

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	
FINANCIAL AND OPERATING CAPACITY OF	)	
RATTLESNAKE RIDGE WATER DISTRICT	)	
INCLUDING RATTLESNAKE RIDGE WATER	)	
DISTRICT AND ITS INDIVIDUAL	)	CASE NO.
COMMISSIONERS, AND MANAGER DAVID	)	2021-00340
GIFFORD FOR ALLEGED FAILURE TO COMPLY	)	
WITH KRS 278.300 AS WELL AS POSSIBLE	)	
VACANCIES ON THE BOARD OF	)	
COMMISSIONERS OF RATTLESNAKE RIDGE	)	
WATER DISTRICT	)	

ORDER

On November 7, 2022, the Commission expanded its investigation into the financial and operating capacity of Rattlesnake Ridge Water District (Rattlesnake Ridge District) to include a determination of whether vacancies exists on Rattlesnake Ridge District’s Board of Commissioners (Board). On September 15, 2023, the Commission determined that three vacancies existed.<sup>1</sup> By Order on November 13, 2023, the Commission appointed Mike Copley to one of the three vacant seats. Pursuant to KRS 74.020(4), the Commission, by this Order, appoints Stephen Rogers and Randy Steagall to fill the remaining vacancies.

LEGAL STANDARD

Water districts formed pursuant to KRS Chapter 74, like Rattlesnake Ridge District, “shall be administered by a board of commissioners which shall control and manage the

---

<sup>1</sup> Order (Ky. PSC Sept. 15, 2023) at 4-5.

affairs of the district.”<sup>2</sup> The term of each water district commissioner shall be four years, “except as provided in this section.”<sup>3</sup> Pursuant to KRS 74.020(1)(a), “[i]nitial appointments shall be for terms of two (2), three (3), and four (4) years, as designated by the [appropriate fiscal] court.”<sup>4</sup> Generally, the county judge executive has authority to appoint the members of the board of commissioners of a water district subject to the approval of the fiscal court.<sup>5</sup> However, if a vacancy is not filled “. . . within ninety (90) days following the vacancy,” then the vacancy “shall be filled by the Public Service Commission.”<sup>6</sup>

KRS 74.020(8)(b) mandates that within 12 months of initial appointment, each commissioner shall complete water commissioner training. Furthermore, KRS 74.020(8)(b) mandates that “any commissioner who fails to complete the program within twelve (12) months of his or her initial appointment shall forfeit his or her office and all right to act in discharge of the duties of the office.”

### DISCUSSION AND FINDINGS

Rattlesnake Ridge District is a water utility district organized pursuant to KRS Chapter 74 and provides retail water service to approximately 4,213 residential customers and 75

---

<sup>2</sup> KRS 74.020(1).

<sup>3</sup> KRS 74.020(1).

<sup>4</sup> KRS 74.020(1)(a).

<sup>5</sup> See KRS 74.020(1)(a) (“Members of the board . . . shall be appointed by the county judge/executive with the approval of the fiscal court.”); see also KRS 74.020(4) (“Vacancies [on a board of commissioners] shall be filled by the same appointing authority [the county judge executive/fiscal court in appropriate county] which is empowered to make the original appointment.”).

<sup>6</sup> KRS 74.020(4).

commercial customers.<sup>7</sup> In accordance with KRS 74.020, Rattlesnake Ridge District has five commissioners representing two of the five counties<sup>8</sup> the utility serves.

Stephen Rogers and Randy Steagall made written application on September 26, 2023, and October 2, 2023, respectively, to be considered for the position pursuant to the September 15, 2023 Order. Randy Steagall had previously served on the Rattlesnake Ridge District's Board of Commissioners. They were both two of five candidates who applied for the vacant positions from Carter County.<sup>9</sup>

Having reviewed the applications and being otherwise sufficiently advised, the Commission, by this Order, appoints Stephen Rogers and Randy Steagall to fill the two vacant seats.

In making a selection, the Commission must consider the totality of the circumstances, including the education, business and management experience, and personal history of the proposed candidates, and the existing financial and operating condition of the water district. Based upon a review of the evidence of record as well as Mr. Roger's and Mr. Steagall's experience and the interviews, the Commission finds that they are both qualified and the best suited candidates to serve in the designated positions. To reach this conclusion the Commission finds that Mr. Rogers and Mr. Steagall reside in Rattlesnake Ridge District's territory, specifically Carter County; are of legal age; possesses adequate education, business skills, and experience to perform the duties of

---

<sup>7</sup> *Annual Report of Rattlesnake Ridge Water District, Water Utilities Report to the Kentucky Public Service Commission for the Year Ended December 31, 2022* at 49.

<sup>8</sup> The Rattlesnake Ridge District serves Morgan, Carter, Elliott, Lawrence and Lewis counties Kentucky.

<sup>9</sup> Bill Gilbert, Ronald Johnson, and Brent Steel also applied for the vacant seat in Carter County and were interviewed. Barry Webb was also an applicant from Lawrence County.

water district commissioner; and do not have any legal disability that would disqualify them from serving in the position.<sup>10</sup> Accordingly, the Commission finds that Mr. Rogers and Mr. Steagall should be appointed to fill the vacancy on Rattlesnake Ridge District's Board of Commissioners identified in the September 15, 2023 Order. The Commission notes that Stephen Rogers and Randy Steagall should ensure that they read and comply with KRS 74.020, including all training requirements. Finally, to provide notice with respect to the status of their applications, the Executive Director shall also send a copy of this Order to Bill Gilbert,<sup>11</sup> Ronald Johnson, Brent Steele, and Barry Webb.

IT IS THEREFORE ORDERED that:

1. Stephen Rogers and Randy Steagall are appointed to fill the vacant seats identified in the September 15, 2023 Order.
2. The term that Stephen Rogers and Randy Steagall are being appointed to fill shall expire at 12:01 a.m. Eastern Daylight Time on April 10, 2028.
3. The Executive Director shall serve a copy of this Order upon the Judge Executives in Carter, Elliott, Lawrence, Morgan, and Lewis counties; the Rattlesnake Ridge Board; Stephen Rogers; Randy Steagall; Bill Gilbert; Ronald Johnson; Brent Steele; and Barry Webb.
4. Nothing in this Order shall prohibit the Commission from issuing further Orders in this case.

---

<sup>10</sup> KRS 74.020.

<sup>11</sup> Bill Gilbert was the former Chairman of the Rattlesnake Ridge District Board.

PUBLIC SERVICE COMMISSION

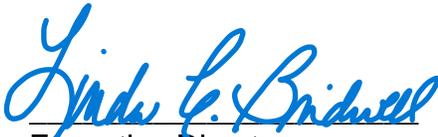
  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
APR 09 2024 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Lewis County Fiscal Court  
112 Second Street  
Vanceburg, KENTUCKY 41179

\*Hon. Derrick Willis  
Attorney at Law  
Willis Law Office  
P.O. Box 1500  
Grayson, KENTUCKY 41143

\*Morgan County Office Building  
450 Prestonsburg Street  
West Liberty, KENTUCKY 41472

Elliott County Local Government  
PO Box 710  
Sandy Hook, KENTUCKY 41171

\*Honorable Delores Woods Baker  
Counsel  
134 West Third Street  
Maysville, KENTUCKY 41056

\*Myles Holbrook  
Morgan County Attorney  
527 Main Street  
West Liberty, KENTUCKY 41472

Carter County Fiscal Court  
300 West Main Street  
Grayson, KENTUCKY 41143

\*Myron Lewis  
Elliott County Judge Executive  
PO Box 710  
Sandy Hook, KENTUCKY 41171

\*Phillip Carter  
Lawrence County Judge Executive  
P.O. Box 566  
122 Main Cross Street  
Louisa, KENTUCKY 41230

\*Johnie Lewis  
Elliott County Attorney  
113 Main St.  
Sandy Hook, KENTUCKY 41171

\*Lawrence County Fiscal Court  
122 South Main Cross Street  
Louisa, KENTUCKY 41230

\*Rattlesnake Ridge Water District  
5302 S State Hwy 7  
P. O. Box 475  
Grayson, KY 41143-0475

\*Brian Bayes  
Carter County Attorney  
300 West Main Street  
Grayson, KENTUCKY 41143

\*George Sparks  
Lewis County Judge Executive  
112 Second Street, Room 201  
Vanceburg, KENTUCKY 41179

\*Rattlesnake Ridge Water District  
Rattlesnake Ridge Water District  
5302 S State Hwy 7  
P. O. Box 475  
Grayson, KY 41143-0475

\*Ben Harrison  
Lewis County Attorney  
112 Second Street, Suite 207  
Vanceburg, KENTUCKY 41179

\*Jim Gazay  
Morgan County Judge Executive  
450 Prestonsburg Street  
West Liberty, KENTUCKY 41472

\*Brandon Burton  
Carter County Judge Executive  
300 West Main Street  
Grayson, KENTUCKY 41143

\*Johnny Osborne  
County Attorney  
122 N. Main Cross Street  
Louisa, KENTUCKY 41230