

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL AN EXISTING VACANCY)	
ON THE BOARD OF COMMISSIONERS OF)	CASE NO.
LYON COUNTY WATER DISTRICT)	2007-00200

O R D E R

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 John Rudolph expired on January 1, 2007, that he reappointed Mr. Rudolph 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 May 14, 2007, Judge Campbell wrote the Commission to advise of the vacancy and to request Commission action to fill that vacancy. The Commission will consider that letter as an application to make an appointment to fill the vacancy.

Based upon the above, the Commission finds that a proceeding shall 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 County Water District.
2. Judge Campbell, Mr. Rudolph, Lyon County Water 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. 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 18th day of June, 2007.

By the Commission

ATTEST:



Executive Director