

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION OF POSSIBLE)	
VACANCIES ON THE BOARD OF)	CASE NO.
COMMISSIONERS OF MARTIN COUNTY WATER)	2019-00404
DISTRICT)	

ORDER

This proceeding was initiated to determine whether a vacancy exists on the Board of Commissioners of Martin County Water District (Martin District). On December 9, 2019, the Commission issued an Order finding that a vacancy did exist following the resignation of John Horn on December 5, 2018, that the vacancy had not been filled, that the Commission is authorized to fill the vacancy for the remainder of Mr. Horn's term pursuant to KRS 74.020(4), and that the vacant term to be filled by the Commission expired on December 7, 2021. On February 5, 2020, Martin District, pursuant to a Commission Order, published notice of the vacancy in *The Mountain Citizen* directing those interested in the position to apply with the Commission within 20 days. The Commission did not receive any applications within 20 days of that publication and has since only received an application from a single candidate, Lee Mueller, for the position.

Mr. Mueller is a graduate of Inez High School and Morehead State University. He currently resides in Tomahawk, Kentucky, which is an unincorporated community in Martin County, Kentucky, and he is a long time resident of Martin County. Among other things, Mr. Mueller served as the *Lexington Herald-Leader's* Eastern Kentucky reporter for 28 years, a board member of Sandy Valley Transportation Services, Inc. for 13 years,

the Vice Chairman of the Big Sandy Council on Aging, a board member at the Golden Memorial Methodist Church in Inez, and a board member of the Martin County Historical Society.

In making our selection, the Commission must consider the totality of the circumstances, including the education, business and management experience, and personal history of the proposed candidate, and the existing financial and operating condition of the water district.¹ Based upon our review of Mr. Mueller's education and experience, we find that Mr. Mueller is well suited for the position. We further find that Mr. Mueller resides in the district, is of legal age, possesses adequate education, business skills, and experience to perform the duties of water district commissioner and does not have any legal disability that would disqualify him from serving in the position.² Accordingly, the Commission finds that Mr. Mueller should be appointed to fill the vacancy on Martin District's Board of Commissioners created by the resignation of John Horn on December 5, 2018, and identified in the December 9, 2019 Order.

IT IS THEREFORE ORDERED that:

1. Lee Mueller is hereby appointed to fill the vacant seat on Martin District's Board of Commissioners identified in the December 9, 2019 Order.
2. The term to which Lee Mueller is being appointed shall expire on December 7, 2021.

¹ See, e.g., Case No. 2012-00052, *Request to Fill Vacancies on Western Pulaski County Water District Board of Commissioners* (Ky. PSC Jan. 16, 2013).

² See, e.g., KRS 74.020(1)(a) ("Members of the board shall be residents of the district, or of any incorporated or unincorporated area served by the district in the county in which the district was originally established.").

3. The Executive Director shall serve a copy of this Order upon the Martin County Judge/Executive, the members of the Martin County Fiscal Court, Martin District's Board, and Lee Mueller.

4. This proceeding is closed and removed from the Commission's docket.

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By the Commission



ATTEST:



Acting Executive Director

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