

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
FINANCIAL AND OPERATING CAPACITY OF)	
BLACK MOUNTAIN UTILITY DISTRICT AS WELL)	CASE NO.
AS POSSIBLE VACANCIES ON THE BOARD OF)	2023-00235
COMMISSIONERS OF BLACK MOUNTAIN)	
UTILITY DISTRICT)	

ORDER

In an Order dated June 14, 2024, the Commission found that all seats on the Black Mountain Water District's (Black Mountain District) Board of Commissioners were vacant.¹ The Commission found that all five commissioners failed to meet the training requirement set for in KRS 74.020(8)(b).² The Commission found that all vacancies had existed for more than 90 days, and that the Commission had the authority to fill the positions for a four-year term.³ The Commission reappointed Shawn Miller, Brandon Shepard, and Dwayne Williams to fill their respective vacant seats.⁴ The Commission required Black Mountain District to publish notice of the remaining two vacancies and include instructions on how to apply to fill those positions.⁵ The Commission received

¹ Order (Ky. PSC June 14, 2024) at 5.

² Order (Ky. PSC June 14, 2024) at 5.

³ Order (Ky. PSC June 14, 2024) at 5.

⁴ Order (Ky. PSC June 14, 2024) at 7.

⁵ Order (Ky. PSC June 14, 2024) at 7.

only one application⁶ for two vacancies and issued an Order requiring Black Mountain District to publish notice again.⁷

In response to the second publication, the Commission received requests for consideration from Ronald Williams,⁸ Burl Fee, Jr.,⁹ and Ron Frazier.¹⁰

Having reviewed the applications and being otherwise sufficiently advised, the Commission, by this Order, appoints Burl Fee Jr. and Ron Frazier to fill the vacant seats. In making our selection, the Commission considered the totality of the circumstances, including the education, business and management experience, and personal history of the proposed candidates, as well as the existing financial and operating condition of the water district.

Based upon our review of the evidence of record, we find that Mr. Fee and Mr. Frazier are the best suited candidates and that there is no information to suggest that either is unqualified to serve in the designated positions. We further find that both Mr. Fee and Mr. Frazier are of legal age; possess adequate education, business skills, and experience to perform the duties of water district commissioner. The Commission found no evidence that either applicant has any legal disability that would disqualify them from serving in the position. Accordingly, the Commission finds that Mr. Fee and Mr. Frazier should be appointed to fill the vacancies on Black Mountain District's Board of Commissioners identified in the June 14, 2024 Order.

⁶ Request for Consideration of Ronald Williams (filed July 2, 2024).

⁷ Order (Ky. PSC Aug. 20, 2024) at 16.

⁸ Request for Consideration of Ron Frazier (filed Sept. 17, 2024).

⁹ Request for Consideration of Burl Fee, Jr. (filed Sept. 19, 2024).

¹⁰ Request for Consideration of Ronald Williams (filed Sept. 25, 2024).

IT IS THEREFORE ORDERED that:

1. Burl Fee, Jr. and Ron Frazier are hereby appointed to fill the remaining vacant seats on Black Mountain District's Board.

2. The term to which Burl Fee, Jr. and Ron Frazier are appointed shall expire on November 6, 2028.


3. The term of each commissioner appointed shall be four years pursuant to KRS 74.020.


4. The Executive Director shall service a copy of this Order upon the Harlan County Judge/Executive; the members of the Harlan County Fiscal Court; Mr. Burl Fee, Jr; Mr. Ron Frazier; Mr. Ronald Williams, and Black Mountain District's Board.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ENTERED
Nov 06 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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