

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH)	
WOODFORD COUNTY WATER DISTRICT AND)	
EDWIN ROBERT LIPPERT II, A MEMBER OF THE)	
BOARD OF COMMISSIONERS OF SOUTH)	CASE NO.
WOODFORD COUNTY WATER DISTRICT, FOR)	2022-00444
AN EXTENSION OF TIME TO COMPLETE)	
REQUIRED TRAINING FOR NEWLY APPOINTED)	
WATER DISTRICT COMMISSIONERS)	

ORDER

On December 29, 2022, South Woodford County Water District (South Woodford District) and Edwin Robert Lippert II (collectively, the Applicants) filed their application for extension of time to complete training requirements, pursuant to KRS 74.020(9), requesting an extension of time until August 7, 2023, for Mr. Lippert to complete the required 12-hour new commissioner training required by KRS 74.020(8)(a). This matter now stands submitted for a decision by the Commission.

LEGAL STANDARD

KRS 74.020(8)(b) states that “[w]ithin twelve (12) months of initial appointment, each commissioner shall complete the program of instruction...any commissioner who fails to complete the program within twelve (12) months of his or her appointment shall forfeit his or her office and all right to act in discharge of the duties of the office.” However, KRS 74.020(9) allows the Commission to grant a reasonable extension of time, not to exceed six (6) months, for good cause shown.

BACKGROUND

Mr. Lippert and South Woodford District stated that Mr. Lippert was appointed as a commissioner on South Woodford District's Board of Commissioners on February 8, 2022, to fill the unexpired term of Matthew Coyle through March 31, 2025.¹ They requested that the Commission grant Mr. Lippert an extension of time until August 7, 2023, to complete the training required for newly appointed water district commissioners required by KRS 74.020(8)(a).²

Mr. Lippert and South Woodford District noted that the first new commissioner training program in 2022 was not scheduled until July 2022 and that the last program was scheduled for December 7-8, 2022. They further stated in their sworn application that South Woodford District's staff completed a registration form for Mr. Lippert to attend the new commissioner training virtually on December 7-8, 2022, and mailed the completed form and a check for the registration fee to the address on the registration form.³ They stated that South Woodford District's "staff assumed that confirmation of the registration and instructions for accessing the virtual program of instruction would be forthcoming by electronic mail as the Commission had done for previous virtual programs of instruction."⁴ However, they indicated that they never received the log-in information and that Commission Staff has advised South Woodford District that the Commission has no

¹ Application for Extension of Time to Complete Training Requirements (Application for Extension of Time) (filed Dec. 29, 2022), Exhibit 2, page 2.

² Application for Extension of Time at 4.

³ Application for Extension of Time at 3.

⁴ Application for Extension of Time at 3.

record of receiving Mr. Lippert's registration form.⁵ Mr. Lippert and South Woodford District noted that the Commission has no further new commissioner training scheduled before Mr. Lippert must complete his training on February 8, 2023.

Mr. Lippert acknowledged in the application that he was ultimately responsible for undertaking the required training within 12 months of his appointment and for confirming that he was properly registered for the December 7-8, 2022 training program.⁶ However, the Applicants stated that Mr. Lippert relied upon assurances of South Woodford District's staff, and had a good faith belief that he was registered for the December 7-8, 2022 new commissioner training program and would be reminded of the program through email notification from the Commission.⁷ Thus, Mr. Lippert and South Woodford District argued the application for an extension of time should be granted.

DISCUSSION

Based on the sworn assertions made in the application, the Commission finds that Mr. Lippert believed that he had been registered to attend the program and would receive some notice of the program with log-in information to prompt his attendance. Further, the training programs in 2022 were offered during a limited window, and Mr. Lippert notified the Commission and requested an extension quickly upon realizing that he had missed the December 7-8, 2022 training and that no other new commissioner training was scheduled between December 7-8, 2022 and the date that he was required to complete his training. Thus, having reviewed the application and being otherwise sufficiently

⁵ Application for Extension of Time at 4.

⁶ Application for Extension of Time at 5.

⁷ Application for Extension of Time at 5.

advised, the Commission finds that Mr. Lippert's application for an extension of time until August 7, 2023, to complete the training required by KRS 74.020(8)(a) should be granted.

IT IS THEREFORE ORDERED that:

1. South Woodford District and Mr. Lippert's application for extension of time to complete training requirements is granted.

2. Mr. Lippert shall have up to and including August 7, 2023, to complete the required 12-hour new commissioner training.

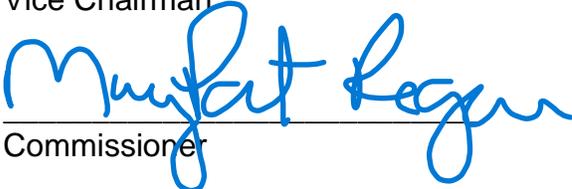
3. This case is closed and removed from the Commission's docket.

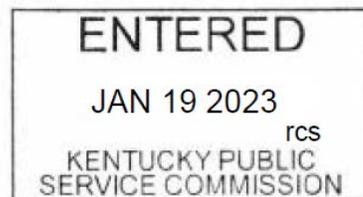
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PUBLIC SERVICE COMMISSION


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Vice Chairman


Commissioner



ATTEST:


Executive Director

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