

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
RURAL WATER ASSOCIATION AND STOLL)	
KEENON OGDEN PLLC FOR)	CASE NO.
ACCREDITATION AND APPROVAL OF A)	2018-00309
PROPOSED WATER DISTRICT)	
MANAGEMENT TRAINING PROGRAM)	

ORDER

On September 18, 2018, Kentucky Rural Water Association and Stoll Keenon Ogden (collectively “KRWA Applicants”) 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 October 30, 2018, at Holiday Inn University Plaza/Sloan Convention Center, 1021 Wilkinson Trace, Bowling Green, Kentucky. The training program is entitled *Utility Law Seminar* (hereinafter the “Training Program”). Having carefully considered KRWA Applicants’ request, the Commission conditionally approves and accredits the program to satisfy up to six hours of annual training required by KRS 74.020(6) and (7) for water district commissioners. The KRWA Applicants did not request that the proposed training program be approved and accredited to satisfy the training for newly appointed commissioners required by KRS 74.020(8).

DESCRIPTION OF TRAINING PROGRAM

The Training Program will consist of five sessions of varying lengths. The sessions are (1) Recent Developments in Utility Regulation; (2) Keeping Lead Out of Kentucky’s Drinking Water; (3) Clean Water Rule: Definition of Waters of the United States; (4) Public

Service Commission Review of Municipal Utility Rates; and (5) Legal Issues in the Operation and Management of Water Systems: A Panel Discussion. 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; Shawn Alcott, a partner at Kerrick and Bachert, who represents water and wastewater utilities; and Lajuana S. Wilcher, a partner at Lucas, Priest & Owsley, L.L.P., who previously worked for the EPA and was previously Secretary of the Kentucky EEC. KRWA Applicants 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

¹ See KRS 74.020(1)

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.

KRWA Applicants state that they are seeking to have the Training Program approved to satisfy the six hours of annual training necessary for water commissioners to satisfy KRS 74.020(6) and (7) but are not seeking to have it approved to satisfy the initial training requirements of KRS 74.020(8). The Commission has discretion in approving "water district management training" offered by third parties to satisfy the six hours of annual training described in KRS 74.020(6) and (7) if it determines that the programs are "high quality" and will "enhance a water district commissioner's understanding of his or her responsibilities and duties."³ However, third parties applying for approval of a proposed water district commissioner training program must file their applications, including a detailed description of the program, a description of the qualifications of any presenters, and a copy of the written materials to be distributed at the program among other things, 30 days prior to the first date on which the program is to be offered.⁴

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

³ 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").

⁴ Water Training Order at 4–5.

KRWA Applicants 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 KRWA Applicants' Training Program is of a "high quality" and will enhance water district commissioners understanding of their responsibilities and duties.⁵ Thus, the Commission approves and accredits the Training Program, subject to the conditions set forth below, 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. The program is not approved to satisfy the initial training for newly appointed water commissioners required pursuant to KRS 74.020(8).

IT IS THEREFORE ORDERED that:

1. KRWA Applicants' Training Program scheduled to take place on October 30, 2018, is hereby conditionally approved and accredited for up to six hours of water district management training for water district commissioners seeking to satisfy the annual training requirements set forth in KRS 74.020(6) and (7).
2. KRWA Applicants' 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. KRWA Applicants shall retain a record of all water district commissioners attending the Training Program.

⁵ 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").

4. No Later than 30 days after the scheduled training program, KRWA Applicants 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 if not previously provided.

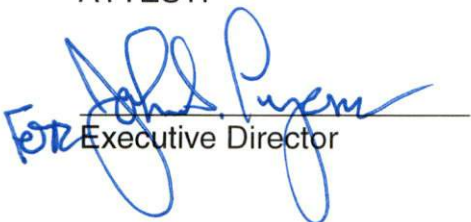
5. Upon receipt of the materials identified in Paragraph No. 4 and provided there are no material changes to the program, the Commission shall issue a final order approving and accrediting the Training Program.

6. KRWA Applicants 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.

By the Commission

ENTERED
SEP 27 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00309

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