

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF)	
CUMBERLAND WATER DISTRICT AND ITS)	
OFFICERS, ERIC CARVER, SANDY HIENEMAN,)	CASE NO.
TROY NORRIS, MARK VIBBERT, AND JAY CARY)	2022-00244
AND ITS MANAGER, MATTHEW DYER, TO)	
COMPLY WITH A COMMISSION ORDER, KRS)	
278.990)	

ORDER

On July 5, 2023, the Commission entered a final Order in this matter. As part of the final Order, the Commission ordered that Cumberland County Water District (Cumberland District) file, within six months of service of the date of the Order, written policies, and procedures to include employee(s) responsibilities, employee(s) expectations, processes to ensure the utility is in compliance with all Commission Orders, regulations and related statutes.¹ Six months from the final Order was January 5, 2024. No written policies and procedures have been filed.

KRS 278.990(1) provides that any utility, and any officer, agent, or employee of a utility that willfully violates any Commission Order provision of KRS Chapter 278, any regulation promulgated pursuant to KRS Chapter 278, or fails to perform any duty imposed upon it shall be subject to a civil penalty not less than \$25 and not more than \$2,500 for each offense.

¹ Order (Ky. PSC July 5, 2023) at 9, ordering paragraph 6.

Based on the failure to comply with the July 5, 2023 Order issued in this proceeding, the Commission finds that Cumberland District and its officers, agents, and employees should show cause as to why they should not be subject to the assessment of a civil penalty pursuant to KRS 278.990(1).

IT IS THEREFORE ORDERED that

1. This matter is re-opened for the named parties to show cause why they should not be subject to the assessment of a civil penalty pursuant to KRS 278.990(1) for failure to comply with Commission Orders entered in this matter.

2. Cumberland District, its officers, Eric Carver, Sandy Hieneman, Troy Norris, Mark Vibbert, and Jay Cary and its manager, Matthew Dyer shall file a response within 20 days of the date of service of this Order to show cause why each named party should not be subject to civil penalties pursuant to KRS 278.990(1).

3. Counsel for the parties shall enter an appearance or appearances within 20 days of the date of service of this Order.

4. The Commission directs Cumberland District to the Commission's July 22, 2021 Order in Case No. 2020-0008514 regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

PUBLIC SERVICE COMMISSION

Hunt Collier
Chairman

AM
Vice Chairman

Mary Pat Ryan
Commissioner

ENTERED
FEB 15 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Linda C. Bridwell
Executive Director

*Cumberland County Water District
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*Garland Hieneman
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*Cumberland County Water District
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*Troy Norris
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*Jay Cary
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*Lindsey G. Bell
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