

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
RURAL WATER ASSOCIATION FOR	)	CASE NO.
ACCREDITATION APPROVAL OF	)	2022-00234
COMMISSIONER TRAINING AND CONTINUING	)	
EDUCATION CREDIT	)	

ORDER

On July 29, 2022, Kentucky Rural Water Association (KRWA) filed an application<sup>1</sup> for approval and accreditation of a training program scheduled to take place on August 30, 2022, and August 31, 2022. The program is entitled Water Commissioner Training (Training Program). The Training Program is intended to be in-person at the Central Bank Center in Lexington, Kentucky. Having reviewed KRWA's request and being otherwise sufficiently advised, the Commission approves the program to satisfy the six hours of training described by KRS 74.020(6) and KRS 74.020(7), subject to the conditions discussed below. KRWA did not request the Training Program be approved and accredited to satisfy any portion of the 12 hours of initial training for newly appointed commissioners required by KRS 74.020(8).

DESCRIPTION OF THE TRAINING PROGRAM

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<sup>1</sup> All applications should be filed in an optimized pdf format (searchable or OCR) and include bookmarks to distinguish sections. Any future applications from KRWA not meeting this requirement will be rejected as deficient.

The Training Program will be conducted in person at the Central Bank Center in Lexington, Kentucky on August 30, 2022, and August 31, 2022. The Training Program will consist of the following sessions:

**Tuesday, August 30, 2022**

1. Kentucky Workforce Survey Results (1 hour): The presentation will summarize the results of the UK Kentucky Water Resources Research Institute (KWRRRI) surveys assessing Kentucky's water utility workforce. The surveys were designed to identify the challenges and barriers that utilities face in recruiting and retaining drinking water and clean water operators.

2. PSC Requirements for Construction and Debt Issuance (1 hour): This presentation reviews the statutory and regulatory requirements governing the construction of facilities and the issuance of debt or other long-term obligations and provides practical suggestions for avoiding or meeting those requirements.

3. Sexual Harassment and Respectful Workplace Training (1 hour): This presentation discusses the role of the Board and the role of Management in developing and implementing best practices to foster a workplace environment that is the envy of other utilities. The presentation will address Board members duty to adopt, periodically review, and oversee the enforcement of its policies, including the duty of the utility to maintain a safe, respectful workplace that is free from unlawful discrimination, harassment, or retaliation for all employees.

**Wednesday, August 31, 2022**

1. Our Future is Bright (1 hour): This session will discuss changes in the industry, including regulatory and legal, brought about by the events of the past few years

from the perspective of both KRWA as well as the National Rural Water Association. It will cover changes at the state and federal levels that may impact Kentucky water and wastewater utilities.

2. Energy and Environmental Issues (.50 hours): This session will cover issues faced by the Energy and Environment Cabinet and will address the potential for new regulations that may financially and operationally impact water and wastewater utilities.

3. PSC Utility Regulatory Issues- Update (.50 hours): This session will address some of the regulatory issues facing Kentucky utilities and will outline how the PSC plans to address these problems.

4. Funding Opportunities- Kentucky Infrastructure Authority (KIA) (.50 hours): This session will explain funding opportunities that are available to water and wastewater utilities through KIA. Types of funds available will be discussed. Guidelines will be offered for proper procedures to follow when submitting applications.

5. 7 Simple Secrets to Project Success (.50 hours): This session will drill down on seven simple secrets to increase your competitive edge in developing projects and winning much needed funding to better serve our customers. The presenter will provide tools and information to better compete in the project funding arena.

The presenters at the program will be Gerald E. Wuetcher and Danielle Day of Stoll Keenan Ogden; Donna McNeil, Research Engineer with UK KWRRRI; Valerie Lucas, Executive Director of Clean Water Professionals of Kentucky and Tennessee; Russ Rose, CEO of Oldham County Water District and President of KRWA Board of Directors; David Peterson, member of KRWA Board of Directors, Executive Board for the National Rural Water Association, and CEO of the Caveland Environmental Authority; Carey Johnson,

Director of the Kentucky Division of Water; Kent Chandler, Chairman of the Kentucky Public Service Commission; David Baird, President of the National Rural Water Association; and Sandy Williams, Executive Director of the KIA.

### DISCUSSION

KRS Chapter 74 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 Chapter 74 must be administered by a board of commissioners that shall control and manage the affairs of the district.<sup>2</sup> 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.<sup>3</sup> 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 calendar year by allowing the commissioners to receive a raise if they complete the training each year.

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

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

<sup>3</sup> KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

quality” and “will enhance a water district commissioner’s understanding of his or her responsibilities and duties.”<sup>4</sup> 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.<sup>5</sup>

KRWA provided the information required by 807 KAR 5:070 and the Commission’s Order in Case No. 2018-00085 in a timely manner. The Training Program also covers topics that will be relevant and useful to water district commissioners. Moreover, the presenters appear to have knowledge of the topics they intend to discuss, and based on a review of the materials provided, the Training Program appears to be well developed and of a high quality.

The Commission finds that the 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 and therefore, will conditionally approve the Training Program to satisfy the training requirements set forth in KRS 74.020(6) and (7) or a portion thereof.

IT IS THEREFORE ORDERED that:

1. KRWA’s Training Program scheduled to take place on August 30, 2022, and August 31, 2022, is hereby conditionally approved and accredited for up to six hours of

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<sup>4</sup> 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”).

<sup>5</sup> Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commission of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 4-5.

annual water district management training for water district commissioners seeking to satisfy 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.

4. No later than 45 days after each scheduled offering of the 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 proposed curriculum that occurred after the application;

c. The name of each attending water district commissioner, his or her water district, 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.

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PUBLIC SERVICE COMMISSION

  
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Vice Chairman

  
Commissioner



ATTEST:

  
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