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MEMORANDUM

TO: PSC Staff, for dissemination

FROM: Rebecca Goodman, Secretary, Energy and Environment Cabinet

DATE: July 31, 2020

Re: COVID-19, State of Emergency
Requests for Temporary Regulatory Flexibility

As a result of the current novel coronavirus (COVID-19) emergency and under the authority delegated to me pursuant to KRS Chapter 39A and the Governor's Executive Orders, including Executive Orders 2020-243 and 2020-257, having been duly advised by the Kentucky Public Service Commission, I am implementing the following provisions in order to accommodate necessary services during the emergency.

Regulatory Impacts from COVID-19

Pursuant to KRS 74.020(8)(b), within twelve (12) months of initial appointment, water district commissioners must complete a specific instruction program conducted by the Kentucky Public Service Commission (PSC). The PSC's program must be provided annually, is for at least twelve (12) hours of instruction, and includes training on "the laws governing the management and operation of water districts and other subjects that the Public Service Commission deems appropriate."¹ If a newly appointed water district commissioner is unable to attend the program within a year of their appointment, he or she is required by law to "forfeit his or her office and all right to act in discharge of the duties of the office."² Although the PSC is only required to provide this program once a year, historically it has provided it multiple times, and in varying areas of the Commonwealth. The PSC's practice of providing multiple programs for newly appointed

¹ KRS 74.020(8)(a).

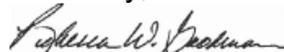
² KRS 74.020(8)(b).

water district commissioners to complete their training ensures a number of opportunities, with minimal effort and expense, for commissioners to satisfy their legal requirements.

The PSC had to cancel training scheduled for April as a result of the COVID-19 emergency. Currently, the PSC is scheduled to conduct two-day water district commissioner training programs in September, October and December 2020. Given the impact of COVID-19, the cancellation of the April training, newly appointed water district commissioners' reasonable dependence on the PSC's historic use of and plan to conduct four (4) trainings each calendar year, and the negative effect of having multiple water districts lose otherwise qualified commissioners, an issue exists in this respect.

As such, the time period referenced within KRS 74.020 (8)(b) of twelve (12) months shall be amended to eighteen (18) months for any Commissioner appointed after April 15, 2019. Given the PSC's currently planned training programs for September, October and December 2020, and understanding that the only cancelled two-day program was the April training, 18 months should ensure any newly appointed water district commissioner that otherwise was unable to comply with the training programs required by law is still afforded the opportunity to do so.

Sincerely,



Rebecca W. Goodman
Secretary