

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

On August 28, 2024, Corinth Water District (Corinth District) and Corinth District Commissioner Cherish Kennedy (Commissioner Kennedy) filed a petition, pursuant to KRS 278.400, requesting rehearing of the August 8, 2024 Commission Order (August 8, 2024 Order) denying an extension of time to obtain commissioner training for Commissioner Kennedy.

LEGAL STANDARD

KRS 278.400, which establishes the standard of review for motions for rehearing, limits rehearing to new evidence not readily discoverable at the time of the original hearings, to correct any material errors or omissions, or to correct findings that are unreasonable or unlawful. A Commission order is deemed unreasonable only when “the evidence presented leaves no room for difference of opinion among reasonable minds.”<sup>1</sup> An order can only be unlawful if it violates a state or federal statute or constitutional provision.<sup>2</sup>

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<sup>1</sup> *Energy Regulatory Comm’n v. Kentucky Power Co.*, 605 S.W.2d 46 (Ky. App. 1980).

<sup>2</sup> *Public Service Comm’n v. Conway*, 324 S.W.3d 373, 377 (Ky. 2010); *Public Service Comm’n v. Jackson County Rural Elec. Coop. Corp.*, 50 S.W.3d 764, 766 (Ky. App. 2000); *National Southwire Aluminum Co. v. Big Rivers Elec. Corp.*, 785 S.W.2d 503, 509 (Ky. App. 1990).

By limiting rehearing to correct material errors or omissions, and findings that are unreasonable or unlawful, or to weigh new evidence not readily discoverable at the time of the original hearings, KRS 278.400 is intended to provide closure to Commission proceedings. Rehearing does not present parties with the opportunity to relitigate a matter fully addressed in the original Order.

### DISCUSSION AND FINDINGS

On August 8, 2024, the Commission denied an extension of time for Commissioner Kennedy to obtain training in order to receive an additional \$3,600 in commissioner salary allowed by KRS 74.020(6). The Commission held that it did not have the discretion to grant an extension of time in this matter.<sup>3</sup> Commissioner Kennedy did not file her motion until May 31, 2024. She requested an extension of time for the 2023 educational year in order to receive the increased salary. The Commission found that the ability to grant an extension for good cause was applicable only to the initial training requirement.<sup>4</sup>

In its motion for rehearing, Corinth District, on behalf of Commissioner Kennedy, argued that the August 8, 2024 Order stands in contrast to previous orders issued by the Commission, specifically the final Order in Case No. 2024-00094.<sup>5</sup> Corinth District also

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<sup>3</sup> Order (Ky. PSC Aug. 8, 2024) at 3.

<sup>4</sup> Order (Ky. PSC Aug. 8, 2024) at 3.

<sup>5</sup> Case No. 2024-00094, *Electronic Application of Corinth Water District and Individual Commissioners for an Extension of Time to Complete Required Water District Management Training* (Ky. PSC May 3, 2024); Corinth District's Motion for Rehearing (filed Aug. 28, 2024) at 7–9.

argued that Case No. 2022-00029 evidenced that the Commission did in fact have the power to grant such an extension.<sup>6</sup>

Having reviewed the record, the Commission finds that the motion for rehearing should be granted. KRS 74.020(9) states:

The Public Service Commission may grant a reasonable extension of time, not to exceed six (6) months, for completing the training requirements of subsections (6), (7), and (8) of this section for good cause shown.

Pursuant to a plain reading of KRS 74.020(9), the Commission has clear authority to grant extensions to both the initial and on-going trainings required by subsections (6), (7), and (8) of the statute. Therefore, the Commission finds that the August 8, 2024 Order's conclusion that the Commission authority pursuant to KRS 74.020(9) was limited to training required by KRS 74.020(8)(b), and the consequence thereof, were material errors or omissions eligible for rehearing pursuant to KRS 278.400.

Moreover, by incorrectly concluding that the Commission's authority was limited to trainings required by KRS 74.020(8)(b), the Commission did not make further inquiry into the cause put forth in support of the application for an extension. In this matter, Corinth District and Commissioner Kennedy, argued that family matters prevented Commissioner Kennedy from obtaining her hours within the educational year. The Commission recognizes that it is possible to have family matters that impair a person's ability to meet

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<sup>6</sup> Case No. 2022-00029, *Electronic Application of Knott County Water & Sewer District; Phillip Dion Slone; Don Gibson; Freddie Williams; Ricky McDaniel; and Jeremy Goodson, Being all of the Board of Commissioners of the Knott County Water District for an Extension of Time to Complete Required Water District Management Training for the 2021 Calendar Year* (Ky PSC Apr. 13, 2022) (The district requested an extension to the 2021 educational year one month after the deadline in January of 2022 due to management overlooking a deadline. The Commission found that good cause was not presented, and the request was denied. The Commission also noted in this case that good cause was enacted to address hardships such as illness and dire circumstances.).

certain obligations. Ideally, the record would be replete with evidence of good cause, while that is not the case here, the Commission finds sufficient evidence of record that, in this specific case, the motion presents good cause for the extension.

Corinth District and Commissioner Kennedy's May 31, 2024 application sought an extension of the 2023 educational year to satisfy the training requirements set forth in KRS 74.020(6).<sup>7</sup> The application requested an extension, through June 30, 2024, to allow Commissioner Kennedy to attend a PSC-hosted training scheduled to take place on June 18–19, 2024 at Carter Caves State Park. Pursuant to the Order entered July 12, 2024, Commissioner Kennedy received 12 hours of training at this conference.<sup>8</sup> Pursuant to the findings above, the Commission finds that Commissioner Kennedy should be granted an extension pursuant to KRS 74.020(9), authorizing the application of six hours of training earned in Case No. 2024-00209 to satisfy her 2023 training requirement and six hours to her 2024 requirement.

IT IS THEREFORE ORDERED that:

1. The Corinth District and Commissioner Kennedy's rehearing petition is granted.
2. Pursuant to KRS 74.020(9), Commissioner Kennedy is granted an extension of time, through June 30, 2024, to obtain the training required by KRS 74.020(6) for the 2023 educational year.
3. This case is closed and removed from the Commission's docket.

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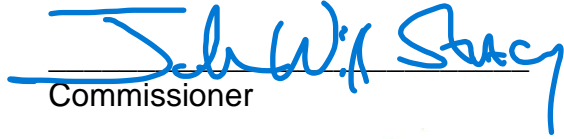
<sup>7</sup> Corinth District's Application for an Extension (filed May 31, 2024).

<sup>8</sup> Case No. 2024-00209, *Electronic Accreditation and Approval of a Public Service Commission Water Personnel Training Seminar as a Water District Commissioner Training Program* (Ky. PSC July 12, 2024), Order.

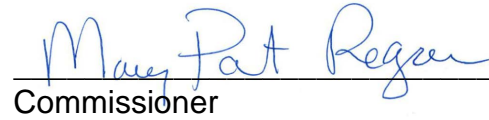
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner



ATTEST:



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