

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	)	2022-00031
COMMISSIONER TRAINING AND CONTINUING	)	
EDUCATION CREDIT	)	

ORDER

On January 31, 2022, Kentucky Rural Water Association (KRWA) filed an application<sup>1</sup> for approval and accreditation of a training program scheduled to take place on March 8, 2022. The program is entitled *2022 Water Commission Training/Oldham County Water District* (Training Program). The Training Program is intended to be in-person at Oldham County Water District's Office in LaGrange, Kentucky. 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 (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).

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<sup>1</sup> All applications should be filed in an optimized pdf format (searchable or OCR) and include bookmarks to distinguish sections. Any future applications from KRWA not meeting this requirement will be rejected as deficient.

## DESCRIPTION OF THE TRAINING PROGRAM

The Training Program will be conducted in person at the office of the Oldham County Water District in LaGrange, Kentucky, on March 8, 2022. The Training Program will consist of the following sessions:

1. Revisions to Kentucky's Underground Facility Protection Statute: This presentation will discuss recent revisions to Kentucky's Underground Facility Protection Statute. This will help make decision-makers and employees of water and wastewater utilities aware of the changes that will potentially affect both the excavation work that these companies perform as well as the excavation work performed by others that exposes their utility lines to risks.

2. New Drinking Water Regulations and How They Will Impact Your Utility: This presentation discusses changes to water regulations made by the United States Environmental Protection Agency, including proposed significant changes to the Lead and Copper Rule, and how these changes can potentially be costly in terms of both dollars and manpower to water utilities as the result of utilities being required to both identify and map all known sources of lead in their distribution system. There are also new requirements for testing schools and daycare centers that can create challenges in reaching out to customers regarding these changes.

3. Recent Developments in Utility Regulations: This presentation will address various developments in public law and regulations, including various topics such as unaccounted water loss, revisions to the Open Meetings Act and Open Records Act, borrowing money, keeping minutes during meetings, and laws enacted by the 2021

General Assembly. Also, recent decisions by both the courts and the Public Service Commission (PSC) will be discussed.

4. Ten Rules for Dealing Effectively with the Public Service Commission: This presentation will address the steps that a PSC regulated utility can take to accomplish a variety of things, including (1) obtaining requested approvals and rulings in a more prompt manner; (2) better protecting against adverse PSC actions and the negative publicity arising from them; (3) improve relations with the PSC and its staff; and (4) put itself in a better position to address a changing and dynamic regulatory environment.

The presenters at the program will be Randall Kelley and Arianna Lageman of the KRWA; as well as Damon Talley and Gerald Wuetcher of Stoll Keenon Ogden, PLLC. KRWA provided detailed PowerPoint slides for each session that relates 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.<sup>2</sup> 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

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<sup>2</sup> See KRS 74.020(1.)

12 months of the commissioners' initial appointment.<sup>3</sup> 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 responsibilities and duties."<sup>4</sup> 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.<sup>5</sup>

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

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<sup>3</sup> KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

<sup>4</sup> 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").

<sup>5</sup> Case No. 2018-00085, *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.

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 high quality.

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 March 8, 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;

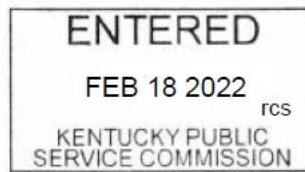
c. The name of each attending water district commissioner, his or her water district, the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the sessions that were 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



ATTEST:



Executive Director

Case No. 2022-00031

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