

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
WATER RESOURCES RESEARCH INSTITUTE)	CASE NO.
FOR APPROVAL OF COMMISSIONER TRAINING)	2020-00222
AND CONTINUING EDUCATION CREDIT)	

ORDER

On July 8, 2020, Kentucky Water Resources Research Institute (KWRRRI) requested approval and accreditation, pursuant to KRS 74.020(6) and (7) and 807 KAR 5:070, for proposed water district management training entitled *Sustainable Management of Rural and Small Systems Workshop*, to take place from August 25, 2020, through August 26, 2020, and from September 29, 2020, through September 30, 2020. Having carefully considered KWRRRI's 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. KWRRRI did not request that the proposed training program be approved and accredited to satisfy any portion of the 12 hours of initial training for newly appointed commissioners required by KRS 74.020(8).

DESCRIPTION OF TRAINING PROGRAM

The Training Program was developed by the United States Environmental Protection Agency (USEPA) and the United States Department of Agriculture (USDA) to assist small, rural utilities in developing sustainable management practices. It presents 10 Key Management Areas for sustainable development and then has the water district commissioners analyze their utilities based on those areas and begin to develop solutions

to any issues identified. The 10 Key Management Areas are resource adequacy, product quality, customer satisfaction, community sustainability and economic development, employee and leadership development, financial viability, operational optimization, infrastructure stability, operational stability, and stakeholder understanding and support.

The Training Program will consist of three primary activities:

1. Key Utility Management Areas: This activity consists of a discussion the common challenges faced by utilities, including aging infrastructure, rate issues, and operational expenses, and characteristics of well-managed utilities, including the 10 Key Management Areas discussed above.
2. System Improvement Priorities: Utility Self-Assessment: This activity involves attendees rating their utility's level of achievement in the 10 Key Management Areas with the assistance of instructors.
3. Improving Outcomes: This activity is designed to start utilities along the path of developing a management improvement plan.

KWRRI will conduct the Training Program on two occasions from August 25, 2020, through August 26, 2020, and from September 29, 2020, through September 30, 2020. KWRRI proposes to conduct the Training Program remotely via video teleconference. Each offering of the Training Program will be limited to 16 attendees to encourage attendees to interact with the presenters. KWRRI indicated that it would record each session and that attendees would be required to be on video during the entirety of each session to verify their participation with the training.

Training programs similarly based on the program developed by the USEPA and USDA were approved by the Commission and offered by both KWRRI and Kentucky Rural Water Association in 2019. KWRRI modified the program for this proposal to accommodate offering it remotely. Each day of the Training Program will consist of three hours of training, with the first day primarily providing an overview of the Key Utility

Management Areas and completing a utility self-assessment. Between the first and the second day of the Training Program, KWRRI will request that the attendees conduct homework by reviewing their self-assessment, picking a management area to focus on, and completing an online survey regarding that management area. The second day of the training program will involve going over the participants' utility self-assessments and completing an improvement plan.

The presenters of the program will include the Raymond T. Blythe Professor in civil engineering at the University of Kentucky and the Director of the KWRRI and the Kentucky Center of Excellence for Watershed Management, Dr. Lindell Ormsbee; a Research Engineer with KWRRI, Donna McNeil; an Associate Professor and Director of Undergraduate Studies in civil engineering at the University of Kentucky, Scott Yost; the President of Blue Water Kentucky, Greg Heitzman; the State Director of Kentucky's Rural Community Assistance Program, Kimberly Padgett; and Technical Assistance Provider with Kentucky's Rural Community Assistance Program, Christopher Wells. Attendees will be mailed copies of the PowerPoint slides for the presentations and the *Rural and Small Systems Guidebook to Sustainable Utility Management* developed by the USEPA and USDA for use as part of this and similar programs.

DISCUSSION

KRS Chapter 74 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 Chapter 74 must be administered by a board of commissioners, which shall control and manage the affairs of the district.¹ KRS 74.020(8)

¹ See KRS 74.020(1)

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.

KWRRRI states 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.

KWRRRI 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 the substance of KWRRRI's Training Program is of a "high quality" and will enhance water district commissioners understanding of their responsibilities and duties.⁵ But for the on-going emergency and associated restrictions on public gatherings, or some similar catastrophic event, the Commission would not approve the proposed training via videoconference. However, while the Commission believes in-person training is more effective and that water commissioner training should normally be held in-person, the Commission finds that conducting water commissioner training via videoconference is necessary and acceptable at this time due to the ongoing COVID-19 emergency and associated restrictions on public gatherings, but that sufficient mechanisms must be in place to allow commissioners to question and interact with presenters and to confirm commissioners' attendance.

KWRRRI's program is designed to allow sufficient interactions between attendees and presenters, but additional steps are necessary to assist KWRRRI and the Commission in verifying the attendance of water district commissioners at KWRRRI's Training Program. Specifically, in addition to visually verifying attendance, KWRRRI shall request that water district commissioners' seeking to satisfy the training requirements set forth in KRS 74.020(6) and (7) to complete the affidavit attached to the Appendix of this Order and return it to KWRRRI within two weeks after the training. When KWRRRI provides the documents to obtain final approval of each offering of the Training Program pursuant to

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").

this Order, it should provide any affidavits that it received from attendees, though it will be the responsibility of the attendees to ensure that the Commission receives their affidavits affirming their attendance. Attendees will only receive credit for hours of the Training Program that they attest to have participated in using the affidavit attached to this Order.

IT IS THEREFORE ORDERED that:

1. KWRRRI's Training Program scheduled to take place on August 25, 2020, through August 26, 2020, and on September 29, 2020, through September 30, 2020, 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. KWRRRI'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. KWRRRI shall retain a record of all water district commissioners attending the Training Program.

4. No later than 45 days after each offering of the training program, KWRRRI 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;

d. Copies of any affidavits received from water district commissioners' attesting to their attendance; and

e. 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 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. KWRRRI 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
JUL 22 2020 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2020-00222

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00222 DATED JUL 22 2020

[ONE PAGE TO FOLLOW]

WATER MANAGEMENT TRAINING
AFFIDAVIT OF ATTENDANCE

I, _____(Print Name), being duly sworn, state that I attended by videoconference the training program entitled *Sustainable Management of Rural and Small Systems Workshop* presented by Kentucky Water Resources Research Institute on _____(Dates); that I am entitled to claim a total of _____ hours of credit for my attendance; and that each hour of water management training claimed represents one hour of time I viewed the training program via videoconference.

(Signature)

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF _____)

Subscribed and sworn to before me by _____ on this the _____ day of _____ 2020.

Notary Public: _____
My Commission Expires: _____
Notary ID: _____

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