

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO)	
LEDBETTER WATER DISTRICT CHARGING)	CASE NO.
UNAUTHORIZED RATES PURSUANT TO 807)	2021-00311
KAR 5:068)	

ORDER

On June 3, 2022, Ledbetter Water District (Ledbetter District) filed a petition for rehearing that requested the Commission address several issues in the May 13, 2022 final Order (Final Order) that it believed needed clarification. On June 20, 2022, the Commission entered an Order that found Ledbetter District established good cause to grant rehearing and that these issues would be addressed in subsequent orders.

DISCUSSION AND FINDINGS

The first issue Ledbetter District raised in its petition for rehearing was the intervention of Alan Fox, Arne Puckett, William Gillahan, James Schade, Terry Teitloff, and Micah Joiner as parties. The petition noted that without intervention it is unclear upon whom the \$250 civil penalty in the Final Order is assessed. Ledbetter District requested Micah Joiner be excused because at the time the unauthorized rate was placed into effect, Mr. Joiner was not a commissioner of Ledbetter District.

The Final Order in this case found that Ledbetter District charging the unauthorized rate was a willful violation of KRS 278.160(2). KRS 278.990(1) provides that any officer, agent, or employee of a utility that willfully violates any Commission Order, any provision of KRS Chapter 278, any regulation promulgated pursuant to KRS Chapter 278, or fails

to perform any duty imposed upon it shall be subject to a civil penalty not less than \$25 and not more than \$2,500 for each offense.

The Commission finds that the conduct of the manager and commissioners is the reason that Ledbetter District willfully violated KRS 278.160(2). Therefore, the Commission finds that Alan Fox, in his capacity as general manager; and officers: Arne Puckett, William Gillahan, James Schade, Terry Teitloff, and Micah Joiner shall be granted intervention in this proceeding. The Commission further finds that Mr. Joiner is not excused from the proceedings because he has served during the time the unauthorized rates were in effect and as a commissioner of Ledbetter District, he is required to ensure the utility is in compliance with all statues and regulations.

Since the Commission did not previously name the individuals who would be subject to the civil penalties and has now granted those parties intervention, the Commission shall allow Alan Fox, Arne Puckett, William Gillahan, James Schade, Terry Teitloff, and Micah Joiner the opportunity to show cause why they should not be subject to the assessment of a civil penalty pursuant to KRS 278.990(1). Each of the named individuals is encouraged to include in their response their interpretation of the requirement to attend water management training in lieu of the \$250 civil penalty.

IT IS THEREFORE ORDERED that:

1. Alan Fox, Arne Puckett, William Gillahan, James Schade, Terry Teitloff, and Micah Joiner are granted intervention.

2. The case style of this proceeding is changed as of the date of this Order to the following: Case No. 2021-000311 *Electronic Investigation Into Ledbetter Water District, its Officers Arne Puckett, William Gillahan, James Schade, Terry Teitloff, and*

Micah Joiner, and its Manager Alan Fox, Charging Unauthorized Rates Pursuant to KRS 278.160(2) and 807 KAR 5:068.

3. The individuals granted intervention above shall file a written response within 30 days of the date of service of this Order to show cause why they should not be subject to the \$250 civil penalty imposed in the May 13, 2022 Final Order.

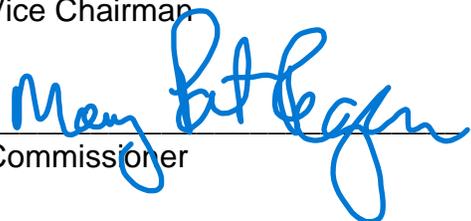
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PUBLIC SERVICE COMMISSION

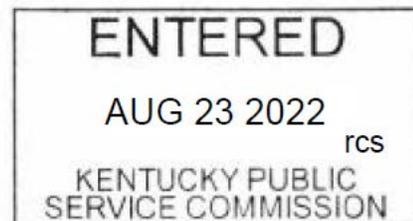


Chairman

Vice Chairman



Commissioner



ATTEST:



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