

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 February 15, 2024, the Commission reopened this matter for the parties to show cause why they should not be subject to the penalties in KRS 278.990(1) for failure to file, within six months of service of the date of the July 5, 2023 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. Also, on February 15, 2024, the Commission ordered that all parties file a response within 20 days of the date of service to show cause why each named party should not be subject to civil penalties pursuant to KRS 278.990(1). The Commission further ordered that counsel for the parties enter an appearance within 20 days of the date of service of the Order.

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, 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.

On February 21, 2024, Cumberland County Water District (Cumberland District) filed its written policies and procedures in Case No. 2023-00234.¹ Cumberland District stated that the policies and procedures in this matter were adopted by its board of commissioners (Board) at the Board's February 12, 2024 meeting.² The written policies and procedures were untimely filed outside of the six months of the July 5, 2023 Order in this matter.

The Commission finds that Cumberland District should file the written policies and procedures in this case within ten days of this Order. The Commission further finds that Cumberland District should include an affidavit that Cumberland District adopted these policies on February 12, 2024. The Commission should not be compelled to ensure that basic Orders are followed and that Cumberland District makes timely filings. The Commission encourages each member of the Board and the general manager to take responsibility for their own actions and take the initiative to ensure that Cumberland District is complying with Commission Orders.

The Commission additionally finds that Sandy Hieneman and Mark Vibbert should be dismissed as a party from this matter. Sandy Hieneman resigned from the Board on

¹ Case No. 2023-00234 *Electronic Investigation Into Possible Vacancies on the Board of Commissioners of Cumberland County Water District* (filed Aug. 8, 2023).

² Case No. 2023-00234, *Policies and Procedures* (filed Feb. 21, 2024).

July 10, 2023.³ The Commission found that Mark Vibbert had not completed his training within 12 months of his initial appointments, and as a result, his seat was vacant as well.⁴

IT IS THEREFORE ORDERED that:

1. Sandy Hieneman and Mark Vibbert are dismissed as parties from this case.
2. The case style is amended to reflect the dismissal of Sandy Hieneman and Mark Vibbert. The case style of this matter is hereinafter: *Electronic Alleged Failure of Cumberland Water District and Its Officers, Eric Carver, Troy Norris, and Jay Cary and Its Manager, Matthew Dyer, to Comply with a Commission Order, KRS 278.990.*
3. Cumberland District; its officers, Eric Carver, Troy Norris, and Jay Cary; and its manager, Matthew Dyer, shall file the written policies and procedures with an affidavit confirming its adoption within ten days of the date of service of this Order.
4. Counsel for the parties shall enter an appearance or appearances within ten days of the date of service of this Order.
5. The Commission directs Cumberland District to the Commission's July 22, 2021 Order in Case No. 2020-00085⁵ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

³ Case No. 2023-00234, Cumberland District's Response to Staff's First Request (filed Sept. 29, 2023), Item 3.

⁴ Case No. 2023-00234, Jan. 5, 2024 Order.

⁵ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

PUBLIC SERVICE COMMISSION

Kent Chalk
Chairman

[Signature]
Vice Chairman

May Pat Beaman
Commissioner

ENTERED
MAR 25 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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