

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)	
WATER DISTRICT, ITS MANAGER,)	
MATTHEW DYER, AND ITS INDIVIDUAL)	
COMMISSIONERS, TROY NORRIS, ERIC)	CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)	
AND MARK VIBBERT ALLEGED)	
FAILURE TO COMPLY WITH KRS 278.300)	

CUMBERLAND WATER DISTRICT'S
VERIFIED RESPONSE

* * * * *

Comes now CUMBERLAND WATER DISTRICT (hereinafter "District"), by Counsel, pursuant to Order of October 6th, 2023 and for its Response does state as follows:

- (1) That on or about July of 2020, Cumberland Water District did begin a lease for 48 months for a financed amount of \$53,692.55;
- (2) That this lease was for a piece of equipment (the "Ditch Witch") needed by the district for installing water lines;
- (3) That said equipment's purpose was reasonable and necessary, and within the corporate purposes of the utility, and was necessary and appropriate for or consistent with the proper performance by the utility of its service to the public;

- (4) However, Cumberland Water District was not, at the time of entering into the aforementioned lease, aware of the prohibitions of KRS 278.300;
- (5) That the District leased the “Ditch Witch” for legitimate purposes, but was unaware of the requirement to seek Commission approval prior to;
- (6) Answering further, Cumberland District would state that it is now, upon advice of the Commission in the separate Commission Case No. 2022-00244 which has been incorporated herein by Order, seeking input from counsel, and is reviewing and instituting policies and procedures to prevent similar oversights;
- (7) That the Ditch Witch lease agreement was, after the fact, provided to the Commission in Cumberland Water District’s application for alternate rate filing as an exhibit, and therefore Cumberland Water District made no attempt to hide or conceal the Agreement, but was simply unaware of the requirements of KRS 278.300, and answering further would state that we are now utilizing counsel more frequently to prevent these types of situations.

VERIFICATION

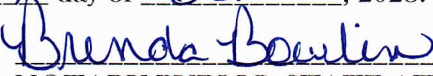
I, Matthew Dyer, Manager of the Cumberland Water District, verify that I have read the above statements and that they are true and correct to the best of my knowledge and belief.


MATTHEW DYER
MANAGER, CUMBERLAND WATER DISTRICT

**COMMONWEALTH OF KENTUCKY
COUNTY OF CUMBERLAND**

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

Brenda Bowlin, this 24 day of Oct, 2023.


NOTARY PUBLIC, STATE AT LARGE
MY COMMISSION EXPIRES: 6-20-27
IDENTIFICATION NUMBER: KYNP74277

Respectfully submitted,

BY: /S/ COLEMAN M. HURT
HON. COLEMAN M. HURT
P.O. BOX 414
BURKESVILLE, KENTUCKY 42717
E-MAIL: SOUTHERNKENTUCKYLAW@GMAIL.COM

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served by filing to the below this ____ day of _____, 2023.

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

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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)
WATER DISTRICT,ITS MANAGER,)
MATTHEW DYER, AND ITS INDIVIDUAL)
COMMISSIONERS, TROY NORRIS, ERIC) CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)
AND MARK VIBBERT ALLEGED)
FAILURE TO COMPLY WITH KRS 278.300)

VERIFIED RESPONSE OF
JAY CARY
INDIVIDUALLY AND AS COMMISIONER
OF CUMBERLAND WATER DISTRICT

*** **

Comes now the undersigned, individually and as Commissioner of the Cumberland County Water District, and for his Response states as follows:

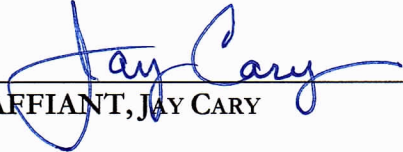
- 1) I am **JAY CARY**, a Commissioner of the Cumberland County Water District;
- 2) I was, at the time of the lease, a Commissioner of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

- 6) I have also recently received Commissioner training in Pine Mountain on October 10th and 11th to become more knowledgeable about my role.

*** **

VERIFICATION

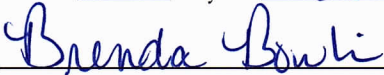
I have read the above statements and they are true and accurate to the best of my knowledge and belief.



AFFIANT, JAY CARY

STATE OF KENTUCKY
COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 24 day of Oct, 2023 by
Jay Cary.



Date: 6-20-27

Notary #: KYNP74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____th day of April 2023:

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

/S/ COLEMAN M. HURT

HON. COLEMAN M. HURT

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)	
WATER DISTRICT,ITS MANAGER,)	
MATTHEW DYER, AND ITS INDIVIDUAL)	
COMMISSIONERS, TROY NORRIS, ERIC)	CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)	
AND MARK VIBBERT ALLEGED)	
FAILURE TO COMPLY WITH KRS 278.300)	

VERIFIED RESPONSE OF
TROY NORRIS
INDIVIDUALLY AND AS COMMISSIONER
OF CUMBERLAND WATER DISTRICT

*** **

Comes now the undersigned, individually and as Commissioner of the Cumberland County Water District, and for his Response states as follows:

- 1) I am **TROY NORRIS**, Chairman and Commissioner of the Cumberland County Water District;
- 2) I was, at the time of the lease, a Commissioner of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly I was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

*** **

VERIFICATION

I have read the above statements and they are true and accurate to the best of my knowledge and belief.

Troy D. Norris
AFFIANT, TROY NORRIS

**STATE OF KENTUCKY
COUNTY OF CUMBERLAND**

The foregoing instrument was acknowledged before me this 24 day of Oct, 2023 by TROY NORRIS.

Brenda Bowli

Date: 6-20-27

Notary #: KY NP 74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____th day of _____ 2023:

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

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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)
WATER DISTRICT,ITS MANAGER,)
MATTHEW DYER, AND ITS INDIVIDUAL)
COMMISSIONERS, TROY NORRIS, ERIC) CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)
AND MARK VIBBERT ALLEGED)
FAILURE TO COMPLY WITH KRS 278.300)

VERIFIED RESPONSE OF
ERIC CARVER
INDIVIDUALLY AND AS COMMISSIONER
OF CUMBERLAND WATER DISTRICT

*** **

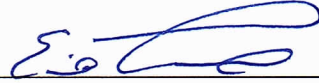
Comes now the undersigned, individually and as Commissioner of the Cumberland County Water District, and for his Response states as follows:

- 1) I am **ERIC CARVER**, a Commissioner of the Cumberland County Water District;
- 2) I was, at the time of the lease, a Commissioner of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

*** **

VERIFICATION

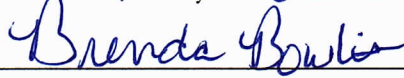
I have read the above statements and they are true and accurate to the best of my knowledge and belief.



AFFIANT, ERIC CARVER

**STATE OF KENTUCKY
COUNTY OF CUMBERLAND**

The foregoing instrument was acknowledged before me this 24 day of October, 2023 by
ERIC CARVER.



Date: 6-20-27

Notary #: KY NP 74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____th day of April 2023:

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

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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)	
WATER DISTRICT,ITS MANAGER,)	
MATTHEW DYER, AND ITS INDIVIDUAL)	
COMMISSIONERS, TROY NORRIS, ERIC)	CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)	
AND MARK VIBBERT ALLEGED)	
FAILURE TO COMPLY WITH KRS 278.300)	

VERIFIED RESPONSE OF
MARK VIBBERT
INDIVIDUALLY AND AS COMMISSIONER
OF CUMBERLAND WATER DISTRICT

*** **

Comes now the undersigned, individually and as Commissioner of the Cumberland County Water District, and for his Response states as follows:

- 1) I am **MARK VIBBERT**, a Commissioner of the Cumberland County Water District;
- 2) I was, at the time of the lease, a Commissioner of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

*** **

VERIFICATION

I have read the above statements and they are true and accurate to the best of my knowledge and belief.

Mark Vibbert
AFFIANT, MARK VIBBERT

STATE OF KENTUCKY
COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 24 day of Oct, 2023 by **Mark Vibbert.**

Brenda Bowlin

Date: 6-20-27

Notary #: KY NP 74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____st day of April 2023:

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

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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)	
WATER DISTRICT,ITS MANAGER,)	
MATTHEW DYER, AND ITS INDIVIDUAL)	
COMMISSIONERS, MATTHEW DYER, ERIC)	CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)	
AND MARK VIBBERT ALLEGED)	
FAILURE TO COMPLY WITH KRS 278.300)	

VERIFIED RESPONSE OF
MATTHEW DYER
INDIVIDUALLY AND AS GENERAL MANAGER
OF CUMBERLAND WATER DISTRICT

*** **

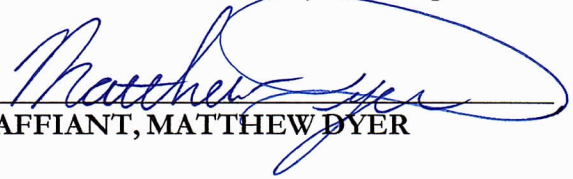
Comes now the undersigned, individually and as General Manager of the Cumberland County Water District, and for his Response states as follows:

- 1) I am **MATTHEW DYER**, General Manager of the Cumberland County Water District;
- 2) I was, at the time of the lease, General Manager of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly I was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

*** **

VERIFICATION

I have read the above statements and they are true and accurate to the best of my knowledge and belief.


AFFIANT, MATTHEW DYER

**STATE OF KENTUCKY
COUNTY OF CUMBERLAND**

The foregoing instrument was acknowledged before me this 24 day of Oct, 2023 by
MATTHEW DYER.

Brenda Bowlin

Date: 6-20-27

Notary #: KYNP74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____th day of _____ 2023:

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

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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC CUMBERLAND COUNTY)
WATER DISTRICT,ITS MANAGER,)
MATTHEW DYER, AND ITS INDIVIDUAL)
COMMISSIONERS, TROY NORRIS, ERIC) CASE NO. 2023-233
CARVER, SANDY HEINEMAN, JAY CARY,)
AND MARK VIBBERT ALLEGED)
FAILURE TO COMPLY WITH KRS 278.300)

VERIFIED RESPONSE OF
SANDRA HEINEMAN
INDIVIDUALLY AND AS COMMISSIONER
OF CUMBERLAND WATER DISTRICT

*** **

Comes now the undersigned, individually and as Commissioner of the Cumberland County Water District, and for his Response states as follows:

- 1) I am **SANDRA HEINEMAN**, a Commissioner of the Cumberland County Water District;
- 2) I was, at the time of the lease, a Commissioner of the Cumberland Water District;
- 3) To the best of my knowledge and belief the equipment was necessary and reasonable for the District but admittedly was unaware of the prohibitions of KRS 278.300 requiring prior approval from the Commission;
- 4) To the best of my knowledge and belief, any violation was neither purposeful or intentional;
- 5) That I, along with the District, are fully committed to acting in compliance with the Commission and all statutory and regulatory mandates;

*** **

VERIFICATION

I have read the above statements and they are true and accurate to the best of my knowledge and belief.

Sandra Heineman
AFFIANT, SANDRA HEINEMAN

**STATE OF KENTUCKY
COUNTY OF CUMBERLAND**

The foregoing instrument was acknowledged before me this 24 day of October, 2023 by
SANDRA HEINEMAN.

Brenda Bowlin

Date: 10-20-27

Notary #: KYNP 74277

CERTIFICATE OF SERVICE

The foregoing was served by filing to the below this ____th day of April 2023:

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

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