

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF HARDIN)	
COUNTY WATER DISTRICT NO. 2 FOR)	CASE NO.
ACCREDITATION OF WATER MANAGEMENT)	2018-00110
TRAINING PROGRAM)	

ORDER

On or about March 22, 2018, Hardin County Water District No. 2 (“Hardin No. 2”) requested approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for proposed water district management training to take place on April 23, 2018 at Hardin No. 2’s offices in Elizabethtown, Kentucky. The training program is entitled *Hardin County Water Training 2018* (hereinafter the “Training Program”). Having carefully considered Hardin No. 2’s request, the Commission approves the program to satisfy the six hours of training, described by KRS 74.020(6) and KRS 74.020(7), for water district commissioners who are not serving in their first year.

DESCRIPTION OF TRAINING PROGRAM

The Training Program will consist of five sessions of varying lengths. The sessions are Recent Developments in Utility Regulation, Public Service Commission Treatment of Employee Compensation, Extending Meter Service Life, Keeping Lead Out of Kentucky’s Drinking Water, and Legal Issues in the Operation & Management of Water Systems. Each session is described in detail in the materials provided with the application. The instructors for the sessions will be Damon Talley, Gerald Wuecher, and Mary Ellen Wimberly, all of whom are attorneys with Stoll Keenan’s Utility and Energy practice group; and Greg Heitzman, President of BlueWater Kentucky, who,

among other things, was chair of a working group with the Kentucky Energy and Environment Cabinet that examined existing protocols, lead/copper rules, service line replacement programs, compliance monitoring activities, and public education efforts. Hardin No. 2 submitted the written materials that would be provided to program participants with its application and stated that participants would also be provided a flash drive containing an electronic copy of applicable laws, regulations, Kentucky court decisions, and Commission orders, as well as several reference publications.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners which shall control and manage the affairs of the district.¹ KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioner's initial appointment.² KRS 74.020 (6) and (7) encourage water district commissioners who are not serving in their first year to complete six instructional hours of "water district management training approved by the Public Service Commission" in each additional year by allowing the commissioners to receive a raise if they complete that training each year.

¹ See KRS 74.020(1)

² KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

“[T]o ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may no longer satisfy their initial training obligations by taking training courses offered by third parties,” but rather, must complete the initial training offered by the Commission.³ Moreover, the Commission is only permitted to approve a program to satisfy the initial water district training requirements if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁴ Hardin No. 2’s program is not equivalent to the Commission’s program of instruction.⁵ Thus, Hardin Co. 2’s Training Program may not be used by newly appointed water district commissioners to satisfy the initial training requirements as set forth in KRS 74.020(8).

The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020 (6) and (7). However, consistent with 807 KAR 5:070, Section 1, third parties applying for approval of a proposed water district commissioner training program must file the following documents and information 30 days prior to the first date on which the course is to be offered:

- (1) The name and address of the applicant;

³ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 (“Water Training Order”); *see also* Water Training Order at 5 (“To satisfy his or her training obligations set forth in KRS 74.020(8), every newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner’s appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission’s seminars.”).

⁴ *See* KRS 74.020(8).

⁵ *See* Water Training Order at 5, Appendix (describing the Commission’s program).

- (2) The name and sponsor of the program and the subject matter covered by the program;
- (3) A summary of the content of the program in detail sufficient to describe how the program will enhance the management, operation, and maintenance of water treatment and distribution systems;
- (4) The number of credit hours requested for the program;
- (5) The name and relevant qualifications and credentials of each instructor presenting the program.
- (6) A copy of written materials given to water commissioners attending the program; and
- (7) If the program has been certified by an organization that provides training to persons associated with the water industry, the name of the certifying organization and a statement that the certification remains valid.

Moreover, the Commission expects written materials to be provided to water district commissioners, as indicated 807 KAR 5:070, Section 1(6), and that those materials will be provided to the Commission for review as part of the request for approval.⁶

Hardin No. 2 provided the information required by 807 KAR 5:070 and the Commission's Order in Case No. 2018-00085 in a timely manner. Based on that information, the Commission finds that Hardin No. 2's Training Program is of a "high quality" and will enhance water district commissioners understanding of their responsibilities and duties.⁷ Thus, the Commission approves and accredits the Training Program for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020 (6) and (7) for water district commissioners not serving in the first year following their appointment.

⁶ Water Training Order 4-5; 807 KAR 5:070, Section 1.

⁷ See KRS 74.020(7)(c)(stating that the Commission "shall encourage and promote the offering of high quality water district management training programs that enhance a water district commissioner's understanding of his or her responsibilities and duties").

IT IS THEREFORE ORDERED that:

1. Hardin No. 2's Training Program scheduled to take place on April 23, 2018, is hereby conditionally approved and accredited for six hours of water district management training for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020 (6) and (7).

2. Hardin No. 2's Training Program may not be used by water district commissioners seeking to satisfy any portion of the initial training requirement for water district commissioners required by KRS 74.020(8).

3. Hardin No. 2 shall retain a record of all water district commissioners attending the Training Program.

4. No Later than 30 days after the scheduled training program, Hardin No. 2 shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed;

b. A description of any changes in the presenters or purposed curriculum that occurred after the application;

c. The name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the presentations.

5. Upon receipt of the materials identified in Paragraph No. 4 and provided there are no material changes to the program, the Commission shall issue a final order approving and accrediting the Training Program.

6. Hardin No. 2 shall permit a representative of the Commission to attend the Training Program at the Commission's discretion, without charge, to assess compliance with this Order or the quality of instruction or for any other purpose deemed necessary by the Commission.

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By the Commission

ENTERED
APR 09 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

for Gwen Pierson

Case No. 2018-00110

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