

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION INTO POSSIBLE	}
VACANCIES ON THE BOARD OF COMMISSIONERS	}
OF CUMBERLAND COUNTY WATER DISTRICT	} CASE NO.
	} 2023-00234
	}
	}
	}
	}
	}

MOTION TO RECONSIDER

Comes now **CUMBERLAND WATER DISTRICT** (hereinafter “District”) in Response to Order entered January 5, 2024 and subsequent Order entered February 8, 2024, declaring two vacancies on the District Board, and hereby re-asserts that Board Member J.R. Thacker was timely and duly appointed, and further moves the Commission to reconsider its findings.

In support thereof, the District would state that Board Member J.R. Thacker was timely appointed pursuant to the proper computation of time promulgated in 807 KAR 5:001(7)(a), which governs computation of time periods prescribed or allowed by the Commission or related statute and regulation. Pursuant to 807 KAR 5:001 (7)(a):

Computation of time. (a) In computing a period of time prescribed or allowed by order of the commission or by 807 KAR Chapter 5 or KRS Chapter 74 or 278, the day of the act, event, or default after which the designated period of time begins to run shall not be included. (b) The last day of the period so computed shall be included, **unless it is a Saturday, a Sunday, a legal holiday, or other day commission offices are legally closed**, in which event the period shall run until the end of the next

day that is not a Saturday, a Sunday, a legal holiday, or other day commission offices are legally closed.¹

In the matter *sub judice*, Commissioner Heineman resigned on July 10, 2023. The 90th day immediately following fell on Sunday, October 8st, 2023. Accordingly, pursuant to 807 KAR 5:001 (7)(a), the last day for the appointment to be timely was the immediately following day, Monday October 9th, 2023. The Cumberland County Fiscal Court appointed J.R. Thacker at their regular meeting of October 9th, 2023 (minutes of same already provided and in the record) and acknowledged by Commission in Order of February 8, 2024.

WHEREFORE, the appointment of Thacker was timely, and the District requests Thacker be reinstated.

Respectfully Submitted,

BY: /s/ Coleman M. Hurt
HON. COLEMAN M. HURT
P.O. BOX 414
BURKESVILLE, KENTUCKY 42717

CERTIFICATE OF SERVICE

The foregoing was served by electronic filing this 23rd day of February 2024.

/s/ Coleman M. Hurt
HON. COLEMAN M. HURT

¹ See also KRS 446.030 “Computation of time” states that (1) (a) In computing any period of time prescribed or allowed by order of court, **or by any applicable statute or regulation**, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed, **in which event the period runs until the end of the next day which is not one (1) of the days just mentioned.**” (emphasis added).