

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC CUMBERLAND COUNTY WATER	)	
DISTRICT, ITS MANAGER, MATTHEW DYER,	)	
AND ITS INDIVIDUAL COMMISSIONERS, TROY	)	CASE NO.
NORRIS, ERIC CARVER, SANDY HEINEMAN,	)	2023-00233
JAY CARY, AND MARK VIBBERT ALLEGED	)	
FAILURE TO COMPLY WITH KRS 278.300	)	

ORDER

On October 6, 2023, the Commission, in exercise of its authority under KRS 278.250 and 278.260, found that a prima facie case existed that Cumberland County Water District (Cumberland District), Cumberland District’s Board of Commissioners, and its individual officers, Troy Norris, Eric Carver, Sandy Heineman, Jay Cary, and Mark Vibbert, along with Matthew Dyer, manager of Cumberland District (jointly, Individual Respondents), acting in their respective official and individual capacities, willfully aided and abetted in one or more violations of KRS 278.300, and therefore may be subject to the penalties provided in KRS 278.990 or removal from office pursuant to KRS 74.025.

On October 25, 2023, Cumberland District and Individual Respondents filed a response to the Commission’s opening Order in this proceeding. In the response, Cumberland District and Individual Respondents stated that Cumberland District had entered into a 48-month termed lease for a Ditch Witch with a financed amount of

\$53,692.55.<sup>1</sup> They claimed to be unaware of the prohibitions of KRS 278.300.<sup>2</sup> The response also cited to the final Order in Case No. 2022-00244, noting that they were reviewing its policies and was seeking legal guidance when necessary.<sup>3</sup> On December 18, 2023, Cumberland District and Individual Respondents responded to Commission Staff's First Request for Information (Staff's First Request). In this response, Cumberland District and Individual Respondents stated that the lease agreement for the Ditch Witch was a lease to own agreement.<sup>4</sup>

Pursuant to KRS 278.250, the Commission may, in the performance of its duties, investigate and examine the condition of any utility subject to its jurisdiction. Further, KRS 278.250 provides that "[i]n conducting such investigation, the commission may proceed with or without a hearing as it deems best but shall make no order without giving a hearing to the parties affected thereby."

On its own motion, the Commission finds that Cumberland District and the Individual Respondents shall clarify whether each has waived a hearing in this matter and requested that the Commission render a final decision on the written record.

IT IS HEREBY ORDERED that within 14 days of service of this Order, Cumberland District and the Individual Respondents shall file either a motion requesting a hearing, or a written notice waiving a hearing and requesting a decision based upon the written record.

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<sup>1</sup> Cumberland District's Response to Opening Order (filed Oct 25, 2023) at 1.

<sup>2</sup> Cumberland District's Response to Opening Order at 2.

<sup>3</sup> Cumberland District's Response to Opening Order at 2.

<sup>4</sup> Cumberland District's Response to Staff's First Request (filed Dec. 18, 2023), Item 4.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
JAN 09 2024 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Matthew Dyer  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Jay Cary  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Mark Vibbert  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Eric Carver  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Matthew Dyer  
Manager  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Sandy Heineman  
Cumberland County Water District  
133 Lower River Street  
Burkesville, KY 42717-9622

\*Troy Norris  
Cumberland County Water District  
133 Lower River Street  
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