

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF NICHOLAS )	
COUNTY WATER DISTRICT, AND ITS )	
INDIVIDUAL COMMISSIONERS SILAS CLEAVER, )	
PHILLIP MCDONALD, DAVID TINCHER, DEBBIE )	CASE NO.
HIGGINBOTHAM, WENDY SPARKS, AND )	2025-00349
MANAGER TARA DUNCAN TO COMPLY WITH )	
KRS 278.140, 807 KAR 5:006, SECTION 4(1), 807 )	
KAR 5:006, SECTION 4(2), 807 KAR 5:001, )	
SECTION 4(3) )	

ORDER

On December 11, 2025, the Commission initiated this proceeding to investigate the alleged failure of Nicholas County Water District (Nicholas District), its commissioners, and manager to file the 2024 Gross Annual Operating Revenue Report; the 2023 and 2024 Financial and Statistical Reports; and the 2022, 2023, and 2024 Financial Statement Audit Reports. The Commission ordered that Nicholas District and each of the individually named commissioners, acting in their respective official and individual capacities as officers of Nicholas District’s board of commissioners (Board), as well as Nicholas District’s manager to submit individual written responses to the allegations contained in the Order within 20 days of the date of service of that Order, including but not limited to any written testimony or documentation that would dispute the allegations.

On December 29, 2025, Nicholas District; Nicholas District’s Board members Silas Cleaver, III, Phillip McDonald, David Tincher, and Justin Massey; and its manager Tara George (formerly Duncan) filed the required response. In the response Nicholas District

acknowledged its failure to file the 2024 Report of Gross Annual Operating Revenue;<sup>1</sup> its Annual Financial and Statistical Reports for 2022, 2023, and 2024;<sup>2</sup> and its 2022, 2023, and 2024 Audit Reports.<sup>3</sup> Nicholas District also provided a history of the causes of those failures, which included both struggles with securing a financial firm to perform the audits as well as issues with a former office manager, ultimately ending in that manager's resignation.<sup>4</sup> Tara George; Silas Cleaver, III; Philip McDonald; and David Tincher also tendered responses as part of the December 29, 2025 Nicholas District filing.<sup>5</sup>

As part of Nicholas District's response, it stated that Manager Tara Duncan's name changed to Tara George,<sup>6</sup> that Debbie Higginbotham and Wendy Sparks no longer serve on the Board, and thus Nicholas District requested that they be dismissed from this proceeding.

Nicholas District listed its current Board members as:

- Chairman, Silas Cleaver, III, who has served on the Board since 2014.
- Secretary, Phillip McDonald, who has served on the Board since 2015.
- Commissioner, David Tincher, who has served on the Board since 2018.
- Commissioner, Kenton Holbrook, who was appointed to the Board in 2023; and

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<sup>1</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 2.

<sup>2</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 3.

<sup>3</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 3.

<sup>4</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 4.

<sup>5</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 5–8.

<sup>6</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 1.

- Commissioner, Justin Massey, who was appointed to the Board in June of 2025.<sup>7</sup>

Based on Nicholas District's response, the Commission finds that Debbie Higginbotham, and Wendy Sparks should be dismissed from this proceeding, and that Kenton Holbrook, and Justin Massey should be made parties to this proceeding. Kenton Holbrook and Justin Massey should submit individual written responses to the allegations contained in the Commission's December 11, 2025 Order within 20 days of the date of service of this Order, including but not limited to any written testimony or documentation that would dispute the allegations, and should comply with all other requirements of the Commission's December 11, 2025 Order. The Commission further finds that due to the change of listed parties and Tara Duncan's name change, the case heading should be amended to reflect those changes.

IT IS THEREFORE ORDERED that:

1. Debbie Higginbotham is dismissed as a party to this proceeding.
2. Wendy Sparks is dismissed as a party to this proceeding.
3. Kenton Holbrook is joined as a party to this proceeding.
4. Justin Massey is joined as a party to this proceeding.
5. Kenton Holbrook and Justin Massey, acting in their respective official and individual capacities as officers of Nicholas District's Board, shall submit individual written responses to the allegations contained in the Commission's December 11, 2025 Order

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<sup>7</sup> Nicholas District's Response to Commission Order (filed Dec. 29, 2025) at 2.

within 20 days of the date of service of this Order, including but not limited to, any written testimony or documentation that would dispute the allegations.

6. Kenton Holbrook and Justin Massey shall comply with all requirements ordered in the Commission's December 11, 2025 Order.

7. The case heading for this proceeding shall now read:

ELECTRONIC ALLEGED FAILURE OF NICHOLAS COUNTY WATER DISTRICT, AND ITS INDIVIDUAL COMMISSIONERS SILAS CLEAVER, PHILLIP MCDONALD, DAVID TINCHER, KENTON HOLBROOK, JUSTIN MASSEY, AND MANAGER TARA GEORGE TO COMPLY WITH KRS 278.140, 807 KAR 5:006, SECTION 4(1), 807 KAR 5:006, SECTION 4(2), 807 KAR 5:001, SECTION 4(3)

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Entered on this 4th day of May, 2026.

PUBLIC SERVICE COMMISSION




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Angie Hatton  
Chair



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Mary Pat Regan  
Commissioner



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Andrew W. Wood  
Commissioner

ATTEST:



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Linda C. Bridwell, PE  
Executive Director

## Service List for 2025-00349

Silas Cleaver  
Commissioner  
Nicholas County Water District  
1639 Old Paris Road  
Carlisle, KY 40311

Justin Massey  
Nicholas County Water District  
1639 Old Paris Road  
Carlisle, KY 40311

David Tincher  
Commissioner  
Nicholas County Water District  
1639 Old Paris Road  
Carlisle, KY 40311

Phillip McDonald  
Commissioner  
Nicholas County Water District  
1639 Old Paris Road  
Carlisle, KY 40311

Kenton Holbrook  
Nicholas County Water District  
1639 Old Paris Road  
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\* Honorable Damon R Talley  
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\* Nicholas County Water District  
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\* Tara Duncan  
Manager  
Nicholas County Water District  
1639 Old Paris Road  
Carlisle, KY 40311

\* Denotes served by Email

\* Tina C. Frederick  
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