

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC ALLEGED FAILURE OF	}
CUMBERLAND WATER DISTRICT AND	}
ITS OFFICERS, ERIC CARVER, GARLAND	} CASE NO.
HIENEMAN, JAY CARY, MARK VIBBERT, TROY	} 2022-00244
NORRIS, AND ITS MANAGER, MATTHEW DYER	}
TO COMPLY WITH COMMISSION ORDER, KRS 278.990	}

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CUMBERLAND WATER DISTRICT'S  
VERIFIED RESPONSE  
TO REQUEST FOR INFORMATION

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Comes now CUMBERLAND WATER DISTRICT (hereinafter "District"), by Counsel, pursuant to Order of November 17, 2022 and for its Response to the Commission's Request for Information does state as follows:

**REQUEST 1.** For each named commissioner and manager for the district, provide the dates and hours of training attended for the following years: 2020, 2021, and 2022.

**RESPONSE:** Manager Training/Licensure of Matthew Dyer attached as Exhibit "A". Other Commissioners have had the requisite training, but none have received additional training for the Years 2020, 2021, or 2022. Ms. Hieneman, the newest Commissioner, having only recently joined the Board, will receive her required training in 2023.

**REQUEST 2.** Refer to the response filed on September 20, 2022. Explain “excusable neglect and unintentional oversight”.

**RESPONSE:** The failure to timely procure the required rate study was the result of oversight, and inadvertent, and when the Cumberland County Water District became aware of same it contacted an engineer (referenced in the Original Response of 9-20-2022) in order to correct the oversight by procuring same, and additionally sought an extension from the PSC to do so before the original deadline had expired. The conduct was not “willful” but due to unintentional oversight.

The 7-28-2020 PSC Order requiring said study, had essentially 8 findings and 6 individual Orders, one of which was that “Cumberland District shall enter an application for an adjustment in base rates within one year of the date of filing of this Order” (see 7-28-2020 PSC Order). According to the certificate of service, this Order was mailed to the Cumberland Water District at 133 Lower River Street Burkesville, KY 42717-9622, to Dyer at the same address, to Honorable W. Randall Jones, Attorney at Law, and additionally to Kristen Millard Raymond of James Financial Services. Matthew Dyer, Manager, unintentionally overlooked the requirement for the study. On 6-28-2021 Matthew Dyer, District Manager, received a call from Lee Mudd of Monarch Engineering, who manages numerous projects for the Board (however not that project, which was managed by KRWFC), notifying him that they were under a requirement from the PSC to file an adjustment in base rates or an alternative rate filing. After contacting KRWFC, and being notified that they could not complete the requirement in the remaining month, Dyer informed the board that night (see Minutes, 6-28-2021) of this and that they would seek an extension.

As such, once reminded of this requirement in the Order, the District immediately reached out to the PSC for the extension and started the process for procuring the required study. The

Cumberland Water District has since worked to correct the oversight and is implementing new internal policies to prevent future lapses. The failure to comply originally was not willful or intentional.

**REQUEST 3. Provide all written policies of Cumberland District to prevent future failures to follow Commission Orders. Case No. 2022-00244**

**RESPONSE:** Cumberland Water District does not currently have in place written policies specifically aimed at preventing this specific issue, however, the Cumberland County Water District is currently working with Counsel to create and implement policies aimed at preventing future issues of this nature. The District will supplement this filing with said policies when adopted for review and consideration of the Commission.

**REQUEST 4. Refer to the response filed on September 20, 2022. Provide the board of commissioners' minutes from the meeting approving the hiring of the engineer for the rate case.**

**RESPONSE:** Please find attached the minutes from the two Board Meetings where this was discussed, attached as Exhibit "B" and Exhibit "C".

**REQUEST 5. Provide the date each commissioner and the manager read the entirety of the final Order in Case No. 2020-00188.**

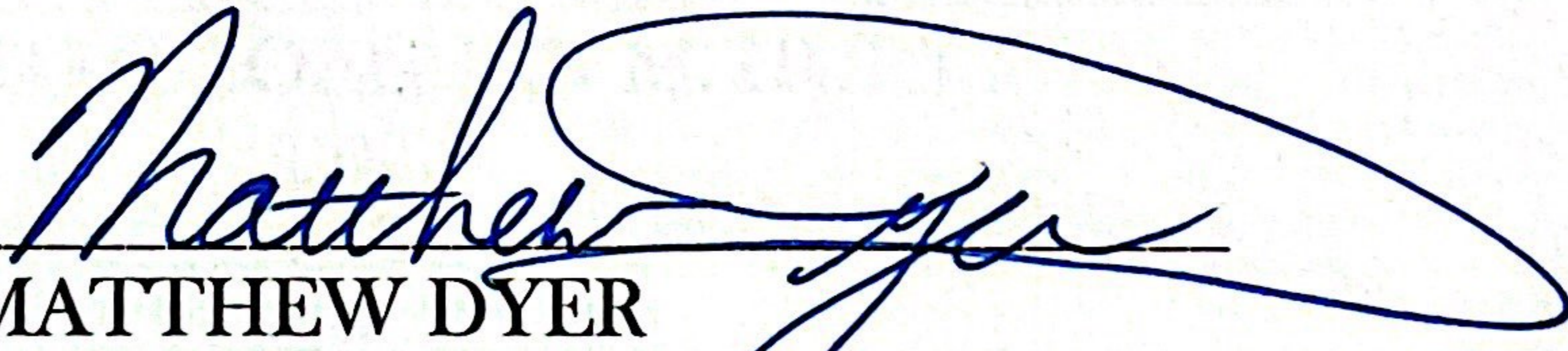
**RESPONSE:** Manager, Matthew Dyer, does not have specific recollection of when precisely he received and reviewed the pertinent Order in Case No. 2020-00188, however, Dyer does not deny that it would have been received and read shortly after being entered and mailed to him. After a

review of records, the exact date on which the Order was received is not known by Dyer. The Board's Commissioners would typically not have been presented with the entirety of the Order unless presented to them by management, and so to the best knowledge of the undersigned affiant said Commissioners would not have been presented with the Order, and to the best knowledge of the undersigned they were notified of the requirement at the 6-28-2021 meeting where they were also notified that an extension was sought. As such, to the best knowledge of the undersigned affiant the individual commissioners were not presented with the issued Order in Case No. 2020-00188 prior to the 6-28-2021.

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**VERIFICATION**

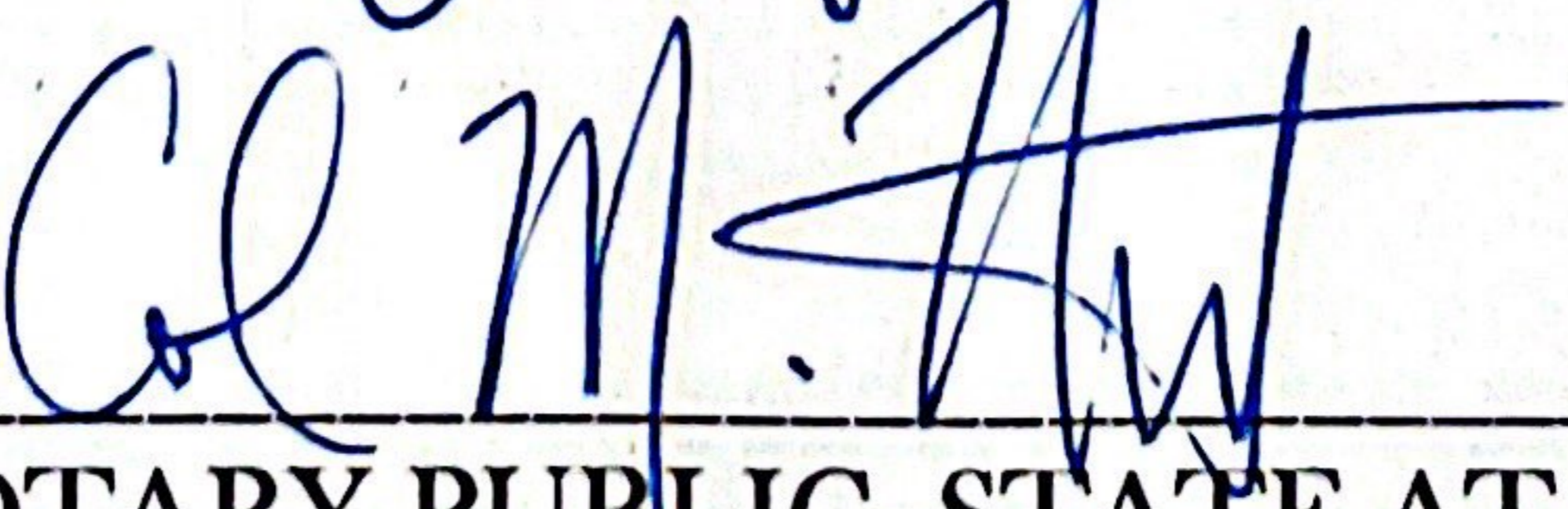
I, Matthew Dyer, Manager of the Cumberland Water District, verify that I have read the above statements and that they are true and correct to the best of my knowledge and belief.

  
MATTHEW DYER  
MANAGER, CUMBERLAND WATER DISTRICT

COMMONWEALTH OF KENTUCKY  
COUNTY OF CUMBERLAND

SUBSCRIBED, SWORN and ACKNOWLEDGED to before me, a Notary Public, by

Matthew Dyer, this 5<sup>th</sup> day of January, 2023.

  
NOTARY PUBLIC, STATE AT LARGE  
MY COMMISSION EXPIRES: 8/13/2023  
IDENTIFICATION NUMBER: KYNP20716

Respectfully submitted,

BY: /S/ COLEMAN M. HURT  
HON. COLEMAN M. HURT  
CUMBERLAND COUNTY ATTORNEY  
P.O. BOX 414  
BURKESVILLE, KENTUCKY 42717  
PHONE: 270. 278. 1504  
E-MAIL: COLEMANHURT@GMAIL.COM

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing was served by filing to the below this 5th day of January, 2023.

Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

/S/ COLEMAN M. HURT  
HON. COLEMAN M. HURT

# License Details

EXHIBIT  
"A"

## Details

**Name:** Matthew Dyer  
**Agency Id:** 27851  
**County:** Cumberland  
**Address:** 635 Gains Hill Rd Burkesville KY 42717

## License(s)

License Type	License Id	License Status	License Expiration Date
DW Distribution II	9641	Active	6/30/2024
DW Treatment IIA	662	Active	6/30/2024

## Training History

License Type	License Status	Expiration Date
▼ DW Distribution II	Active	06/30/2024

Event Name	Category	Event Start Date	Event End Date	Hours Earned
42nd Annual Conference & Exhibition- Developing New	Wastewater / Drinking Water	08/23/2021	08/23/2021	12
43rd Annual Conference & Exhibition	Wastewater / Drinking Water	08/29/2022	08/29/2022	8

**Cumberland County Water District  
Board of Commissioners  
June 28, 2021 6:00 p.m.**

EXHIBIT  
" B "

**Commissioners:** Troy Norris: Chairman, Mark Vibbert: Treasurer,  
Jay Cary: Secretary, Eric Carver: Asst. Secretary

**Employees:** Matthew Dyer

**Visitors:** John Phelps Jr.

A quorum being present the Chairman called the meeting to order.

Customer inquiries-County Judge Executive John Phelps Jr. inquired about our list for new line extensions regarding the County funding that will be received. We discussed some areas in the county that do not have county water at this time and formed a list of these areas. We will have more information ready for the next meeting.

David & Lisa Branham had asked for a meter to be moved from one of their properties to another, which we did at their cost. They did not tell us that they did not want a meter put in the base so after moving the meter base we put a meter in so they could have service. They complained about the \$29.97 water bill for service that no one was using. Since they did not ask for a meter to be put in the base the Board decided to remove the meter and disregard the bill of \$29.97.

Mr. Barnett at Dale Hollow Sweets inquired about us lowering our main water line across his property. He is looking to expand and needs to remove some dirt but cannot unless our water line is lowered. Matthew will discuss an option with him and report back at the next Board meeting.

Garland Hieneman turned in his resignation from the Board due to health issues. Garland's term expires December 31<sup>st</sup> of this year. Troy will meet and discuss this with Garland and report to the Board at the next meeting.

We had no actual minutes from the previous meeting since there was no quorum at that meeting.

The Board performed the financial review and approved all checks that were issued.

Manager's Report-Two major service line leaks found and repaired on Gray Gap Road and Gains Hill Road. Our circuit rider from Kentucky Rural Water will be here Friday to once again attempt to find the leak at Ronnie Savage's. The New 1880 pump station is in need of at least one new pump and motor. Lee will help us determine what is needed before we make any purchases.

No Old Business to discuss at this time.

In New Business the Board discussed the available grant money for the line extensions. Matthew informed the Board that the PSC is requiring us to do a rate study. We have applied for a six-month extension since this is a very lengthy and time-consuming process. Jamie Branham's last day will be July 9<sup>th</sup> and Matthew feels that Trevor may leave as well. Matthew will be in search of possible replacements.

The meeting was adjourned on a motion made by Mark Vibbert, second by Eric Carver; all in favor.

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Troy Norris, Chairman

EXHIBIT  
"C"

**Cumberland County Water District  
Board of Commissioners  
July 26, 2021 6:00 p.m.**

**Commissioners:** Troy Norris: Chairman, Mark Vibbert: Treasurer, Jay Cary: Secretary, Eric Carver: Asst. Secretary, Sandy Hieneman

**Employees:** Matthew Dyer

**Visitors:** John Phelps Jr.

County Judge John Phelps swore in Sandy Hieneman to take the place of Garland Hieneman who recently resigned from the Board.

A quorum being present the Chairman called the meeting to order.

The minutes from the July 12, 2021 meeting were approved on a motion by Mark Vibbert, second by Jay Cary; all in favor.

The Board performed the financial review and approved all checks that were issued.

**Manager's Report** - The PSC denied our six-month extension request. They require our response to their letter by August 13<sup>th</sup>. Lee will be here August 3<sup>rd</sup> to help prepare and Randy Jones will also assist. DOW came and did the Sanitary Survey. An issue was found on 1880 with low chlorine residuals. A boil water advisory was issued and lines were flushed until the chlorine residuals came back in compliance. The current meter setting fee is \$725 but the current cost for materials minus fuel is \$855. Matthew will propose a new fee to the PSC of \$925 for a 3/4" meter setting.

In Old Business Judge Phelps said that the project list for the new line extensions was submitted and voted on so everything is moving forward at this time.

The Board asked if the line for Bobby Severe around his pond had been covered yet. It has not been fixed at this time but will be by the next meeting.

In New Business Troy Norris stated that a new Vice-Chairman will need to be voted on and named soon. The plaque for Garland will be here by the August 9<sup>th</sup> Board meeting.

The meeting was adjourned on a motion made by Sandy Hieneman, second by Mark Vibbert; all in favor.

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Troy Norris, Chairman