with the Big Sandy/Cannonsburg Water District boundary, N 30° 30' E, approximately 28,000 feet to the point of beginning.

Revised 3/5/85



LEGEND

Red Existing Big Sandy Water District Waterline

**BIG SANDY WATER DISTRICT
PROPOSED ANNEXATION**

December - 1984
Revised: March 6, 1985

PROPOSED ANNEXATION OF
THE BIG SANDY WATER DISTRICT FROM
THE CANNONSBURG WATER DISTRICT

DESCRIPTION

Beginning at a common point in the Big Sandy Water District and Cannonsburg Water District Boundary Line, said point being in the Southerly right-of-way line of I-64 approximately 10,000 feet West of the intersection of I-64 with U.S. Route 23; thence in a generally Southwesterly direction approximately 8,500 parallel to and 500 feet West of Kentucky Route 3 to a point 500 feet West of the Intersection of Kentucky Route 3 with Spurlock Hill Road (formerly called Laurel Ridge Road or Leach Station Road); thence in a Southwesterly direction 500 feet to a point in the centerline of Kentucky Route 3; thence in a Southwesterly direction with the centerline of Kentucky Route 3 approximately 3,000 feet to the intersection of the centerline of Kentucky Route 3 with the centerline of Callihan Road; thence leaving said Kentucky Route 3 in a Northerly direction approximately 3,700 feet to a point in the Southerly right-of-way line of I-64; thence with the Southerly right-of-way line of I-64 in a Northeasterly direction approximately 7,500 feet to the Point of Beginning.

9/16/87



PROPOSED ANNEXATION
BY
BIG SANDY WATER DISTRICT
FROM
CANNONBURG WATER DISTRICT
SCALE: 1:2000 DATE: SEPT. 22, 93

BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

Question No. 4

Responding Witness: Teresa Brown

- Q-4. Provide all orders of the Boyd County Judge/Executive that address the appointments to the Big Sandy Water District's current Board of Commissioners.**
- A-4. Big Sandy Water District's territory extends over four counties: Boyd, Carter, Johnson, and Lawrence. Pursuant to KRS 74.020, the authority to appoint the members of its Board of Commissioners is allocated among those county judge/executives based upon the nature and timing of the extension of the water district's water distribution system into the adjoining counties. Currently, the Boyd County Judge/Executive and the Lawrence County Judge/Executive each appoint two members of the Board of Commissioners. The Carter County Judge/Executive appoints the remaining member. The written appointments for the current members of the Board of Commissioners for Boyd County are attached to this Response.

Oath of Office

Boyd County, Kentucky

I James Salisbury do solemnly swear that I will support the constitution of the United States and the constitution of this commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a Citizen thereof, and that I will faithfully execute, to the best of my ability, the office of the Big Sandy Water District.

And I do solemnly swear that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Entered this 4th of October 2011

A handwritten signature in black ink, appearing to read "James D. Salisbury", written over a horizontal line.

Sworn and Subscribed before me by William "Bud" Stevens this 4th day of October 2011

A handwritten signature in black ink, appearing to read "William Stevens", written over a horizontal line.

**William "Bud" Stevens
County Judge Executive**

ORDERS } Boyd County Fiscal COURT

October 4, 2011
Regular Meeting

Vote as Follows:

William Stevens	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Yes

Motion made by Commissioner Jackson and seconded by Commissioner Salisbury to approve the Agreement between the Boyd County Fiscal Court and the Boyd County Board of Education regarding the Winter Road Salt used for the School Properties.

Vote as Follows:

William Stevens	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Yes

Motion was made by Commissioner Salisbury and seconded by Commissioner Jackson to appoint William J. McGuire to the Big Sandy Volunteer Fire Department.

Vote as Follows:

William Salisbury	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Yes

Motion was made by Commissioner Jackson and seconded by Commissioner Salisbury to re-appoint Commissioner Carl Tolliver to the Northeast Community Action Committee.

Vote as Follows:

William Salisbury	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Abstain

Motion was made by Commissioner Salisbury and seconded by Commissioner Jackson to set Halloween for the County area on Monday October 31, 2011, between the hours of 6:00 - 7:30 P.M.

Vote as Follows:

William Salisbury	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Yes

↙ Motion was then made by Commissioner Jackson and seconded by Commissioner Tolliver to re-appoint David Salisbury (senior) to the Big Sandy Water District.

Vote as Follows:

William Stevens	Yes
David Salisbury	Abstain
Tom Jackson	Yes
Carl Tolliver	Yes

Motion was made by Commissioner Jackson and seconded by Commissioner Salisbury to authorize the County Judge William Stevens to order 1000 tons of Road Salt for the winter months.

Vote as Follows:

William Stevens	Yes
David Salisbury	Yes
Tom Jackson	Yes
Carl Tolliver	Yes

BIG SANDY WATER DISTRICT
18200 STATE ROUTE 3
CATLETTSBURG KY 41129
928-2075 OR 1-800-354-2933
bdistrict@windstream.net

September 20, 2011

William Stevens, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129

Dear Judge Stevens,

James David Salisbury's term of Commissioner at Big Sandy Water District expires September 2011. He would like to be reappointed.

Sincerely,



James H. Blanton
Manager

BOYD COUNTY FISCAL COURT

Question 4 - Attachment

Page 4 of 19

P.O. BOX 423

CATLETTSBURG, KENTUCKY 41129

C. PHILLIP HEDRICK
County Attorney

BILLIE ZELLERS
County Treasurer

WILLIAM C. STEVENS, County Judge - Executive



DAVID SALISBURY
County Commissioner

MARVIN "COACH" MEREDITH
County Commissioner

CARL TOLLIVER
County Commissioner

October 24, 2007

Big Sandy Water District
Jim Blanton, Superintendent
18200 State Rt. 3
Catlettsburg, Ky. 41129

This letter is to advise you of the appointment of two new board members to Big Sandy Water District, representing Boyd County. These members are Jesse Allen Ross (term expiring) Sept. 10, 2010 and James David Salisbury Sr. (term expiring) Sept. 04, 2011.

If you have any questions or need additional information please call my office at 606-739-4134.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Stevens".

William C. Stevens
Boyd County Judge Executive

BOYD COUNTY FISCAL COURT

P.O. BOX 423
CATLETTSBURG, KENTUCKY 41129

C. PHILLIP HEDRICK
County Attorney

WILLIAM C. STEVENS, County Judge - Executive



DAVID SALISBURY
County Commissioner

MARVIN "COACH" MEREDITH
County Commissioner

CARL TOLLIVER
County Commissioner

September 4, 2007

Big Sandy Water District
Jim Blanton, Superintendent
18200 State Rt 3
Catlettsburg, KY 41129

RE: Appointment of New Commissioners

Dear Jim:

This letter is to advise you of the appointment of two new board members to Big Sandy Water District, representing Boyd County. These members are Jesse Allen Ross and James David Salisbury Sr. They are replacing Jerald Blanton and John Campbell.

If you have any questions or need additional information please call my office at 606-739-4134.

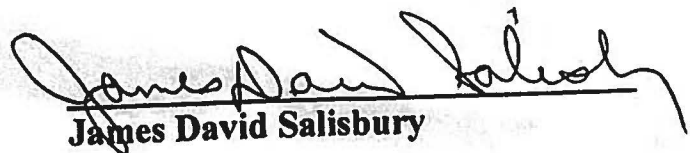
Sincerely

A handwritten signature in black ink, appearing to read "William C. Stevens".

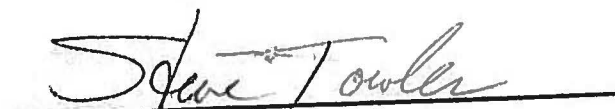
William C. Stevens
Boyd County Judge Executive

OATH OF OFFICE

**I, James David Salisbury DO SOLEMNLY SWEAR (or affirm as the case may be)
That I will support The Constitution of the United States and the Constitution of
This Commonwealth and be faithful and true to the Commonwealth of Kentucky, so
Long as I continue a citizen thereof; and that I will faithfully execute to the best of
My ability, Board Member of the Office Big Sandy Water District according to
Law; and I do further solemnly swear (or affirm) that since the adoption of the
Present Constitution, I, being a citizen of this State; have not fought a duel with
Deadly weapons, within this State, nor out of it: nor have I sent or accepted a
Challenge to fight a duel with deadly weapons, nor have I acted as second in
Carrying a challenge, Aided or assisted any person thus offending,
SO HELP ME GOD.**


James David Salisbury

Sworn and Subscribed before me this 1st day of October, 2015.


Steve W. Towler
Boyd County Judge Executive



BOYD COUNTY FISCAL COURT

Question 4 - Attachment

Page 7 of 19



STEVE W. TOWLER, Judge Executive

C. PHILLIP HEDRICK
County Attorney

PATRICIA A. BALL
County Treasurer

ED RADJUNAS
Deputy Judge Executive

VALERIE N. SMITH
Economic Development

Paul Thomas
Chairman of the Board
Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129
606 928 2075

JOHN R. GREER
County Commissioner
District 1

TOM JACKSON
County Commissioner
District 2

CARL TOLLIVER
County Commissioner
District 3

September 10, 2015

Dear Mr. Thomas,

The Boyd County Fiscal Court approved the recommendation of Judge Steve Towler to return James David Salisbury to the Big Sandy Water District for another term of 4 years. This was completed at the regular meeting of the court on September 1, 2015.

Mr. Salisbury will need to stop by the old Courthouse and be sworn in by the Judge for this term.

Thank you.

Steve Towler
Boyd County Judge Executive

1. Joe Burchett, County Jailer informed the Fiscal Court Members he would initiate the SAP (Substance Abuse Program) Program for inmates that would pay \$39.00 per day.
2. County Judge announced to Fiscal Court Members about Landfill Update in packet. Also about Permit Renewal.
3. EN Engineering-New Building top of England Hill and Lake Bonita Rd. will have ribbon cutting on Thursday September 17th, at 1:00 PM. Governor or possible Lieutenant Governor will be present.
4. Hearing on Solid Waste (Big Run Landfill) was in Frankfort on September 3rd. County Judge will testify before a Senate Hearing on out of state waste.

APPOINTMENT

Motion was made by Tom Jackson and seconded by Carl Tolliver to make the following Appointments to Big Sandy Water District and England Hill Volunteer Fire Department as follows:

Big Sandy Water District...James David Salisbury... to a four (4) year term ending September 2019..

*DID NOT RECEIVE letter
of APPOINTMENT*

**ENGLAND HILL VOLUNTEER FIRE DEPARTMENT
10220 MAYO TRAIL
CATLETTSBURG KY,41129
PHONE (606) 738-8229**

RECEIVED

AUG 31 2015

**DEBBIE JONES
BOYO CO CLERK, KY**

**WADE FRANKLIN
FIRE CHIEF**

**JACK NUNLEY
CHAIRMAN OF THE BOARD**

8/7/21015

**THE BOARD OF TRUSTEES OF THE ENGLAND HILL FIRE DEPARTMENT
RECOMMENDS THA GARY DEAN OF PADDLE CREEK ROAD BE APPOINTED
TRUSTEE OF THE DEPARTMENT FOR ANOTHER TERM.**

THANK YOU

Jack Nunley

**Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
606-928-207
1-800-354-2933
bdistrict@windstream.net**

July 16, 2019

**Eric Chaney, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129**

Dear Mr. Chaney,

James Salisbury Sr. term of Commissioner at Big Sandy Water District expires September 1, 2019. He would like to be reappointed.

Big Sandy Water District

Big Sandy Water District is an equal opportunity provider and employer

BOYD COUNTY FISCAL COURT

P.O. BOX 423
CATLETTSBURG, KENTUCKY 41129

WILLIAM C. STEVENS, County Judge - Executive

C. PHILLIP HEDRICK
County Attorney

BILLIE ZELLERS
County Treasurer



DAVID SALISBURY
County Commissioner

TOM JACKSON
County Commissioner

CARL TOLLIVER
County Commissioner

February 7, 2011

Big Sandy Water District
18200 State Rt. 3
Catlettsburg, Ky. 41129

RE: Appointment to Water Board

This letter is to advise you of the appointment of Larry Shockey to the Big Sandy Water District. Mr. Shockey will fulfill the term of Jesse Ross who recently passed away. The term will expire September 4, 2011.

If you have any questions or need additional information please call my office at 606-739-4134.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Stevens".

William C. Stevens
Boyd County Judge Executive

Debbie Jones

Clerk of Boyd County

P. O. Box 523

Catlettsburg, KY 41129-0523



Question 4 - Attachment
Boyd County Courthouse

Page 11 of 19

2800 Louisa St.

Catlettsburg, KY 41129

Ph: 606-739-5116

Fax: 606-739-0430

February 4, 2011

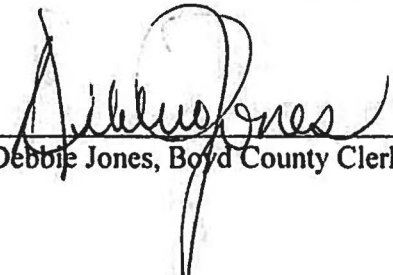
**Big Sandy Water District
18200 State Route #3
Ashland, Ky. 41102**

Dear Water District,

During a Regular Meeting of the Boyd County Fiscal Court held on Tuesday, February 1, 2011, the motion was made by County Commissioner David Salisbury and seconded by County Commissioner Tom Jackson to appoint Larry Shockey, 5602 Whites Creek Rd, Catlettsburg, Kentucky 41129, to fill the unexpired term due to the death of Jesse Ross, current Board Member.

Vote as Follows:	William Stevens	Yes
	David Salisbury	Yes
	Tom Jackson	Yes
	Carl Tolliver	Yes

I, Debbie Jones, Boyd County Clerk/Fiscal Court Clerk do certify this is a true and accurate record of the Minutes of the February 1, 2011 Boyd Fiscal Court Meeting.

 *Debbie Jones* 2-4-2011

Debbie Jones, Boyd County Clerk



Ashland Branch
335 16th St.
Ashland, KY 41101
Ph: 606-325-3547



KYOVA Mall Branch
US Rt. 60
Ashland, KY 41102
Ph: 606-929-9595

Oath of Office

FILED

FEB 01 2011

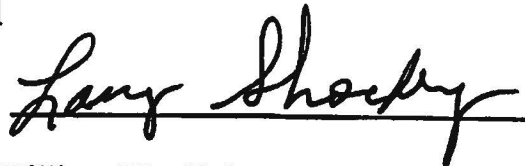
**DEBBIE JONES
BOYD CO. CLERK KY**

Boyd County, Kentucky

I Larry Shockey do solemnly swear that I will support the constitution of the United States and the constitution of this commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a Citizen thereof, and that I will faithfully execute, to the best of my ability, the office of the Big Sandy Water District according to law.

And I do solemnly swear that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Entered this 1st day of February 2011

A handwritten signature in cursive script, reading "Larry Shockey", written over a horizontal line.

Sworn and Subscribed before me by William "Bud" Stevens this 1st day of February 2011

A handwritten signature in cursive script, reading "William 'Bud' Stevens", written over a horizontal line.

**William "Bud" Stevens
County Judge Executive**

RECORDED IN EXECUTIVE ORDER BOOK #56, PG 96

BOND OF Larry Shockey

We Larry Shockey

and Juanita Leeson

is/hers sureties, do hereby covenant with the Commonwealth of Kentucky in the penal sum of One thousand Dollars that the said Larry Shockey, Commissioner of Big Sandy Water District, term to expire September 4, 2014 shall faithfully discharge all the duties of said office according to law, as commissioner aforesaid.

WITNESS our hands, this 9th day of February 2011

ATTEST:

Teresa Brown

Larry Shockey
Juanita Leeson

Juanita Leeson says he/she is a resident of the State of Kentucky, that he/she is worth \$ 1,000.00 beyond the amount of his/her debts, and has property in said State subject to execution of the value of \$ 1,000.00

Larry Shockey

Sworn to before me, by Larry Shockey this 9th day of February 2011.

By: Teresa Brown

**Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
(606) 928-2075
1-800-354-2933
bdistrict@windstream.net**

February 25, 2011

Public Service Commission
PO Box 615
Frankfort KY 40602

To Whom It May Concern:

Big Sandy Water District is informing the Public Service Commission of the death of Jesse Allen Ross, one of our Commissioners (KRS 74.20 (9) (a)). Jesse Allen Ross passed away on 01/27/11. He was reappointed on 09/04/10 and his term expires on 09/04/14. John Campbell of Catlettsburg filled the seat prior to Mr. Ross.

Big Sandy Water District received notice on February 9, 2011, that Larry Shockey, of 5602 Whites Creek Rd, Catlettsburg, KY 41129, was appointed by William Stevens (Boyd County Judge Executive) to fill the unexpired term of Jesse Allen Ross (see enclosed letter). The Boyd County Fiscal Court approved this appointment on February 1, 2011, at a regular meeting (see enclosed letter). Larry Shockey's term will expire on 09/04/14. Pursuant to KRS 74.020 (9) (b), Big Sandy Water District is informing the Public Service Commission of this appointment. If you have any questions, please call our office at (606) 928-2075.

Sincerely,



Jim Blanton
Manager

Enclosures

JB/tb

Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
606-928-2075
bdistrict@windstream.net

September 4, 2014

William Stevens, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129

Dear Judge Stevens:

Larry Shockey's term of Commissioner at Big Sandy Water District expires September 4, 2014. He would like to be reappointed.

Sincerely,



James H. Blanton
Manager

Oath of Office

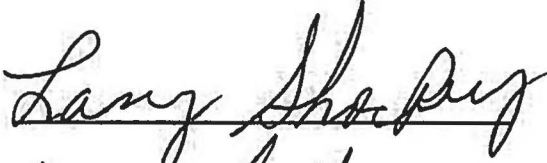

Boyd County, Kentucky

I, Larry Shockey do solemnly swear that I will support the Constitution of the United States and the constitution of this commonwealth, and be faithful and true to the commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the board of the Big Sandy Water according to law.

And I do solemnly swear that since the adoption of the present Constitution, I, being a citizen of this state, have not fought a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Entered this 19th day of August 2014

Oath administered by:



William C. Stevens

Boyd County Judge Executive

ORDERS } Boyd County Fiscal COURT

September 9, 2014
Regular Meeting

Ken Cooper Co.

Vote as Follows: William Stevens Yes
David Salisbury Yes
Tom Jackson Yes
Carl Tolliver Yes

Motion was made by Commissioner Tolliver and seconded by Commissioner Jackson to Re-appoint Larry Shockey to the Big Sandy Water District Board. This is a 4 year term to expire September 2018.

Vote as Follows: William Stevens Yes
David Salisbury Yes
Tom Jackson Yes
Carl Tolliver Yes

Motion made by Commissioner Salisbury and seconded by Commissioner Jackson to review Blacktop List for 2014. List as Follows:

RECEIVED
9-9-2014

BOYD COUNTY FISCAL COURT BLACKTOP LIST 2014

ROAD DESCRIPTION	AMOUNT	MILEAGE
ROAD #1204 BIG RUN TRACE	\$348,559.20	3.60
ROAD # 1125 LEFT FORK DURBIN	\$101,663.10	1.05
ROAD # 1123 LEWIS DRIVE	\$56,156.76	0.58
ROAD # 1124 CYRUS LANE	\$48,411.00	0.50
ROAD # 1046 HOODS CREEK	\$170,000.00	1.45
ROAD # 1343 HOENING DRIVE	\$53,252.10	0.55
ROAD # 1337-D HATCHARY ROAD	\$96,170.00	1.00
NEW KIRK ROAD	\$18,000.00	0.25
INDIAN RUN	\$26,406.25	0.28
E. WILLIAMS ROAD	\$21,125.00	0.32

	340,900.00	0.47
DORCLIFF HEIGHTS	\$43,000.00	0.57
DOG RIDGE	\$28,500.00	0.38
BONANZA DRIVE	\$44,000.00	0.60
CRESTVIEW DRIVE	\$32,500.00	0.45
TOTAL	\$1,134,643.41	12.05

Question 4 - Attachment
page 18 of 19

Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
606-928-2075
1-800-354-2933
bidstrict@windstream.net


July 21, 2018

Steve Towler, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129

Dear Judge Towler:

Larry Shockey's term of Commissioner at Big Sandy Water District expires September 9, 2018. He would like to be reappointed.

Sincerely,



David Blair
Manager

BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

Question No. 5

Responding Witness: Teresa Brown

- Q-5. Provide all orders of the Boyd County Judge/Executive that address appointments to the Big Sandy Water District Board of Commissioners to replace the commissioner whose term allegedly expired on September 7, 2017.**
- A-5. Big Sandy Water District assumes that requested information refers to Commissioner Larry Shockey, whose term expired on September 9, 2018. Attached are all available documents addressing his appointment to Big Sandy Water District's Board of Commissioners.

BOYD COUNTY FISCAL COURT

P.O. BOX 423
CATLETTSBURG, KENTUCKY 41129

WILLIAM C. STEVENS, County Judge - Executive

C. PHILLIP HEDRICK
County Attorney

BILLIE ZELLERS
County Treasurer



DAVID SALISBURY
County Commissioner

TOM JACKSON
County Commissioner

CARL TOLLIVER
County Commissioner

February 7, 2011

Big Sandy Water District
18200 State Rt. 3
Catlettsburg, Ky. 41129

RE: Appointment to Water Board

This letter is to advise you of the appointment of Larry Shockey to the Big Sandy Water District. Mr. Shockey will fulfill the term of Jesse Ross who recently passed away. The term will expire September 4, 2011.

If you have any questions or need additional information please call my office at 606-739-4134.

Sincerely,

A handwritten signature in black ink that reads "William C. Stevens". The signature is written in a cursive style with a large, stylized initial 'W'.

William C. Stevens
Boyd County Judge Executive

Debbie Jones

Clerk of Boyd County

P. O. Box 523

Catlettsburg, KY 41129-0523



Question 5 - Attachment
Boyd County Courthouse

Page 2 of 10

2800 Louisa St.

Catlettsburg, KY 41129

Ph: 606-739-5116

Fax: 606-739-0430

February 4, 2011

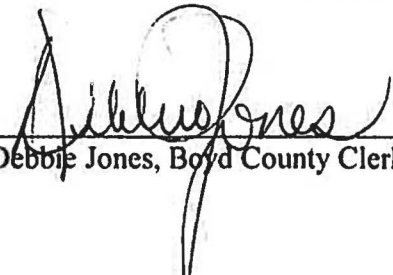
**Big Sandy Water District
18200 State Route #3
Ashland, Ky. 41102**

Dear Water District,

During a Regular Meeting of the Boyd County Fiscal Court held on Tuesday, February 1, 2011, the motion was made by County Commissioner David Salisbury and seconded by County Commissioner Tom Jackson to appoint Larry Shockey, 5602 Whites Creek Rd, Catlettsburg, Kentucky 41129, to fill the unexpired term due to the death of Jesse Ross, current Board Member.

Vote as Follows:	William Stevens	Yes
	David Salisbury	Yes
	Tom Jackson	Yes
	Carl Tolliver	Yes

I, Debbie Jones, Boyd County Clerk/Fiscal Court Clerk do certify this is a true and accurate record of the Minutes of the February 1, 2011 Boyd Fiscal Court Meeting.

 *Debbie Jones* 2-4-2011

Debbie Jones, Boyd County Clerk



Ashland Branch
335 16th St.
Ashland, KY 41101
Ph: 606-325-3547



KYOVA Mail Branch
US Rt. 60
Ashland, KY 41102
Ph: 606-929-9595

Oath of Office

FILED

FEB 01 2011

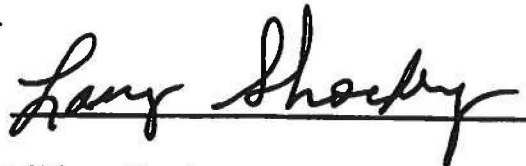
**DEBBIE JONES
BOYD CO. CLERK KY**

Boyd County, Kentucky

I Larry Shockey do solemnly swear that I will support the constitution of the United States and the constitution of this commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a Citizen thereof, and that I will faithfully execute, to the best of my ability, the office of the Big Sandy Water District according to law.

And I do solemnly swear that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Entered this 1st day of February 2011

A handwritten signature in cursive script, reading "Larry Shockey", written over a horizontal line.

Sworn and Subscribed before me by William "Bud" Stevens this 1st day of February 2011

A handwritten signature in cursive script, reading "William 'Bud' Stevens", written over a horizontal line.

**William "Bud" Stevens
County Judge Executive**

RECORDED IN EXECUTIVE ORDER BOOK #56, PG 96

BOND OF Larry Shockey

We Larry Shockey

and Juanita Leeson

is/hers sureties, do hereby covenant with the Commonwealth of Kentucky in the penal sum of One thousand Dollars that the said Larry Shockey, Commissioner of Big Sandy Water District, term to expire September 4, 2014 shall faithfully discharge all the duties of said office according to law, as commissioner aforesaid.

WITNESS our hands, this 9th day of February 2011

ATTEST:

Teresa Bran

Larry Shockey
Juanita Leeson

Juanita Leeson says he/she is a resident of the State of Kentucky, that he/she is worth \$ 1,000.00 beyond the amount of his/her debts, and has property in said State subject to execution of the value of \$ 1,000.00

Larry Shockey

Sworn to before me, by Larry Shockey this 9th day of February 2011.

By: Teresa Bran

**Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
(606) 928-2075
1-800-354-2933
bdistrict@windstream.net**

February 25, 2011

Public Service Commission
PO Box 615
Frankfort KY 40602

To Whom It May Concern:

Big Sandy Water District is informing the Public Service Commission of the death of Jesse Allen Ross, one of our Commissioners (KRS 74.20 (9) (a)). Jesse Allen Ross passed away on 01/27/11. He was reappointed on 09/04/10 and his term expires on 09/04/14. John Campbell of Catlettsburg filled the seat prior to Mr. Ross.

Big Sandy Water District received notice on February 9, 2011, that Larry Shockey, of 5602 Whites Creek Rd, Catlettsburg, KY 41129, was appointed by William Stevens (Boyd County Judge Executive) to fill the unexpired term of Jesse Allen Ross (see enclosed letter). The Boyd County Fiscal Court approved this appointment on February 1, 2011, at a regular meeting (see enclosed letter). Larry Shockey's term will expire on 09/04/14. Pursuant to KRS 74.020 (9) (b), Big Sandy Water District is informing the Public Service Commission of this appointment. If you have any questions, please call our office at (606) 928-2075.

Sincerely,



Jim Blanton
Manager

Enclosures

JB/tb

Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
606-928-2075
bdistrict@windstream.net

September 4, 2014

William Stevens, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129

Dear Judge Stevens:

Larry Shockey's term of Commissioner at Big Sandy Water District expires September 4, 2014. He would like to be reappointed.

Sincerely,



James H. Blanton
Manager

Big Sandy Water District is an equal opportunity provider and employer

Oath of Office


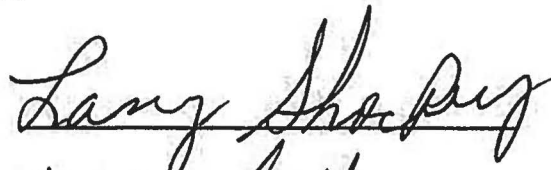
Boyd County, Kentucky

I, Larry Shockey do solemnly swear that I will support the Constitution of the United States and the constitution of this commonwealth, and be faithful and true to the commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the board of the Big Sandy Water according to law.

And I do solemnly swear that since the adoption of the present Constitution, I, being a citizen of this state, have not fought a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Entered this 19th day of August 2014

Oath administered by:


William C. Stevens

Boyd County Judge Executive

ORDERS } Boyd County Fiscal COURT

September 9, 2014
Regular Meeting

Ken Cooper, Co.

Vote as Follows: William Stevens Yes
David Salisbury Yes
Tom Jackson Yes
Carl Tolliver Yes

Motion was made by Commissioner Tolliver and seconded by Commissioner Jackson to Re-appoint Larry Shockey to the Big Sandy Water District Board. This is a 4 year term to expire September 2018.

Vote as Follows: William Stevens Yes
David Salisbury Yes
Tom Jackson Yes
Carl Tolliver Yes

Motion made by Commissioner Salisbury and seconded by Commissioner Jackson to review Blacktop List for 2014. List as Follows:

RECEIVED
9-9-2014

BOYD COUNTY FISCAL COURT BLACKTOP LIST 2014

ROAD DESCRIPTION	AMOUNT	MILEAGE
ROAD #1204 BIG RUN TRACE	\$348,559.20	3.60
ROAD # 1125 LEFT FORK DURBIN	\$101,663.10	1.05
ROAD # 1123 LEWIS DRIVE	\$56,156.76	0.58
ROAD # 1124 CYRUS LANE	\$48,411.00	0.50
ROAD # 1046 HOODS CREEK	\$170,000.00	1.45
ROAD # 1343 HOENING DRIVE	\$53,252.10	0.55
ROAD # 1337-D HATCHARY ROAD	\$96,170.00	1.00
NEW KIRK ROAD	\$18,000.00	0.25
INDIAN RUN	\$26,406.25	0.28
E. WILLIAMS ROAD	\$21,125.00	0.32

	\$40,900.00	0.47
DORCLIFF HEIGHTS	\$43,000.00	0.57
DOG RIDGE	\$28,500.00	0.38
BONANZA DRIVE	\$44,000.00	0.60
CRESTVIEW DRIVE	\$32,500.00	0.45
TOTAL	\$1,134,643.41	12.05

Big Sandy Water District
18200 State Route 3
Catlettsburg KY 41129
606-928-2075
1-800-354-2933
bidstrict@windstream.net


July 21, 2018

Steve Towler, Judge Executive
Boyd County Court House
PO Box 423
Catlettsburg KY 41129

Dear Judge Towler:

Larry Shockey's term of Commissioner at Big Sandy Water District expires September 9, 2018. He would like to be reappointed.

Sincerely,



David Blair
Manager

Big Sandy Water District is an equal opportunity provider and employer

BIG SANDY WATER DISTRICT

**Response to Commission Order Dated July 10, 2019
Case No. 2019-00187**

Question No. 6

Responding Witnesses: Teresa Brown

- Q-6. Provide all correspondence with the Boyd County Judge/Executive regarding the expiration of the term of the commissioner whose term allegedly expired on September 7, 2018.**
- A-6. Big Sandy Water District assumes that requested information refers to Commissioner Larry Shockey, whose term expired on September 9, 2018. Attached is all available correspondence between Big Sandy Water District and the Boyd County Judge/Executive regarding the expiration of Mr. Shockey's term of office.



C. PHILLIP HEDRICK
County Attorney

PATRICIA A. BALL
County Treasurer

BOYD COUNTY FISCAL COURT

STEVE W. TOWLER, Judge Executive

JOHN R. GREER
County Commissioner
District 1

TOM JACKSON
County Commissioner
District 2

CARL TOLLIVER
County Commissioner
District 3



ED RADJUNAS
Deputy Judge Executive

VALERIE N. SMITH
Economic Development

September 12, 2018

Gwen R. Pinson, Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Blvd.
Frankfort, KY 40602-0615

RE: Big Sandy Water District
Notice of Vacancy

Dear Ms. Pinson,

Notice is hereby given that as of September 9, 2018, there is a vacancy on the Big Sandy Water District Board of Commissioners as a result of the expiration of the term of Mr. Larry Shockey. I have made a recommendation to the Boyd Fiscal Court yesterday, September 11, as to an appointment to fill the aforesaid vacancy and the court failed to approve the recommendation. It is therefore anticipated the vacancy will not be filled within the ninety (90) days following the creation of the vacancy thus requiring action by the Public Service Commission to fill the vacancy per KRS 74.020 (4).

Big Sandy Water District is located at 18200 State Route 3, Catlettsburg, KY 41129. The District's phone number is (606) 928 2075.

Thank you.

A handwritten signature in black ink that reads "Steve Towler".

Steve Towler
Boyd County Judge Executive

Cc: Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129

Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129
(606) 928-2075 or (800) 354-2933
bdistrict@windstream.net

September 13, 2018

Hon. Steve Towler
Boyd County Judge Executive
PO Box 423
Catlettsburg, KY 41129

Dear Judge Towler:

I have been advised that you made a telephone call on September 12, 2018 to a secretary at the Big Sandy Water District and that you told her Mr. Larry Shockey was not to have anything further to do as a commission for the District, that his "position is vacant".

Mr. Shockey is the vice secretary and the vice treasurer for the District and shall continue to be so unless and until his successor is properly appointed pursuant to K.R.S. 74.020(4).

If there is no appointment of a successor approved by the fiscal court within sixty (60) days of September 9, 2018, then Mr. Shockey will be considered reappointed for an additional four years pursuant to K.R.S. 65.008(2).

Yours truly,



Paul Thomas, Chairman
BIG SANDY WATER DISTRICT

cc: Boyd County Commissioners



C. PHILLIP HEDRICK
County Attorney

PATRICIA A. BALL
County Treasurer

BOYD COUNTY FISCAL COURT

STEVE W. TOWLER, Judge Executive

JOHN R. GREER
County Commissioner
District 1

TOM JACKSON
County Commissioner
District 2

CARL TOLLIVER
County Commissioner
District 3



ED RADJUNAS
Deputy Judge Executive

VALERIE N. SMITH
Economic Development

Paul Thomas, Chairman
Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129

September 17, 2018

RE: Water District Commissioner Vacancy

Dear Mr. Thomas,

Thank you for your correspondence of September 13, 2018 concerning the vacancy created by the expiration of the term of Commissioner Larry Shockey.

Since receiving written notification from Big Sandy Water District that Commissioner Shockey's term expired September 9, 2018, I have nominated an appointee to fill the vacancy at both the August and September meetings of the fiscal court and the fiscal court has failed to approve the appointment.

I have reviewed both KRS 65.008(2) and 74.020(4) referred to in your correspondence.

In consideration of KRS 74.020, which is specific to water districts, I have made the Kentucky Public Service Commission aware of this situation should it require action on the PSC's part if the vacancy is not filled within the ninety (90) days anticipated by subsection (4). Otherwise I respectfully defer to the Kentucky Revised Statutes and applicable law as to your agency's day to day operations and filling the vacancy.

Thank you.

Steve Towler
Boyd County Judge Executive

cc: Kentucky Public Service Commission

Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129
(606) 928-2075 or (800) 354-2933
bdistrict@windstream.net

September 18, 2018

Gwen R. Pinson, Executive Director
Kentucky Public Service
PO Box 615
211 Sower Blvd.
Frankfort, KY 40602-0615

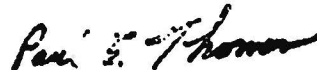
Dear Ms. Pinson,

We are in receipt of a copy of a letter dated 9/12/18 from Judge Steve Towler to you concerning Big Sandy Water District. Please find enclosed a copy of District's letter to Judge Steve Towler dated 9/13/18.

It should be pointed out that Mr. Shockey was not terminated nor did he resign. His term as commissioner expired 9/9/18, and the District will consider him to be reappointed if the Boyd County Judge does not appoint somebody to fill this position within 60 days with the approval of the fiscal count.

If you have questions, please give us a call.

Yours truly,



Paul Thomas, Chairman
BIG SANDY WATER DISTRICT

Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129
(606) 928-2075 or (800) 354-2933
bdistrict@windstream.net

September 21, 2018

Gwen R. Pinson, Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Re: Big Sandy Water District
Commissioner Larry Shockey

Dear Mr. Pinson:

The Big Sandy Water Board unanimously endorses Larry Shockey to fill the vacancy on our Board. He has shown dedication and professionalism while being a past Board member. We need and support his reappointment to a 4 year term. Your consideration is appreciated in this matter.

Regards,

Paul Thomas, Chairman

James Sallsbury Sr., Commissioner

Charles Shockey, Commissioner

William Hardin, Commissioner



Matthew G. Bevin
Governor

Charles G. Snavely
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

September 27, 2018

Hon. Steve Towler
Boyd County Judge Executive
P.O. Box 423
Catlettsburg, Kentucky 41229

Mr. Paul Thomas
Chairman, Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129

RE: Commissioner Vacancy on the Big Sandy Water District Board of Commissioners

Hon. Towler and Chairman Thomas:

I received letters from and between each of you regarding a vacancy on the Big Sandy Water District Board of Commissioners (the Board) resulting from the expiration of Mr. Larry Shockey's term as of September 9, 2018. These letters are attached for reference. As you know, the Commission takes seriously its statutory duties with respect to water commissioners, who are charged with the important task of managing the districts that supply water to our local communities. Your letters suggest questions regarding the law as to commissioner vacancies. Please know that this letter is an attempt to explain that law from the Commission's perspective, based on the facts presented in your letters. This letter is in no way binding on the Commission should the issue be formally presented to the Commission or additional facts become known.

Water district commissioners are normally appointed to four-year terms by the appropriate county judge/executive, with the approval of the fiscal court, pursuant to KRS 74.020(1) and (4). Should a commissioner's term expire, the district is required to notify the Commission of the vacancy. See KRS 74.020(9). A water district commissioner position is considered a "hold over" position, that is, the commissioner whose term has expired continues to serve, with certain exceptions, until a successor is appointed. See KRS 65.008(2); see also OAG 82-176 ("[A] member of the Water District Board can hold over after the expiration of his term only where there is no regularly elected and qualified successor. Where such officers hold over, their official acts are valid until their successors are appointed and qualified.") (citations omitted).

Your letters indicate confusion regarding the next stage in the process. The letters include a reference to KRS 65.008(2), which states in part:

The failure of an appointing authority . . . , if the appointing authority's appointment is subject to the approval of a legislative body, to *nominate a successor within sixty (60) days of the expiration of the term of office* of a member of a district governing body shall constitute the reappointment of that member for another term of office.

(Emphasis added). By its plain language, this portion of the statute applies only when the appointing authority, in this case the judge/executive, fails to *nominate* a successor, not to a situation where the successor has been nominated but not been appointed, i.e., approved by the fiscal court. I understand from Judge Towler's September 17, 2017 letter that he has made at least two nominations to fill the vacancy. Thus, assuming for the moment that this portion of KRS 65.008 applies to water districts, Judge Towler's nominations preclude finding of an automatic reappointment under this statute. Moreover, it has not been 60 days since the expiration of the term at issue. Thus, if Judge Towler had not previously nominated a successor he would still have time to do so under this statute before the automatic reappointment portion could apply.

More importantly, water districts are subject to the more specific statute at KRS 74.020(4), which provides, among other things, that the Commission has the authority to appoint a water district commissioner to a position vacant for more than 90 days:

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.

(Emphasis added). Under Kentucky law, this more specific statute controls over any contrary reading of KRS 65.008. See, e.g., *Light v. City of Louisville*, 248 S.W.3d 559, 563 (Ky. 2008). Under KRS 74.020(4), if a vacancy is not filled within 90 days of the creation of the vacancy "by the appropriate county judge/executive with approval of the fiscal court," the Commission "shall" make that appointment. Thus, there is no potential for automatic reappointment under KRS 65.008 for water district commissioners.

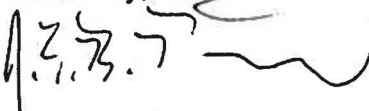
The Commission understands the term "shall" in KRS 74.020(4) as a direct command from the General Assembly that the Commission must make the appointment and that any contrary method of appointment would be contrary to Kentucky law. The Commission has on several occasions operated under this command and appointed water district

commissioners where a vacancy had existed for 90 days. In these circumstances, the Commission has developed a practice of opening a formal proceeding, accepting nominations and applications for the position, conducting an investigation including interviewing applicants and nominees, and making a final decision regarding whom to appoint to the vacancy.

I hope this letter clarifies what would occur should the vacancy continue unfilled. Given that Mr. Shockey's term apparently expired as of September 9, 2018, we calculate the Commission's statutory obligation to appoint a commissioner arising on December 8, 2018, if the vacancy has not been filled by that date by the appropriate county judge/executive with approval of the fiscal court. In the meantime, Big Sandy Water District should inform the Commission if the vacancy is appropriately filled, as required by KRS 74.020(9)(b).

If you have any questions concerning this letter, please contact J.E.B. Pinney, Acting General Counsel, at (502) 782-2587 or at jeb.pinney@ky.gov.

Sincerely,


Gwen R. Pinson
Executive Director

Enclosures

CARL W. TOLLIVER
Boyd County Commissioner – District 3
903 Oak Hill Drive
Ashland, Kentucky 41102

September 24, 2018

Ms. Gwen R. Pinson, Executive Director
Kentucky Public Service Commission
P. O. Box 615
211 Sower Blvd.
Frankfort, KY 40602-0615

RE: Big Sandy Water District – Notice of Vacancy

Dear Ms. Pinson:

At our September 11, 2018 Boyd County Fiscal Court meeting, Judge Steve Towler made a motion to appoint Gerald Blanton to fill the vacancy on the Big Sandy Water District Board of Commissioners. Judge Towler's motion died for the lack of a second.

I agree that Mr. Blanton would make a good commissioner and would be an asset to the Big Sandy Water District Board. However, it has been the past practice of the court to reappoint the recommendation of the water district board.

Therefore, I would ask you that you consider reappointing Mr. Larry Shockey to another term on the commission. Mr. Shockey has served his duties well, and he will continue to work hard for the commission if reappointed.

Thank you.

Sincerely,

Carl W. Tolliver

Cc: Big Sandy Water District
18200 State Route 3
Catlettsburg, KY 41129