

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF CORINTH)	
WATER DISTRICT AND ITS COMMISSIONERS)	CASE NO.
FOR AN ENLARGEMENT OR EXTENSION OF)	2024-00153
KRS 74.020 (6))	

ORDER

This matter is before the Commission upon an application filed by Corinth Water District (Corinth District) and Commissioner Cherish Kennedy (Ms. Kennedy), on May 31, 2024, for an enlargement or extension of KRS 74.020(6) until June 30, 2024, for Ms. Kennedy to complete required water district training required for commissioners pursuant to KRS 74.020(6) to qualify for more than \$3,600 in salary for the calendar year ending December 31, 2023.

In support of its application, Corinth District stated that Ms. Kennedy was appointed to the Corinth Water District on December 3, 2019, for a term set to expire on December 1, 2024.¹ In the calendar year 2023, Ms. Kennedy received more than \$3,600 in salary for her service as a commissioner for the Corinth Water District.² Because of her salary, Ms. Kennedy was required to complete six hours of commissioner training no later than December 31, 2023, pursuant to KRS 74.020(6).³

¹ Notice of Filing Appointment of Cheri Kennedy and Declaration, (filed July 12, 2024), Exhibit A.

² Application (filed May 31, 2024) at 2, paragraph 9.

³ Application at 2, paragraph 10.

According to the application, in 2023, Ms. Kennedy was going through a difficult divorce and had custody of her four small children which required Ms. Kennedy's attention during this time.⁴ Ms. Kennedy is also self-employed running the roofing division of a construction company. Corinth District argued that this is a demanding role, and Ms. Kennedy was required to balance her employment with issues related to her divorce and caring for her four children throughout 2023.⁵

DISCUSSION

KRS 74.010, et. seq. authorizes the creation of water districts for the purpose of operating drinking water facilities. Water districts organized under KRS 74.010, et. seq. must be administered by a board of commissioners, which shall control and manage the affairs of the district.⁶ KRS 74.020 imposes initial training requirements on newly appointed water district commissioners and encourages other water district commissioners to complete training by authorizing an increase in compensation if they do so.⁷

Specifically, KRS 74.020(6) states each water district commissioner "shall receive an annual salary of not more than" \$3,600 "except that ... may receive an annual salary of not more than six thousand dollars (\$6000)." KRS 74.020(7)(a) similarly states that "in order to receive an increase in salary as specified in subsection (6) of this section, commissioners shall successfully complete six (6) instructional hours of water district

⁴ Application at 2, paragraph 11.

⁵ Application at 2–3, paragraph 12.

⁶ See KRS 74.020(1).

⁷ See KRS 74.020(6) and (7) (discussing the annual training requirement for other water district commissioners).

management training annually”. Importantly, an “educational year,” as used in KRS 74.020(6), “shall begin on January 1 and end on the following December 31.”

The Commission finds that Corinth District’s request should be denied. KRS 74.020(6) and (7)(a) is plain and unambiguous. It first imposes a mandate through the use of the term “shall” that prohibits a water district commissioner from receiving more than \$3,600 in compensation annually. It then creates an exception to that mandate by permitting a water district commissioner who completes six hours of annual training between January 1 and December 31 to receive up to \$6,000 in annual compensation during that period. It makes no provision for the Commission to extend the time allowed for water district commissioners to complete the annual training necessary to receive annual compensation in excess of \$3,600. The Commission notes that KRS 74.020(9) contains language allowing the Commission to grant an extension of time for the commissioners’ initial training requirement; however, no such option exists as it relates to the period of training required for the increased compensation.

Even if the Commission believed that Ms. Kennedy had established good cause for her request, the Commission has no authority to grant Ms. Kennedy’s request in this matter.⁸ .

IT IS THEREFORE ORDERED that:

1. Ms. Kennedy’s application for an extension of time to complete her six instruction hours of water district management training under KRS 74.020(6) for the 2023 educational year is denied.

⁸ See, Case No. 2019-00054, *In the Matter of: Application of Kara Wilson, Commissioner of Jonathan Creek Water District for Extension of Time to complete Water District Management Training Due to Hardship* (Ky. PSC. Aug. 2, 2019), Order.

2. This case is hereby closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner

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KENTUCKY PUBLIC
SERVICE COMMISSION

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