

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL AN EXISTING VACANCY ON)
THE BOARD OF COMMISSIONERS OF LYON)
COUNTY WATER DISTRICT) CASE NO. 2007-00036

ORDER

James C. Campbell, County Judge/Executive of Lyon County, Kentucky, has applied to the Commission to make an appointment to fill a vacancy on the Board of Commissioners of Lyon County Water District.¹ In his application, Judge Campbell states that the term of Commissioner Don Robertson expired on October 1, 2006, that he reappointed Mr. Robertson to fill this vacancy, and that the Lyon County Fiscal Court failed to approve the appointment. Judge Campbell now requests that the Commission fill this vacancy.

KRS 74.020(4), which addresses the appointment of members to the boards of commissioners of water districts, states:

Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding the provisions of KRS 67.710, a vacancy resulting from the expiration of a term shall be filled by the Public Service Commission if, within ninety (90) days following the expiration of the term, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.

¹ On January 16, 2007, Judge Campbell wrote the Commission to advise of the vacancy and to request Commission action to fill that vacancy. The Commission shall consider this letter as an application to make an appointment to fill the vacancy.

Based upon the above, the Commission finds that a proceeding should be initiated to consider Judge Campbell's application and to select the appropriate person to fill the vacancy.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to fill a vacancy on the Board of Commissioners of Lyon District.

2. Judge Campbell, Mr. Robertson, Lyon District, and the members of Lyon County Fiscal Court are made parties to this proceeding.

3. Any party filing documents with the Commission shall serve a copy of those documents upon all other parties.

4. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

5. Judge Campbell shall, no later than 20 days from the date of this Order, file with the Commission the original and 6 copies of the information listed in Appendix A, with a copy to all parties of record. Each copy of the requested information shall be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6.

6. Any party who wishes to nominate a person to fill the vacancy shall submit its nomination to the Commission in writing within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 1st day of March, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2007-00036 March 1, 2007

1. Provide Mr. Robertson's curriculum vitae.
2. State Mr. Robertson's date of birth.
3. State Mr. Robertson's current address.
4. State whether Mr. Robertson has been convicted of violating any law (other than minor traffic offenses). If yes, list the conviction, date and place.
5. State whether Mr. Robertson resides in Lyon County Water District's territory.
6. Describe Mr. Robertson's educational background.
7. Describe Mr. Robertson's experience in operating or managing a water utility.
8. Describe Mr. Robertson's experience managing or operating organizations similar to a water utility.
9. Provide a map of Lyon District's territory and the ordinances of the Lyon County Fiscal Court and the orders of the Lyon County Judge/Executive that established these territorial boundaries.
10. List all positions that Mr. Robertson currently holds with any local, state or federal governmental entity.
11. State whether Mr. Robertson has ever entered into any contract with Lyon County Water District to provide goods or services. If yes, provide a copy of each contract.

12. List all business transactions that Mr. Robertson has had with Lyon County Water District in a personal or non-official capacity.

13. For each member of Lyon District's Board of Commissioners, state his or her name and the date on which his or her term will expire.

14. Provide the minutes of the Lyon County Fiscal Court meeting in which Mr. Robertson's appointment was considered.

15. Provide all written, audio or video transcripts of the Lyon County Fiscal Court meeting in which Mr. Robertson's appointment was considered and not approved.

16. List all courses of water district management training that Mr. Robertson has attended since January 1, 2002.