

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter of:

ELECTRONIC INVESTIGATION INTO THE )  
FINANCIAL AND OPERATING CAPACITY OF )  
RATTLESNAKE RIDGE WATER DISTRICT )  
INCLUDING RATTLESNAKE RIDGE WATER )  
DISTRICT AND ITS INDIVIDUAL )  
COMMISSIONERS, AND MANAGER DAVID )  
GIFFORD FOR ALLEGED FAILURE TO COMPLY )  
WITH KRS 278.300 AS WELL AS POSSIBLE )  
VACANCIES ON THE BOARD OF )  
COMMISSIONERS OF RATTLESNAKE RIDGE )  
WATER DISTRICT )

CASE NO.  
2021-00340

**SUPPLEMENTAL RESPONSE OF RATTLESNAKE RIDGE WATER DISTRICT**

Comes RATTLESNAKE RIDGE WATER DISTRICT and Supplements its Response  
previously filed on January 5, 2023 in the above matter. Only matters which have new,  
additional information is set forth hereinafter.

**COMMISSION ORDER DATED NOVEMBER 7, 2022**

1. APPLICATION: Rattlesnake Ridge shall file an application for a general rate adjustment pursuant to 807 KAR 5:001, Section 16, or an application for an alternative rate adjustment pursuant to 807 KAR 5:076 within six months of this Order.

Rattlesnake Ridge Water District (hereinafter RRWD) has begun the process toward applying for a rate increase by securing the information necessary to submit with its application. They had every intention to have the appropriate documents filed within the 6 months stated, i.e., no later than May 7, 2023.

Rattlesnake Ridge has been informed that Kentucky Rural Water, who traditionally helps water districts with a rate increase, is at least one year before same could be filed. Thereafter, RRWD (through its engineer) had contacted L. Allyson Honaker to begin this application,

however she has a new employee who was to be the one involved. That employee had previously worked with PSC regarding RRWD issues and as such it is a conflict of interest. RRWD (through its engineer) has now contacted Todd Osterlohto to determine if he is available to begin this application process. RRWD is awaiting response. RRWD suspects, once they have someone in place, they will be requesting an extension of time to complete based upon the needs of the person hired.

**COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION TO  
RATTLESNAKE RIDGE WATER DISTRICT**

1. List the name of each current Rattlesnake Ridge District Commissioner, the date their appointment was made, the date their terms began, and the date on which their term expires.

**RESPONSE QUESTION 1 (made by David Gifford):**

<b>Name</b>	<b>Date of appointment</b>	<b>Date term began</b>	<b>Date term expires</b>
William (Bill) Gilbert	since 1984	Unknown	Unknown

William Gilbert has been on the Board since 1984. He believed he had been reappointed every four years and that his current term would expire 3-1-2025. In the prior filing (based upon belief of the expiration date) the appointment should have occurred 3-1-2021. RRWD, Counsel, and the County Attorney for Carter County have been unable to secure any minutes where there was an appointment in 2021.

**Therefore, RRWD hereby gives notice of this unfilled vacancy pursuant KRS 74.020(10)(a).**

<b>Name</b>	<b>Date of appointment</b>	<b>Date term began</b>	<b>Date term expires</b>
Steve Ison	since 2013	7-20-2021	7-31-2025*

\* Copy of minutes for this appointment previously submitted; Judge Executive appointment attached (in Supplemental Exhibit B)

If notice was not previously supplied pursuant to KRS 74.020(10)(b), same is supplied herein.

<b>Name</b>	<b>Date of appointment</b>	<b>Date term began</b>	<b>Date term expires</b>
Randy Steagall	3-14-2016	unknown	Unknown

Randy Steagall has been on the Board since March 2016. He believed he had been reappointed after a four year term and that his current term would expire March 2024. In the prior filing (based upon belief of the expiration date) the appointment should have occurred March 2020. RRWD, Counsel, and the County Attorney for Carter County have been unable to secure any minutes where there was an appointment after the March 14, 2016 appointment.



Therefore, RRWD hereby gives notice of this unfilled vacancy pursuant KRS 74.020(10)(a).

Name	Date of appointment	Date term began	Date term expires
Mike Copley	5-19-2020	May 19, 2020	May 18, 2024

Mike Copley has been on the Board since May 19, 2020. It was believed that he had been appointed for a four year term, however, when the minutes to the meeting appointing him was secured, it indicated for a two year term (believed to be a typo). The County Judge Executive appointment states a four (4) year term. RRWD has received corrected minutes which show a 4 year term. RRWD will ensure that the County Judge issues a re-appointment, approved by the fiscal court, in May 2024 and will secure copies of the minutes to ensure they match the appointment. (All documents attached in Supplemental Exhibit B)

If notice was not previously supplied pursuant to KRS 74.020(10)(b), same is supplied herein.

Name	Date of appointment	Date term began	Date term expires
Jason Carroll	8-12-2019	8-13-2019	8-13-2023*

\* Copy of minutes for this appointment previously submitted

If notice was not previously supplied pursuant to KRS 74.020(10)(b), same is supplied herein.

2. Provide all orders of each County Judge/Executive that address the appointments to the Rattlesnake Ridge District's current Board of Commissioners.

**RESPONSE QUESTION 2 (made by David Gifford):**

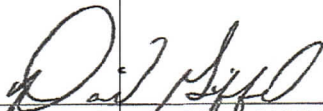
SEE ATTACHED as SUPPLEMENTAL EXHIBIT B

Minutes appointing Jason Carroll & Steve Ison previously submitted. Judge Executive appointment for Steve Ison attached.

Attached is the March 14, 2016 minutes appointing Randy Stegall to the unexpired term of Larry Carroll.

Attached are the May 19, 2020 minutes appointing Mike Copley to the Board (for a two year term); the County Judge Executive appointment for a four year term; and the corrected minutes for a 4 year term.

The above Responses are true and correct to the best of my information, knowledge, and belief formed after reasonable inquiry.


  
\_\_\_\_\_  
DAVID GIFFORD, MANAGER  
RATTLESNAKE RIDGE WATER DISTRICT

**COMMONWEALTH OF KENTUCKY**


COUNTY OF MASON

The foregoing instrument was sworn, subscribed, and acknowledged to before me this 23 day of Jan, 2023 by DAVID GIFFORD, **Manager of Rattlesnake Ridge Water District**, to be his free act and deed.

My commission expires: 1-19-2026

  
\_\_\_\_\_  
NOTARY PUBLIC, KENTUCKY  
NOTARY ID # 593516

Respectfully submitted,

  
\_\_\_\_\_  
DELORES WOODS BAKER  
Local Counsel RRWD  
134 W Third St  
Maysville, KY 40156  
606-564-7969  
[dwbaker@maysvilleky.net](mailto:dwbaker@maysvilleky.net)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing with all attachments was served by postage prepaid, first class mail to:

Lewis County Fiscal Court  
122 Second Street  
Vanceburg, KY 41179

Elliott County Local Government  
P.O. Box 710  
Sandy Hook, KY 41171

Carter County Fiscal Court  
300 West Main Street

Grayson, KY 41143

Lawrence County Fiscal Court  
122 South Main Cross Street  
Louisa, KY 41230

Morgan County Office Building  
450 Prestonsburg Street  
West Liberty, KY 41472

Mr. Jim Gazay  
Morgan County Judge Executive  
450 Prestonsburg Street  
West Liberty, KY 41472

Mr. Phillip Carter  
Lawrence County Judge Executive  
P.O. Box 566  
Louisa, KY 41230

And by email to:

John Lewis, Elliott County Attorney: [attorneyjohnlewis@yahoo.com](mailto:attorneyjohnlewis@yahoo.com)

Brian Bayes, Carter County Attorney: [bbayes@prosecutors.ky.gov](mailto:bbayes@prosecutors.ky.gov)

Ben Harrison, Lewis County Attorney: [bharrison@prosecutors.ky.gov](mailto:bharrison@prosecutors.ky.gov)

Brandon Burton, Carter County Judge Executive: [ccjudgeexecutive@gmail.com](mailto:ccjudgeexecutive@gmail.com)

George Sparks, Lewis County Judge Executive: [George.sparks@lewiscountky.gov](mailto:George.sparks@lewiscountky.gov)

Myron Lewis, Elliott County Judge Executive: [ejudge@mrtc.com](mailto:ejudge@mrtc.com)

Johnny Osborne, Lawrence County Attorney: [johnny@lcattorney.net](mailto:johnny@lcattorney.net)

Myles Holbrook, Morgan County Attorney: [Mholbrook@prosecutors.ky.gov](mailto:Mholbrook@prosecutors.ky.gov)

Sent on this 24<sup>th</sup> day of January, 2023.

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Local Counsel RRWD  
134 W Third St  
Maysville, KY 40156  
606-564-7969  
[dwbaker@maysvilleky.net](mailto:dwbaker@maysvilleky.net)

## **SUPPLEMENTAL EXHIBIT B**

- 1. Carter County Minutes dated 8-12-2019 appointing Jason Carroll previously supplied**
- 2. Elliott County Minutes dated 7-20-2021 appointing Steve Ison previously supplied.**
- 3. Elliott County Judge Executive appointment for Steve Ison attached.**
- 4. Carter County Minutes dated 3-14-2016 appointing Randy Stegall**
- 5. Elliott County Minutes dated 5-19-2020 appointing Mike Copley (for two year term)**
- 6. Elliott County Judge Executive appointment for Mike Copley**
- 7. Corrected Elliott County Minutes dated 5-19-2020 appointing Mike Copley (for four year term)**



MYRON S. LEWIS  
ELLIOTT COUNTY  
JUDGE EXECUTIVE  
P.O. BOX 710  
SANDY HOOK, KY 41171

Phone: (606) 738-5826 • Fax: (606) 738-4509  
E-mail: [ejudge@mrtc.com](mailto:ejudge@mrtc.com)

Rattlesnake Ridge Water District Appointment

During the July 20<sup>th</sup>, 2021 regular scheduled meeting of the Elliott County Fiscal Court, Judge Executive Myron Lewis reappointed Steve Ison to continue to service on the Rattlesnake Ridge Water District Board. The term will expire 7/20/2025.

Myron Lewis  
Elliott County Judge Executive



CARTER COUNTY FISCAL COURT  
REGULAR MEETING  
MARCH 14, 2016

The Carter County Fiscal Court met in Regular Session on Monday, March 14, 2016 at 6:00 p.m. Members present were Chris Huddle – District 1, James Wilburn – District 2, Mark Miller – District 3, Nic Barker – District 4 and Brandon Burton – District 5, Magistrates; Brian Bayes, County Attorney; Jeff May, County Sheriff; R. W. Boggs, County Jailer, Mike Johnston, Fiscal Court Clerk and Mike Malone, County Judge Executive, presiding officer. Meeting was called to order by Judge Malone.

Motion made by Nic Barker to dispense with the reading of the last meeting's minutes. Second by Brandon Burton. Unanimous

Nellie Middleton, representative of the Carter County Library, addressed the Court concerning ways of finding funds for the library.

Motion made by Nic Barker to table the Library issue at this time. Second by James Wilburn. Unanimous.

Bubba Johnson presented the Court with an open Records request concerning County Wrecker Service and 911 Dispatch.

Motion made by Nic Barker for a five minute recess. Second by Mark Miller. Unanimous

Motion made by Mark Miller to return to Regular Session. Second by Chris Huddle. Unanimous

Tony Burnett gave a presentation on NRCS , showing what they have done for Carter County in 2015 to help with the disasters the County has experienced.

Tracey Joe Elliott, Carter Count Soil Conservation District Supervisor presented all the magistrates, Judge Executive, County Attorney, and the Court Clerk with the Carter County Soil Conservation District's Budget for the Fiscal Year 2016-2017, Long Range Plan, Annual Plan of Work, Annual Supervisors Report, and Program Spreadsheet from 1996-2015/

Shannon Hicks , a Representative from AirMedVac addressed the Court.

Motion made by Nic Barker to approve the renewal of AirMedVac for employees that want to participate on a voluntary basis at \$55 per year with three payroll deductions. Second by Mark Miller. Unanimous

The Court discussed Clearview Road.

Motion made by Chris Huddle that the Court would go check Clearview Road , since it had been previously maintained by the County, to see if it meets the requirements to be a County Road



and Nic Barker and Brandon Burton would check the road out. Second by Nic Barker.  
Unanimous

James Williams addressed the County with concerns of Clearview Road.

Motion made by Brandon Burton to check out Richardson Road to see if it meets the county road requirements, since the road had previously been maintained. Judge Malone appointed Chris Huddle and Mark Miller to check Richardson Road out. Second by Mark Miller.  
Unanimous

Court decided to table the Road issues at this time, concerning roads that had previously been maintained by the County but were not on the County Road list.

Motion made by Brandon Burton to approve the Treasurer's February Financial Report as presented. Second by Nic Barker. Unanimous

Motion made by Brandon Burton to approve the Emergency Amendment for Ordinance #806 and Amendment #6. Second by James Wilburn. Unanimous

Motion made by Nic Barker to approve the transfers as presented by Treasurer. Second by James Wilburn. Unanimous

Motion made by Chris Huddle to approve the claims as presented by Treasurer. Second by James Wilburn. Unanimous

The Treasurer gave each court member a copy of the proposed Jail budget for 2016-2017 for them to review.

Motion made by Brandon Burton to approve the Work Release Voluntary Accident coverage and approval for the Treasurer to pay for the insurance coverage. Second by Mark Miller.  
Unanimous

Motion made by Nic Barker to approve and accept the County Clerk's excess fees for the year of 2015 for \$50,000. Second by James Wilburn. Unanimous

Motion made by Brandon Burton to approve the County Clerk's Final Settlement report for 2015. Second by James Wilburn. Unanimous

Motion made by Brandon Burton to accept the County Sheriff's 2015 Excess Fees of \$34,923.47. Second by Mark Miller. Unanimous

Motion made by Nic Barker to accept the Sheriff's Report as presented. Second by Mark Miller.  
Unanimous

Roger Dunfee gave a report for Emergency Management Dept.

Motion made by James Wilburn to accept Tommy Thompson's report for E-911 system. Second by Nic Barker. Unanimous

Woody Maddix gave a report for the Animal Control Dept.

Motion made by James Wilburn to approve the Second Reading of the Landfill Ordinance #804. Second by Chris Huddle. Unanimous

Motion made by James Wilburn that the Adult Education Building to be declared as surplus property. Second by Mark Miller. Unanimous

Motion made by Nic Barker the Adult Education Building, upon receipt of appraisal be advertised for sale. Pending all requirements have been met, the bids would be opened at the next Regular Court Meeting. Second by James Wilburn. Unanimous

Judge Malone addressed the Court and audience with a tribute to Walton "Corky" Clevenger and his wealth of knowledge that he shared with the County.

Motion made by James Wilburn to go into Executive Session for personnel issues. Second by Mark Miller. Unanimous

Motion made by Mark Miller to return to Regular Session. Second by Brandon Burton. Unanimous

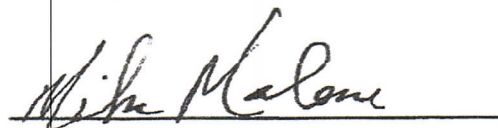
Report from Executive Session: Discussed that Jason Carroll had completed his probation period and would be promoted to Assistant Road Foreman. Pending and possible litigation was discussed.

Motion made by Brandon Burton that Jason Carrol be promoted to Assistant Road Foreman since he has successfully completed the probation period. Second by Mark Miller. Unanimous

Motion made by Chris Huddle to approve Judge Malone's recommendation to appoint Randy Stegall to fill Larry Carroll's unexpired term on the Rattlesnake Ridge Water District Board due to Mr. Carroll's resignation. Second by James Wilburn. Unanimous

Motion made by Nic Barker to accept the minutes as read. Second by James Wilburn. Unanimous

Motion made by Mark Miller to adjourn meeting. Second by Chris Huddle. Unanimous



Mike Malone

Mike Malone, County Judge Executive

**ELLIOTT COUNTY FISCAL COURT  
REGULAR MEETING  
MAY 19<sup>TH</sup>, 2020**

THE REGULAR MEETING OF THE ELLIOTT COUNTY FISCAL COURT WAS HELD ON MAY 19<sup>TH</sup>, 2020 AT 6:00 P.M. VIA ZOOM WITH THE HONORABLE JUDGE EXECUTIVE MYRON S. LEWIS PRESIDING.

The meeting was called to order at 6:05 P.M. The opening prayer and pledge was led by Dewey Smith.

Those Present: Charles Whitt  
Chris Dickerson  
Dewey Smith  
Michelle Oney  
Cheyenne Holbrook  
Pam Fannin  
John Lewis

Absent: Brian Dillon

**IV. COMMENTS FROM CITIZENS AND SPECIAL GUEST**

**V. OLD BUSINESS**

A motion was made to approve the minutes for April 21<sup>st</sup>, 2020 regular meeting by Chris Dickerson and seconded by Dewey Smith. All voted aye. None opposed. **Motion carries.**

**VI. NEW BUSINESS**

A discussion was held to open sealed bid for an International Dump Truck.

Scott Cox- \$5,600

Ford Howard- \$1,000

Rodney Gilliam- \$4,850

Phillip Arrowood- \$5,300

Roosevelt Fannin- \$4,250

Gary Auxier- \$3,000

Chris Gilliam- \$3,500



A motion was made to approve Scott Cox bid for \$5,600 for the sale of the International Dump Truck by Dewey Smith and seconded by Chris Dickerson. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the quarterly financial statement submitted to DLG by Cheyenne Holbrook and seconded by Pam Fannin. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the first reading of the Elliott County Fiscal Court Budget Amendment by Michelle Oney and seconded by Charles Whitt. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the first reading of the budget, road fund cost allocation, and the recurring expense report by Charles Whitt and seconded by Chris Dickerson. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the resolution to designate \$38,581.63 in coal severance funds to be used for road construction by Charles Whitt and seconded by Pam Fannin. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the Rowan County Detention Center Inmate Housing Agreement by Pam Fannin and seconded by Michelle Oney. All voted aye. None opposed. **Motion carries.**

A motion was made to approve to advertise to take sealed bids for tile and gravel by Dewey Smith and seconded by Cheyenne Holbrook. All voted aye. None opposed. **Motion carries.**

\* A motion was made to approve to reappoint Mike Copley for a two year term on the Rattlesnake Ridge Water District Board of Directors by Michelle Oney and seconded by Pam Fannin. All \* voted aye. None opposed. **Motion carries.**

A motion was made to approve the resolution allowing encroachment to Rattlesnake Ridge Water District to run a new water line up Blaine Trace by Dewey Smith and seconded by Michelle Oney. All voted aye. None opposed. **Motion carries.**

A motion was made to acknowledge the 6/30/2019 Elliott County Fiscal Court Audit Report by Michelle Oney and seconded by Dewey Smith. All voted aye. None opposed. **Motion carries.**

A motion was made to take sealed bid for propane in place of signing another two year contract with Arricks Propane by Chris Dickerson and seconded by Dewey Smith. All voted aye. None opposed. **Motion carries.**

A motion was made to acknowledge the Elliott County Sheriff's Office 2018 tax settlement by Charles Whitt and seconded by Pam Fannin. All voted aye. None opposed. **Motion carries.**

A motion was made to approve to apply for the waste tire grant for 2021 by Dewey Smith and seconded by Cheyenne Holbrook. All voted aye. None opposed. **Motion carries.**

## VII. CONSIDERATION OF BILLS AND TRANSFERS

A motion was made to approve to pay the paid and unpaid bills by Dewey Smith and seconded by Pam Fannin. All voted aye. None opposed. **Motion carries.**

A motion was made to approve the interfund/budget transfers by Pam Fannin and seconded by Michelle Oney. All voted aye. None opposed. **Motion carries.**

## VIII. COMMUNICATIONS FROM OTHER COUNTY OFFICES

A discussion was held regarding the monthly reports from the Ambulance Service, Dispatch, Laurel Gorge Cultural Heritage Center, Road Department, Sheriff's Office, and Treasurer's Office. **No motion made.**

A discussion was held with Chris Dickerson regarding Lawrence County's Judge Carter offering us a piece of equipment. **No motion made.**

A discussion was held with Myron Lewis regarding the Census. **No motion made.**

## IX. ADJOURNMENT

A motion was made to adjourn by Michelle Oney and seconded by Pam Fannin. All voted aye. None opposed. **Motion carries.**

Submitted by: Shyanna Jenkins  
Shyanna Jenkins/Elliott County Fiscal Court Clerk

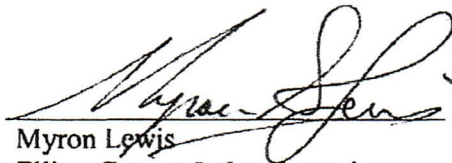


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Myron Lewis  
Elliott County Judge Executive



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Submitted by: Shyanna Jenkins  
Shyanna Jenkins/Elliott County Fiscal Court Clerk