

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT AND STOLL KEENON)	
OGDEN PLLC FOR ACCREDITATION AND)	CASE NO. 2015-00147
APPROVAL OF A PROPOSED WATER)	
DISTRICT MANAGEMENT TRAINING)	
PROGRAM)	

APPLICATION

Northern Kentucky Water District (“NKWD”) and Stoll Keenon Ogden PLLC (collectively “Joint Applicants”) jointly apply for an Order from the Commission accrediting and approving a proposed water district management training program pursuant to KRS 74.020 and 807 KAR 5:070.

In support of their application, the Joint Applicants state:

1. NKWD is a water district organized pursuant to KRS Chapter 74.
2. NKWD’s mailing address is 2835 Crescent Springs Road, Erlanger, Kentucky 41018-0640. Its email address is jbragg@nkywater.org.
3. NKWD provides retail water service to all or portions of Boone, Campbell, and Kenton Counties, Kentucky and provides wholesale water service to non-affiliated water distribution systems in Boone, Campbell, Kenton and Pendleton Counties, Kentucky.
4. NKWD is not a corporation, limited liability company or partnership. It has no articles of incorporation or partnership agreements.
5. Stoll Keenon Ogden PLLC is a Kentucky Limited Liability Company that was organized under the laws of the Commonwealth of Kentucky on December 28, 2005 and is currently in good standing. It provides legal services to local, regional, national and international clients.

6. Stoll Keenon Ogden PLLC's mailing address is 300 West Vine Street, Suite 2100, Lexington, Kentucky 40507-1801. Its email address for purposes of this Application is gerald.wuetcher@skofirm.com.

7. The Joint Applicants propose to sponsor and conduct a water management training program on May 27, 2015 at NKWD's offices in Erlanger, Kentucky. The program is entitled "Northern Kentucky Water Training 2015." A copy of the proposed agenda is attached to this Application as **Exhibit 1**.

8. As reflected in Exhibit 1, the proposed training program will include presentations on recent developments in utility regulatory law, including a discussion of recent Kentucky court and Public Service Commission decisions; recent developments regarding federal and state water quality laws; energy savings performance contracting; water district commissioner ethics, and a panel discussion on legal issues in the operation and management of water systems. These presentations will enhance the attendees' understanding of relevant legal issues involved in the management, operation, and maintenance of water treatment and distribution systems and are calculated to enhance and improve the quality of the management, operation and maintenance of the attendees' water systems.

9. The proposed training program will consist of six hours of instruction and should be accredited and approved for six credit hours of water district management training.

10. A biographical statement containing the name and relevant qualifications and credentials for each presenter is attached at **Exhibit 2** of this application.

11. The written materials to be provided to each attendee are under development and will be submitted to the Commission before May 27, 2015. The materials are of the same type and nature as those provided at the accredited training program that the Commission conducted

at NKWD's offices on April 2, 2014.¹ In addition to a copy of each speaker's presentation, the Joint Applicants will provide each attendee with a flash drive containing an electronic copy of applicable laws, regulations, Kentucky court decisions, and Commission orders, as well as several reference publications

12. The Joint Applicants have applied or will shortly apply to the Kentucky Bar Association and the Department of Local Government for accreditation of the proposed training program for six hours of Continuing Legal Education Credit and of Elected County Officials Training Incentive Program credit.

13. The Joint Applicants have or will shortly be sending notice of the proposed training program by electronic mail to the water districts and water associations that are under Commission jurisdiction as well as representatives of investor-owned utilities, county judge/executives, county attorneys, and members of the Kentucky Bar Association who are believed to have an interest in the proposed program's subject matter.

14. The Joint Applicants will retain a record of all water district commissioners attending the proposed training program.

15. No later than June 30, 2015, the Joint Applicants will file with the Commission a sworn statement:

- a. Attesting that the accredited instruction was performed;
- b. Describing any changes in the presenters or the proposed program curriculum that occurred after certification;
- c. Containing the name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and,

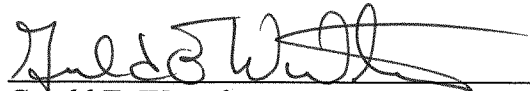
¹ See *Accreditation and Approval of a Public Service Commission Water Training Seminar As a Water District Commissioner Training Program*, Case No. 2014-00110 (Ky. PSC April 1, 2014).

d. Including a copy of any written material given to the attendees that has not been previously provided to the Commission.

WHEREFORE, the Joint Applicants request that the Commission approve and accredit the proposed training program entitled "Northern Kentucky Water Training 2015" for six hours of water district management training.

Dated: May 11, 2015

Respectfully submitted,



Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
gerald.wuetcher@skofirm.com
Telephone: (859) 231-3017
Fax: (859) 259-3517

Counsel for Northern Kentucky Water District

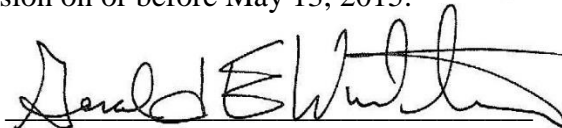


Shannon "A.J." Singleton
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
aj.singleton@skofirm.com
Telephone: (859) 231-3692
Fax: (859) 253-1093

*Deputy General Counsel
Stoll Keenon Ogden PLLC*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the Joint Applicants' May 11, 2015 electronic filing of this Application is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on May 11, 2015; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of this Application will be delivered to the Commission on or before May 13, 2015.

A handwritten signature in black ink, appearing to read "Gerald E. Wuetcher", written over a horizontal line.

Gerald E. Wuetcher

EXHIBIT 1

Northern Kentucky Water Training
Presented by
Northern Kentucky Water District & Stoll Keenon Ogden PLLC
May 27, 2015
2835 Crescent Springs Road
Erlanger, Kentucky

- 7:45 - 8:30 **Registration and Refreshments**
- 8:30 – 8:40 **Program Overview and Welcome**
- 8:40 - 9:40 **Recent Developments in Utility Regulation (Part 1) – Damon Talley & Gerald Wuetcher**
This presentation reviews recent developments in public utility law and regulation. Recent changes in Kentucky statutes affecting the operation of water utilities, include House Bill 1 and House Bill 5, will be discussed. Presenters will examine recent revisions to Public Service Commission regulations and discuss the effect these revisions will have on a water utility's operations and on Commission proceedings that frequently involve water utilities. Presenters will identify and discuss significant Commission decisions since January 1, 2014 and possible trends represented by these decisions.
- 9:50 - 10:50 **Recent Developments in Utility Regulation (Part 2) – Damon Talley & Gerald Wuetcher**
Second hour of presentation.
- 9:50 – 10:50 **Special Session I – PSC Consumer Services, One-on-One Discussion – Ginny Smith**
This is a question and answer session for utility customer representatives with the Director of the Commission's Consumer Services Division. The requirements of the Commission's regulation on customer relations will be examined in detail. Seating is limited.
- 11:00 - 12:00 **Kentucky Division of Water Law Update – Kentucky Division of Water**
This presentation will provide a brief overview of water treatment and water distribution, focusing on the major processes, why the processes are important in terms of public health and safety, and terms used in the industry. It will also discuss the primary regulations dealing with the Safe Drinking Water Act and the Clean Water Act and identify recent revisions to the DOW's administrative regulations and proposed revisions to federal drinking water laws and regulations.
- 11:00 – 12:00 **Special Session II – PSC Consumer Services, One-on-One Discussion – Ginny Smith**
Second session.
- 12:00 – 12:30 **Lunch (Included in Registration Fee)**
- 12:30 - 1:30 **Energy Savings Performance Contracting – Gregory C. Copley/Candy Hammond**
Presenter will discuss cost justified infrastructure solutions for water districts and municipal utilities (Water Utilities). Energy Savings Performance Contracting (ESPC) is a turn-key service which provides water utilities with a means to finance facility improvements and implement energy efficiency projects through utility cost savings. Discussion will include an examination of the Kentucky laws applicable to this method of contracting and the other legal consideration that should be addressed prior to entering such contracts.
- 1:40 - 2:40 **Ethical Problems for Water District Commissioners & Attorneys – Gerald Wuetcher**
The ethics laws and principles that affect water utility policy makers, managers, and their attorneys are discussed through the use of diverse and commonly recurring fact situations. Emphasis will be on the ethical obligations of a water district commissioner to his or her water

district under statutory and common law and the ethical obligations of a water district's attorney under the Kentucky Rules of Professional Conduct.

2:45 – 3:45

Legal Issues in the Operation & Management of Water Systems – Panel Discussion

Panelists: John N. Hughes, David Koenig, Damon Talley, Gerald Wuetcher

A panel of attorneys will discuss 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 Whistle Blowers Act, Claims against Local Government Act, Bidding Requirements provision of KRS Chapter 424, Eminent Domain, Local Model Procurement Law. General laws related to special districts will also be discussed.

3:45

Closing Remarks/Administrative Announcements

EXHIBIT 2

Gregory C. Copley

Greg Copley is the Regional Outreach and Technical Assistance Coordinator for the UK Center for Applied Energy Research (CAER). He joined CAER in August 2008 assisting organizations with energy related economic development projects. In that capacity he is working with regional universities, Area Development Districts, Small Business Development Centers, local governments and non profits on developing new energy technologies, performing feasibility studies, validating and monitoring demonstration projects and providing a technical resource for grant and loan applications. Current projects include managing biomass to energy test plots in Pike and Breathitt Counties, potential wind power generation, new ethanol production technologies, utilizing shut in natural gas wells and waste coals. He also is involved in a joint MSU CAER project collecting data from emissions created from underground coal fires. Currently he is working with the Department of Local Government assisting local agencies in evaluating potential energy saving opportunities through performance contracting.

Prior to CAER Greg provided hundreds of small businesses with air quality regulatory compliance assistance as director of the Kentucky Business Environmental Assistance Program. He holds a B.S. in Biology from Centre College and a M.B.A. from Morehead State.

Candy Hammond,
Field Representative
UK Center for Applied Energy Research

Candy joined CAER in January 2014. She retired with over 15 years of sales experience and \$18M in energy related project sales in Kentucky. She is skilled at developing a client's knowledge and understanding of energy savings projects both from a technical and financial perspective. Mrs. Hammond has a wealth of practical experience and training which enables her to identify both needs and expectations to tailor an energy project to meet a client's needs. She has a thorough understanding of the financial benefits of ESPC and how to develop alternative funding sources for ESPC projects.



Mrs. Hammond graduated from the United States Air Force Academy with a Bachelor of Science degree in Humanities. While in the Air Force she led a mid-level command communications electronics unit and performed research and development related to secure computer communications in a classified environment. She was awarded the Air Force Commendation Medal for her work in computer security. After service in the military, Mrs. Hammond worked in computer security for Computer Sciences Corporation and General Electric. While at GE, she earned an MBA from Rensselaer Polytechnic Institute in 1990 and began her career in sales and marketing for both GE Aerospace and GE Electrical Distribution and Control.

With regard to experience in the energy field, Mrs. Hammond has worked for LG&E Enertech as an account executive and at Honeywell in various capacities. Throughout her Honeywell career, Candy was an Energy Sales Account Executive, a Service Sales Account and Field Service Leader (FSL). As FSL she was responsible for a local team of administration, fire alarm, security and building automation service technicians and pipefitters. In this role, she managed service delivery; customer retention; P&L oversight; safety training and reporting; service contract negotiations and approval; support for sales teams to include sales estimating, customer reporting; and project management of service jobs. In her various sales roles, Candy was the lead sales representative for service sales, comprehensive facility planning and energy savings performance contracting (ESPC) in Kentucky.

As part of the KY Energy Services Coalition, Candy was a member of a presentation team for a KY School Boards Association conference in 2011 and worked with the KY Department of Education to update construction regulations and documentation for ESPC. Also, during the 2012 legislative session she participated in activities regarding HB 255. Candy was also a member of a presentation team for a joint effort with the KY Department for Local Government to educate local government entities through various presentations at Area Development Council meetings 2012-2013.

**John N. Hughes (Jack)
124 W. Todd St.
Frankfort, KY 40601
502 227 7270**

Admitted to Practice: Kentucky Supreme Court: 1976

Member Kentucky Bar Association

**U.S. District Court for the Eastern and
Districts of KY 1977**

U.S. Sixth Circuit Court of Appeals

**Education: Centre College, Danville Ky.
B.A. Government, Economics, 1971**

**University of Louisville Law School,
J.D., 1976**

Since 1989 I have been in the private practice of law limited to representation of telecommunications, natural gas, electric, private, public and municipal water and wastewater utilities in regulatory and related matters before the Kentucky Public Service Commission, state circuit and appellate courts, federal district courts and the Sixth Circuit Court of Appeals .

Virginia (Ginny) L. Smith

-BIOGRAPHY

EDUCATION

**Fuzaggi Business School
Lexington, Kentucky**

**Weikel Real Estate School
Lexington, Kentucky**

License

**Kentucky Real Estate Associate (In Escrow)
Lexington, Kentucky**

EXPERIENCE

**Fourteen (14) years full-time Sales Associate
Lexington, Kentucky**

**Kentucky Public Service Commission
-Consumer Services 1988 – Present**

CURRENT POSITION

**Division Director Consumer Services
Appointed October 1, 2000**

PREVIOUS POSITIONS

**Consumer Complaint Investigator, Analyst,
Ombudsman, and Acting Director.**

CURRENT JOB DUTIES

- **Responsible for the PSC's Consumer Services Division staff of five.**
- **Responds to 800# regarding PSC's regulated electric, gas, telephone, water and sewer utilities.**
- **Interacts with the general public, all levels of PSC staff, utility management personnel, the Attorney General's Office, State and Federal Senators and Representatives and the Constituent Services Division of the Governor's Office.**
- **Receives researches, investigates, evaluates and resolves consumer complaints.**
- **Reviews utility's tariff filings for compliance with the PSC Regulations, State Statutes and Past Commission Orders.**
- **Reports probable violations of Commission Regulations, Orders and utility tariffs to the appropriate PSC Division for Commission action.**
- **Compiles weekly, monthly, quarterly and yearly complaint data reports for distribution to the PSC Commissioners, Directors and the Environmental and Energy Cabinet and the FCC.**
- **Compiles annual Disconnection Report in accordance with KAR 807 5:006 Section 3.**

Virginia (Ginny) L. Smith

-BIOGRAPHY
Page 2

Activities

- **A member of the National Association of Regulator Utility Commissions Consumer Affairs Committee.**
- **A member of the NARUC State National Association Plan (SNAP) Committee. This Committee works with the FCC to keep informed of new telecommunications regulations and programs such as lifeline and link-up.**
- **A member of the National Association of Professional Women.**

ATTORNEY OVERVIEW

CONTACT INFORMATION

Full Name: Damon R. Talley

Name preference for website: Damon

Status/level: Of Counsel

Direct phone: 270-358-3187

Cell Phone (not mandatory):

Direct fax: 270-358-9560

E-mail: drtalley@windstream.net

PRACTICES Utility & Energy Practice

BAR & COURT ADMISSIONS Kentucky
U.S. Supreme Court
U.S. District Court for the Western District of KY
U.S. District Court for the Eastern District of KY
Kentucky Supreme Court

EDUCATION (SCHOOL, DEGREE, YEAR)

Law School: University of Kentucky College of Law, Juris Doctor, 1975

Undergrad: University of Kentucky College of Engineering, B.S.M.E. 1972

Other Education:

DISTINCTIONS

Recipient of Sullivan Medallion presented to Outstanding Graduating Student at the University of Kentucky

President of Moot Court Board at U. K. College of Law

Selected Outstanding Student in the U. K. College of Engineering

President of Omicron Delta Kappa at the University of Kentucky

President of Kentucky Association of Future Farmers of America

PROFESSIONAL & CIVIC ACTIVITIES

2000-2015	Board Member, Kentucky Infrastructure Authority
1997-1998	Chairman, KY FFA Foundation, Inc.
1988-1994	Chairman & Charter Member, The Lincoln Museum, Inc.
1987-1988	Chairman & Charter Member, KY FFA Foundation, Inc.
1986-1987	President, Hodgenville Rotary Club
1985-1986	President, LaRue County Chamber of Commerce
1985-1986	President, KY. FFA Alumni Association
1990	Recipient of Outstanding Citizen Award, LaRue County Chamber of Commerce
1981	Recipient of Outstanding Citizen Award, Cave City Chamber of Commerce
1981	President, Cave City Chamber of Commerce
1979	Recipient of Outstanding Citizen Award, Horse Cave Chamber of Commerce

SEMINARS

Frequent speaker at training sessions sponsored by the Kentucky Rural Water Association, Public Service Commission, Division of Water, Utility Management Institute, and other Utility Industry Groups

- 2015 Duties and Responsibilities of Utility Board Members
- 2014 How to Conduct Board Meetings
- 2013 Resolving Service Territory Disputes
- 2012 Ethics – Overseeing the Overseers
- 2012 Searching for Effective Legal Solutions
- 2011 Municipal Wholesale Rates
- 2011 Legal Issues and Board Oversight
- 2009 Identity Theft Prevention Program
- 2009 Service Territory Partnerships
- 2008 Building for the Future by Building a Board Governance Manual
- 2006 Organizational Alternatives for Providing Water & Wastewater Service in Kentucky

PUBLICATIONS

- 2009 - **Identity Theft Prevention Program** (with template for utilities)
- 2008 - **Board Governance and Policy Manual**
- 1990 - **Kentucky Rural Water Assistance Manual**, Co-authored

BIOGRAPHICAL INFORMATION: GERALD E. WUETCHER

ATTORNEY OVERVIEW

Jerry is Counsel to the Firm and a member of the Utility & Energy practice. He brings to Stoll Keenon Ogden more than 25 years of experience working at the Kentucky Public Service Commission, where he served as a staff attorney, deputy general counsel and executive advisor. He frequently appeared before the Commission in administrative proceedings involving electric, natural gas, water and sewer utility issues and represented the Commission in state and federal courts. Jerry also served as the Commission's representative in a number of interagency groups addressing water and wastewater issues. Between 2009 and 2013 he was the Commission's representative on the Board of the Kentucky Infrastructure Authority. He also served as the Commission's representative on the National Association of Regulatory Commissioners' Staff Subcommittees on Law and Water. Jerry developed and implemented the Commission's training program for water utility officials in 1998 and has served as one of its principal instructors since then.

Jerry served 27 years in the United States Army as a judge advocate before retiring at the rank of Colonel in 2011. His service encompassed numerous roles on active duty and in a reserve status, including claims officer, trial and defense counsel and legal assistance officer. He commanded the 139th Legal Support Organization – an Army Reserve unit consisting of four legal services teams in Kentucky and Tennessee – and has served as the Staff Judge Advocate to the 100th Division (Training). His military awards include the Legion of Merit and the Meritorious Service Medal.

Jerry received his J.D. from Emory University in 1984, and earned his B.A. in History in 1981 from Johns Hopkins University. Jerry also serves as a member of Board of Trustees of Woodford County Library and has previously served as an adjunct professor at the University of Louisville Law School.

CONTACT INFORMATION

Full Name: Gerald E. Wuetcher
Name preference for website: Jerry Wuetcher
Status/level: Counsel to the Firm
Direct phone: 859.231.3017
Direct fax: 859.258.3517
E-mail: gerald.wuetcher@skofirm.com

PRACTICES

Utility

BAR & COURT ADMISSIONS

Kentucky

EDUCATION (SCHOOL, DEGREE, YEAR)

Law School: Emory University, J.D., 1984

Undergrad: Johns Hopkins University, B.A., 1981.

Other Education: U.S. Army Judge Advocate General's School, Judge Advocate Officer's Basic Course, 1984; Judge Advocate Officer's Graduate Course, 1992

U.S. Army Command and General Staff School, Command and General Staff Course (non-resident), 1996

PROFESSIONAL & CIVIC ACTIVITIES

Board of Trustees of Woodford County Library, 2013 - present

PUBLICATIONS

The Garnishment Equalization Act: Levelling the Playing Field or Upsetting a Delicate Balance?, *Army Lawyer* (Nov. 1992).