

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF HARDIN	)	
COUNTY WATER DISTRICT NO. 2 FOR	)	CASE NO.
ACCREDITATION AND APPROVAL OF	)	2026-00239
COMMISSIONER TRAINING	)	

ORDER

On August 26, 2026, Hardin County Water District #2, and Stoll Keenon Ogden PLLC (jointly, Joint Applicants) filed an application¹ for approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for the proposed water district management training titled Hardin County Water Commissioner Training Seminar (Training Program) scheduled to take place on September 28, 2026, at the Hardin District No. 2's Office in Elizabethtown, Kentucky.

Having reviewed the Joint Applicants' request and being otherwise sufficiently advised, the Commission approves the Training Program to satisfy the six hours of training described by KRS 74.020(6) and (7), subject to the conditions discussed below. Joint Applicants did not request the Training Program be approved and accredited to satisfy any portion of the 12 hours of initial training for newly appointed commissioners required by KRS 74.020(8).

¹ All applications should be filed in an optimized PDF format (searchable or OCR) and include bookmarks to distinguish sections. Any future applications from Joint Applicants not meeting this requirement will be rejected as deficient.

DESCRIPTION OF THE TRAINING PROGRAM

The Training Program will be conducted in person on September 28, 2026, at the Hardin District No. 2's Office in Elizabethtown, Kentucky. The Training Program will consist of the following sessions:

1. Recent Developments in Utility Regulation, Part I (1 hour): This presentation reviews recent developments in public utility law and regulation. Topics include actions taken by 2026 General Assembly, borrowing money, compliance with PSC Orders, PSC Investigations, and maintaining minutes of Board proceedings. The presenter will also examine and discuss recent court and PSC decisions.
2. Risk and Resilience Assessments (1 hour): Federal law requires water utilities to develop or update risk and resilience assessments (RRA) and emergency response plans (ERP). The presenter will outline the requirements of the federal law and discuss best practices for developing and updating a utility's RRA and ERP. He will also discuss a standard methodology for risk identification and assessment developed by a Kentucky water utility.
3. Water Utility Tariffs: Practical Considerations (1 hour): This presentation provides a review of what a tariff is, what it should contain, and how to update a tariff with the Kentucky Public Service Commission. This presentation will highlight various provisions that a water utility should have as part of its tariff to protect against financial and legal liability and to avoid customer disputes. The procedure for updating a tariff is discussed as are practical suggestions for improving a water utility's tariff. common customer disputes. The procedure for updating a tariff is discussed as are practical suggestions for improving a water utility's tariff.
4. Recent Developments in Utility Law, Part II (1 hour): This is a continuation of the discussion in Part I.
5. The Nuts & Bolts of Certificates of Public Convenience and Necessity (1 hour): This presentation reviews the statutory law surrounding the construction of utility facilities. It will focus on what utility actions require a certificate of public convenience and necessity and the exceptions to the general requirement for a certificate of public convenience and necessity. Additionally, the presentation includes a discussion of recent Commission decisions regarding when application for a Declaratory Order may be appropriate in certain circumstances. The presentation will also provide practical suggestions on preparing applications for such relief to assist Commission review and minimize the time required to obtain Commission approval or a Declaratory Order.

6. Legal Issues in the Operation & Management of Water Systems Panel Discussion (1 hour): A panel of attorneys will entertain audience questions regarding frequently recurring legal issues faced by water districts. Discussion is expected to address KRS Chapter 74 and its effects on the management and operation of water districts, as well as other highly relevant statutory provisions, such as the Claims against Local Government Act, Bidding Requirements provision of KRS Chapter 424, Eminent Domain, Local Model Procurement Law, Whistle Blowers Act, and general laws related to special districts. PSC regulatory requirements will also be discussed

DISCUSSION

KRS Chapter 74 authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS Chapter 74 must be administered by a board of commissioners that shall control and manage the affairs of the district.² KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioners' initial appointment.³ KRS 74.020(6) and (7) encourage water district commissioners to complete six instructional hours of "water district management training approved by the Public Service Commission" in each calendar year by allowing the commissioners the opportunity to receive additional compensation if they complete the training each year.

Joint Applicants indicate that they are seeking to have the Training Program approved to satisfy six hours of annual training necessary for water district commissioners to satisfy KRS 74.020(6) and (7), but they are not seeking to have it approved to satisfy

² KRS 74.020(1).

³ KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

the initial training requirements of KRS 74.020(8). The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020(6) and (7) if it determines that the programs are “high quality” and “will enhance a water district commissioner’s understanding of his or her responsibilities and duties.”⁴ However, third parties applying for approval of a proposed water district commissioner training program must file their applications, including a detailed description of the program, a description of the qualifications of any presenters, and a copy of the written materials to be distributed at the program among other things, 30 days prior to the first date on which the program is to be offered.⁵

Joint Applicants provided the information required by 807 KAR 5:070 and the Commission’s Order in Case No. 2018-00085 in a timely manner. The Training Program also covers topics that will be relevant and useful to water district commissioners. Moreover, the presenters appear to have knowledge of the topics they intend to discuss, and based on a review of the materials provided, the Training Program appears to be well developed and of a high quality.

The Commission finds that the Training Program will provide water district commissioners relevant and useful knowledge that will enhance the quality, management, operation, or maintenance of the water systems they operate, and therefore the Training

⁴ See KRS 74.020(7)(c) (stating that the Commission “shall encourage and promote the offering of high-quality water district management training programs that enhance a water district commissioner’s understanding of his or her responsibilities and duties”).

⁵ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commission of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 4–5.

Program should be conditionally approved to satisfy the training requirements set forth in KRS 74.020(6) and (7) or a portion thereof.

IT IS THEREFORE ORDERED that:

1. Joint Applicants' Training Program scheduled to take place on September 28, 2026, is hereby conditionally approved and accredited for up to six hours of annual water district management training for water district commissioners seeking to satisfy training requirements set forth in KRS 74.020(6) and (7).

2. Joint Applicants' Training Program may not be used by water district commissioners seeking to satisfy any portion of the initial training requirement for water district commissioners required by KRS 74.020(8).

3. Joint Applicants shall retain a record of all water district commissioners attending the Training Program.

4. No later than 45 days after each scheduled offering of the Training Program, Joint Applicants shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed, including a statement that the materials regarding each session were distributed as required by the Commission herein;

b. A description of any changes in the presenters or proposed curriculum that occurred after the application;

c. The name of each attending water district commissioner, his or her water district, the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the sessions that was not previously provided to the Commission.

5. Upon receipt of the materials identified in ordering paragraph 4 and provided there are no material changes to the program, the Commission shall issue a final order approving and accrediting the Training Program.

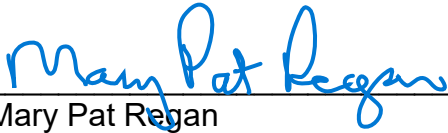
6. Joint Applicants shall permit a representative of the Commission to attend the Training Program at the Commission's discretion, without charge, to assess compliance with this Order or the quality of instruction for any other purpose deemed necessary by the Commission.

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Entered on this 9th day of September, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

Case No. 2026-00239

Service List for Case 2026-00239

* Honorable Damon R Talley
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

* Lea Ona Sims
Hardin County Water District #2
1951 West Park Road
P. O. Box 970
Elizabethtown, KY 42702-0970

* Hardin County Water District #2
1951 West Park Road
P. O. Box 970
Elizabethtown, KY 42702-0970

* Shaun Youravich
Operations Manager
Hardin County Water District #2
1951 West Park Road
P. O. Box 970
Elizabethtown, KY 42702-0970

* Tina C. Frederick
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801