

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY RURAL WATER)	
ASSOCIATION FOR ACCREDITATION)	CASE NO. 2023-00245
APPROVAL OF COMMISSIONER)	
TRAINING AND CONTINUING)	
EDUCATION CREDIT)	

APPLICATION

Kentucky Rural Water Association (“KRWA” or the “Applicant”) applies for an Order from the Public Service Commission accrediting and approving a proposed water district commissioner training program for continuing education credit pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070.

In support of its application, KRWA states:

1. KRWA is a non-profit corporation incorporated in the Commonwealth of Kentucky pursuant to KRS Chapter 273 on March 19, 1979 and is currently in good standing.
2. KRWA’s mailing address is: 1151 Old Porter Pike, Bowling Green, Kentucky 42103. Its email address is: j.cole@krwa.org.
3. KRWA was organized to foster professionalism in the water and wastewater industry through non-regulatory training, technical assistance programs, and advocacy. Its membership consists of water districts, water associations, municipalities

with populations of 10,000 persons or less, and other similar entities that provide water and wastewater utility services to rural Kentucky.

4. Pursuant to 807 KAR 5:001, Section 4(8),¹ copies of all orders, pleadings, and other communications related to this proceeding should be directed to:

Damon Talley
Stoll Keenon Ogden PLLC
112 North Lincoln Boulevard
PO Box 150
Hodgenville, Kentucky 42748
Telephone: (270) 358-3187
Fax: (270) 358-9560
damon.talley@skofirm.com

Janet Cole
Kentucky Rural Water Association
1151 Old Porter Pike
Bowling Green, KY 42103
(270) 843-2291
Fax: (270) 796-8623
j.cole@krwa.org

5. KRWA proposes to sponsor and conduct a water management training program on August 29-30, 2023 as part of our 44th Annual Conference at the Galt House Hotel in Louisville, Kentucky. The program is entitled “Water Commissioner Training.” A copy of the proposed agenda is attached to this Application as **Exhibit 1**. This program will be conducted in-person. The presenters, KRWA representatives, and all attendees will abide by the COVID-19 safety protocols and social distancing measures in place at the time of the training.

¹ On July 19, 2023, KRWA gave notice pursuant to 807 KAR 5:001, Section 8, of its intent to file this application and of its use of electronic filing procedures.

6. As reflected in **Exhibit 1**, the proposed training program will include presentations on the following topics:

a. **Working to Fight Environmental Contamination: A Cost Recovery Program.** Cost borne by water and wastewater utilities for compliance with the USEPA regulations to deal with PFAS chemicals will cause systems significant upgrade costs, monitoring and sampling costs, disposal fees, or even fines from governmental regulators, which in turn could impact future costs and rates. In 2018, The National Rural Water Association engaged with the law firm of Napoli Shkolnik to represent the rural water network in PFAS cost recovery litigation;

b. **Water Utility Tariff: Practical Considerations.** Highlights various provisions a water utility should include as part of its tariff to protect against financial and legal liability and will discuss the statutory and regulatory framework for utility tariffs, the process by which a tariff may be revised and practical suggestions for improving a utility's tariff;

c. **Legislative Changes Affecting Utilities.** Hot legal topics, including laws passed by the 2023 Kentucky General Assembly will be explained such as HB 360 which creates a new sales tax exemption for materials purchased by a contractor and installed for a utility, HB 522 which increases the procurement amount a utility is required to advertise for bids, amendments to HB 8 which modifies the residential sales exemption, and SB 263 which creates incentives for utilities to consider regionalization;

- d. **Next Level: Insights from the National and State Level.** An update on the vision for the utility industry from the national and state level will introduce initiatives and programs of benefit to utilities across the nation and will also highlight Kentucky Rural Water Association's formation of a charitable foundation to help during times of natural disasters in the Commonwealth;
- e. **An Update from the USEPA.** Information on regulations impacting the operations and finances of water utilities will be addressed, such as changes to the Lead and Copper rule, as well as PFAS limits;
- f. **Update from the PSC.** An update on the mission of the Public Service Commission as they strive to provide fair service to the customers of their jurisdictional utilities and enforce the requirements of regulations that apply to water and wastewater utilities;
- g. **Update from the Kentucky Legislature.** The provisions of House Bill 9 as well as the activities of the Federal Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization will make a significant amount of funding available to utilities. Discussion will include the purpose and intent of the bill;
- h. **Update from KIA.** A description of the short and long term goals of the CWSRF; criteria and methods established for selecting projects; administration and operation policies of the CWSRF established by the KIA for compliance with requirements of the US Congress authorization as administered by the USEPA; sources and uses of available funds; and the Project Priority List.

7. The proposed training program consists of six hours of instruction (three hours on Tuesday afternoon and three hours on Wednesday morning) and should be accredited and approved as water management training satisfying the requirements set forth in KRS 74.020(7) to establish a water district commissioner's eligibility for a maximum annual salary of \$6,000. **KRWA is not requesting that the proposed training program be accredited as a program of instruction for newly appointed commissioners.**

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

9. Not all presenters will utilize a PowerPoint for their presentation. The written materials that will be provided to each attendee are attached at **Exhibit 3**. Should a presenter revise or amend his or her presentation prior to their scheduled session or provide additional written materials for the attendees, KRWA will include a copy of the revised presentation with its sworn statement and report regarding the instruction.

10. KRWA will apply or will shortly apply for accreditation of the proposed training program to the Department of Environmental Protection (Operator Certification and Licensing Program).

11. KRWA has sent notice of the proposed training program by electronic mail to the water districts, water associations, and municipal utilities that are under

Commission jurisdiction as well as representatives of investor-owned utilities, county judge/executives, county attorneys and others who are believed to have an interest in the proposed program's subject matter.

12. KRWA will retain a record of all water district commissioners attending the proposed training program.

13. Within the Ordered number of days of the proposed training program's completion, KRWA will file with the Public Service 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; and,
- c. Containing the name of each attending commissioner, their utility and the number of hours that he or she attended.

14. KRWA will include with the sworn statement documentary evidence of the program's certification by certifying authorities and a copy of any written material given to the attendees that has not been previously provided to the Public Service Commission.

15. KRWA will admit representatives of the Public Service Commission to the proposed training program at no charge to permit such representatives to assess the quality of the program's instruction, monitor the program's compliance with the Public Service Commission directives, regulations, or other requirements, or perform any other supervisory functions that the Public Service Commission deems necessary.

WHEREFORE, KRWA requests that the Commission approve and accredit the proposed training program entitled “Water Commissioner Training” for six hours of water district management training.

Dated: July 21, 2023

Respectfully submitted,



Damon R. Talley
Stoll Keenon Odgen PLLC
112 North Lincoln Boulevard
PO Box 150
Hodgenville, Kentucky 42748
Telephone: (270) 358-3187
Fax: (270) 358-9560
damon.talley@skofirm.com

Counsel for Kentucky Rural Water
Association and Stoll Keenon Ogden
PLLC

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that this document was submitted electronically to the Public Service Commission on July 21, 2023, and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.


Damon R. Talley