

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF RUSS, INC. FOR)	
APPROVAL OF COMMISSIONER)	CASE NO.
TRAINING AND CONTINUING)	2018-00101
EDUCATION CREDIT)	

ORDER

On March 12, 2018, Russ, Inc. filed for approval and accreditation of water district management training it intended to offer on March 21, 2018 (the "Training Program"). On April 11, 2018, the Commission denied the request for approval and accreditation. On April 23, 2018, Russ, Inc. supplemented its request for approval and accreditation and requested that the Commission reconsider its denial. Having reviewed the request to reconsider and supplemental materials provided by Russ, Inc. regarding the nature of the program, the Commission grants the request to reconsider and alters and amends its April 11, 2018 Order as discussed herein.

In its April 23 submission of supplemental materials, Russ, Inc. provided copies of the PowerPoint presentations for a session presented by a representative of the Division of Water and a session presented by a representative of McCoy & McCoy Laboratories, Inc., entitled *DOW Update* and *Sample Collection and Preservation*, respectively. Russ, Inc. also provided materials distributed in connection with those two sessions. The sessions accounted for 2.25 hours of the 6-hour Training Program.

With respect to the remaining three sessions, entitled *Operator Ethics*, *Developing SOP's*, and *Distribution O&M* – all presented by Gary Russ and accounting

for 3.75 hours of the 6-hour Training Program – Russ, Inc. provided no additional substantive information beyond the following statement:

[W]e discussed ethics, record keeping, record detention, testing, calibration techniques and data, a detailed discussion on the important of documentation and log books. As (sic) well as Board and operator interaction with its customers/rate payers.¹

Russ, Inc.'s supplement also stated that “[a] group table top exercise, generated topics of interest and lead to engaged discussions on group problem solving and the sharing of knowledge.”² Russ, Inc.'s supplement also indicated that no materials were provided during those sessions.

Mr. Russ stated that he filed the initial request for approval and accreditation prior to the Commission's March 15, 2018 Order regarding water district commissioner training. He further stated that the Commission previously approved similar training programs sponsored by Russ, Inc. and cited specifically to the program approved in Case No. 2016-00066.³ Mr. Russ indicated that he was under the impression that his request for approval and accreditation was sufficient in form when initially filed, based on his experience with the Commission and based on conversations with Commission staff.

The Commission acknowledges that Russ, Inc.'s request for training approval and accreditation was submitted prior to its March 15, 2018 Order regarding water district commissioner training; for that reason we will reconsider the previous denial in

¹ Letter from Russ, Inc. (filed April 23, 2018).

² *Id.*

³ Case No. 2016-00066, *Russ, Inc. Request for Approval of Water Training Class Credits* (Ky. PSC Feb. 12, 2016), Order.

light of the supplemental materials provided by Russ, Inc.⁴ However, the Commission observes that its April 11, 2018 Order denying approval and accreditation was based on the Commission's determination that Russ, Inc. failed to establish that the Training Program met the statutory requirements for water district commissioner training. As indicated in the previous order, the Commission has some discretion in approving "water district management training" offered by third parties to satisfy the six hours of training described in KRS 74.020 (6) and (7) for water district commissioners not serving in the first year following their appointment, but the Commission is bound by a statutory mandate that it ensure that such programs are of "high quality" and will enhance water district commissioners' understanding of their responsibilities and duties.⁵ Thus, the Commission may approve and accredit a training program only if it determines that the program satisfies those statutory mandates.

Based on the supplemental material provided by Russ, Inc., the Commission does find that the sessions entitled *DOW Update* and *Sample Collection and Preservation* meet the criteria for approval and accreditation, but that the remaining sessions, consisting of the sessions presented by Mr. Russ entitled *Operator Ethics*, *Developing SOP's*, and *Distribution O&M*, do not meet the criteria for approval and accreditation. Russ, Inc. provided no additional material information regarding the substance of the sessions presented by Mr. Russ. The descriptions of the sessions

⁴ Russ, Inc. noted in the supplement to its request for approval and accreditation that it had no intention to request that its program be approved and accredited for initial training pursuant to KRS 74.020(8) for water district commissioners serving in their first year such that the Commission will not reconsider that portion of the previous order here.

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").

indicate that they are geared toward the responsibilities of operators, which appears to be Mr. Russ's background, as opposed to the responsibilities of water district commissioners. Moreover, based on the supplemental materials, the sessions presented by Mr. Russ do not appear to have been well developed or structured.⁶ In fact, based on the description of a "group table top exercise" at which topics were generated and knowledge was shared, it appears that at least a portion of the sessions led by Mr. Russ consisted of participants discussing random topics in a completely unstructured manner. The Commission cannot find that such sessions are of high quality and will enhance water district commissioners' understanding of their responsibilities and duties.⁷ Thus, having reviewed and considered the supplemental materials provided by Russ, Inc., the Commission must deny approval and accreditation for the sessions of the Training Program entitled *Operator Ethics, Developing SOP's* and *Distribution O&M*, but will grant approval and accreditation for the sessions entitled *DOW Update* and *Sample Collection and Preservation*.

IT IS THEREFORE ORDERED that:

1. The Commission grants reconsideration of its April 11, 2018 Order in this matter and alters and amends that Order as set forth herein.

⁶ Russ, Inc. indicated certain regulations from the Division of Water were displayed on a screen, but he made no mention of any PowerPoint or similar structured presentation being prepared or offered.

⁷ The Commission notes that Russ, Inc. referred to past approvals, particularly in Case No. 2016-00066, in requesting that the Commission reconsider its denial of approval and accreditation for the Training Program herein. However, the Commission saw no request seeking the approval of the sessions presented by Mr. Russ herein. See Case No. 2016-00066, *Russ, Inc. Request for Approval of Water Training Class Credits* (filed Feb. 2, 2016), Request for Approval. Moreover, the Commission has not been presented with evidence in this matter that would allow it to find that the statutory requirements are met with respect to the training sessions entitled *Operator Ethics, Developing SOP's*, and *Distribution O&M*.

2. The training session entitled *DOW Update* that took place as part of Russ, Inc.'s Training Program on March 21, 2018 is hereby approved and accredited for a maximum of one hour of water district management training for commissioners seeking to satisfy the six hours of training described in KRS 74.020 (6) and (7).

3. The training session entitled *Sample Collection and Preservation* that took place as part of Russ, Inc.'s Training Program on March 21, 2018, is hereby approved and accredited for 1.25 hours of water district management training for commissioners seeking to satisfy the 6 hours of training described in KRS 74.020 (6) and (7).

4. The training sessions *Operator Ethics, Developing SOP's, and Distribution O&M* that took place as part of Russ, Inc.'s Training Program on March 21, 2018, are not approved and accredited, and, therefore, may not be used by water district commissioners to satisfy any portion of the six hours of training described in KRS 74.020 (6) and (7).

5. No portion of Russ, Inc.'s Training Program may be used by water district commissioners seeking to satisfy any portion of the initial training for commissioners required by KRS 74.020(8).

6. Within 10 days from the date of this order, Russ, Inc. shall:

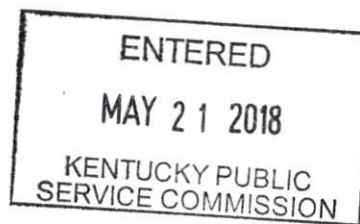
- a. Provide the Commission with a list of water district commissioners who attended the sessions entitled *DOW Update* and *Sample Collection and Preservation*, their water districts, and the number of hours that each attended each of those sessions; and
- b. Certify that a copy of this order was sent to each water district commissioner who attended any portion of the Training Program.

7. Any document filed pursuant to ordering paragraph 6 of this Order shall reference the number of this case and shall be retained in the post case correspondence file.

8. This matter is closed and removed from the Commission's docket.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:


Executive Director

*Gary Russ
80 Parkway Lane
Central City, KENTUCKY 42330