

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
RURAL WATER ASSOCIATION FOR)	CASE NO.
ACCREDITATION APPROVAL OF)	2022-00014
COMMISSIONER TRAINING AND CONTINUING)	
EDUCATION CREDIT)	

ORDER

On January 12, 2022, Kentucky Rural Water Association (KRWA) filed an application for approval and accreditation of a training program scheduled to take place on February 16-17, 2022. The program is entitled 2022 Management Conference (Training Program). The training is intended to be in-person at the Holiday Inn University Plaza/Sloan Convention Center in Bowling Green, Kentucky, with the possibility of virtual participation. Having reviewed KWRA’s request and being otherwise sufficiently advised, the Commission approves the program to satisfy the six hours of training described by KRS 74.020(6) and KRS 74.020(7), subject to the conditions discussed herein. KRWA did not request that the 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 THE TRAINING PROGRAM

The Training Program will be conducted in person, with a virtual option, at the Holiday Inn University Plaza/Sloan Convention Center in Bowling Green, Kentucky, on

February 16–17, 2022. The Training Program will consist of the following sessions on February 16, 2022:

1. “Embrace the Process” – Controlling Your 3-Foot World: This presentation will look at the creation, modification, and utilization of Standard Operating Procedures to improve overall communication and enhance effectiveness of operations and maintenance for water and wastewater utilities.

2. Ten Rules for Dealing Effectively with the Public Service Commission: This presentation discusses steps that a PSC regulated utility can take to: (1) obtain requested approvals and rulings from the PSC in a more prompt manner; (2) better protect against adverse PSC actions and the negative publicity from such adverse actions; (3) improve the utility’s relations with the Public Service Commission and PSC Staff; and (4) better position itself to address a changing and dynamic regulatory environment.

3. Revisions to Kentucky’s Underground Facility Protection Statute: This presentation will address the changes brought about by the 2021 Revisions to the Kentucky Underground Facility Protection Act.

4. Help! Where Did All the Chemicals Go?: This presentation will address the supply chain issues and offer suggestions for preparations utilities should implement to avoid creating a potential emergency situation.

5. Disaster Response for Utilities in Kentucky: This presentation will concentrate on the emergency response that was enacted during the [tornado] crisis. Through the KY Warn network, utilities were able to help fellow utilities impacted by the tornadoes. Presenter will highlight the assistance provide by Kentucky Rural Water

Association staff to those in need, including Dawson Springs and neighboring communities.

6. Cyber Security is a Team Sport!: This presentation, presenters will identify threats and provide related strategies to help your team become cyber resilient.

The Training Program will consist of the following sessions on February 17, 2022:

7. Customer Service on a Small Budget: This presentation will offer attendees tools to help them improve their communication with customers even on a limited budget.

8. Water Workforce: Valuing the Product & Those that Provide It: This presentation will cover the challenges faced by utilities when it comes to employment, competition from other industries, and compensation for employees. Presenter will also address the KRWA Apprenticeship Program as a means for utilities to help train and retain employees.

9. Asset management Dashboards: Presenters will showcase tools that are being developed by Kentucky Rural Water to help utilities improve asset management through Geographic Information Systems (GIS) technology. Highlights of this session will include showing the power of GIS locating assets within a water or wastewater system, visualizing analytics through operational and dynamic dashboards, and creating tools that help office and field staff become more efficient in daily operations. This session will not use a PowerPoint but will be a live demonstration of the asset management tool and the dashboards that have been created to make using the tool simple for users.

10. PFAS and UCMR5: This presentation will cover the PFAS and PFOS family of chemicals [that] are on the list of compounds in the current UCMR5 sampling. While presently unregulated, these chemicals are going to be regulated by the USEPA, likely

impacting both drinking water and wastewater utilities. Sampling for these chemicals will be expensive enough but dealing with the potential broader reach of future regulation could have serious effects on the budgets of water and wastewater utilities.

11. Drinking Water Compliance: This session will provide current information on SDWA compliance issues in Kentucky. Topics will include an update on the progress of the Lead and Copper Rule revisions, the upcoming UCMR5, compliance problems within Kentucky, as well as those areas where Kentucky has improved its SDWA compliance.

12. Upcoming Changes to NSF Drinking Water System Components Program (NSF 600) – No Need to Be Afraid: This presentation will address the technological impacts of this standard and will also discuss the practical considerations related to tank owners and specifiers, helping to clear up confusion and misunderstanding in the tank painting industry regarding the impact of the new NSF 600 standard for future projects.

The presenters at the program will be S4 Water Sales and Service, Bob Cashion; from Stoll Keenan Ogden, Gerald Wuetcher; Duke Energy Kentucky Senior Government Affairs Specialist, Patrick Keal; Water Solutions Unlimited, Mike Ricks; KRWA, Joe Burns; United Systems & Software, Jeff Harlan; The Neil Group, Robert Mohon; KRWA, Heather Stevenson; KRWA, Dustin Horn; KRWA, Rusty Anderson; PACE Analytical Services, LLC, Paul Jackson; KRWA, Arianna Lageman; and The Sherwin-Williams Company, Steven Roetter. KRWA provided detailed PowerPoint Slides for each session, except the live demonstration, that relate to the slated topics, and indicated that copies of the slides would be provided to participants of the training.

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 that 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 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 commissioners' initial appointment.² KRS 74.020(6) and (7) encourage water district commissioners to complete six instructional hours of "water district management training approved by the Public Service Commission" in each calendar year by allowing the commissioners to receive a raise if they complete that training each year.

KRWA indicates that it is seeking to have the Training Program approved to satisfy six hours of annual training necessary for water district commissioners to satisfy KRS 74.020(6) and (7) but is 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 subsequent 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

¹ See KRS 74.020(1)

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

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

KRWA provided the information required by 807 KAR 5:070 and the Commission’s Order in Case No. 2018-00085 in a timely manner. The Training Program also covers topics that will be relevant and useful to water district commissioners. Moreover, the presenters appear to have knowledge of the topics they intend to discuss, and based on a review of the materials provided, the Training Program appears to be well developed and of a high quality. While the Commission believes in-person training is more effective and that water commissioner training should be held in-person, the Commission finds that conducting water commissioner training virtually when necessary is acceptable at this time due to the ongoing COVID-19 emergency. However, sufficient mechanisms must be in place to allow commissioners to question and interact with presenters and to confirm commissioner’s attendance. KRWA shall also request that water district commissioners who attend virtually complete an affidavit affirming their attendance within 45 days of completion of the training. Commissioners who attend remotely will only receive credit for hours of the Training program that they attest to have participated in.

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 Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts (Ky. PSC Mar. 15, 2018), Order at 4–5.

The Commission finds that the Training Program will provide water district commissioners relevant and useful knowledge that will enhance the quality, management, operation, or maintenance of the water systems they operate and, therefore, will conditionally approve the Training Program to satisfy the training requirements set forth in KRS 74.020(6) and (7) or a portion thereof.

IT IS THEREFORE ORDERED that:

1. KWRA's Training Program scheduled to take place on February 16–17, 2022, is hereby conditionally approved and accredited for up to six hours of annual water district management training for water district commissioners seeking to satisfy training requirements set forth in KRS 74.020(6) and (7).

2. KRWA'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. KRWA shall retain a record of all water district commissioners attending the Training Program.

4. No later than 45 days after each scheduled offering of the Training Program, KRWA shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed, including a statement that the materials regarding each session were distributed as required by the Commission herein;

b. A description of any changes in the presenters or proposed curriculum that occurred after the application;

c. The name of each attending water district commissioner, his or her water district, the number of hours that he or she attended, and whether he or she attended virtually or in person;

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

e. A copy of any written material given to water district commissioners attending the sessions that was not previously provided to the Commission.

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. KRWA 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
FEB 04 2022
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2022-00014

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