

7th Annual Water Law Series

Presented by

Kentucky Rural Water Association • Utility Leadership Institute Stoll Keenon Ogden PLLC

Holiday Inn University Plaza | Sloan Convention Center
Bowling Green, Kentucky

October 26, 2022

7:45 - 8:25 Registration and Refreshments

8:25 - 8:30 Welcome and Program Overview – Scott Young

8:30 - 9:30 Recent Developments in Utility Regulation – Damon Talley

This presentation reviews recent developments in public utility law and regulation. Topics include unaccounted water loss, revisions to the Sales Tax laws concerning “Residential” exemptions, borrowing money, compliance with PSC Orders, keeping Minutes, and laws enacted by the 2022 General Assembly. The presenter will also examine and discuss recent court and PSC decisions.

9:30 - 9:45 BREAK

9:45 - 10:45 Sexual Harassment and Respectful Workplace – Elizabeth S. Muyskens

Board members have a duty to adopt, periodically review, and oversee the enforcement of its policies. One such policy that is coming under close scrutiny is the duty of a utility to maintain a safe, respectful workplace that is free from unlawful discrimination, harassment, or retaliation for all employees. This presentation discusses the role of the Board and the role of Management in developing and implementing these best practices to foster a workplace environment that is the envy of other utilities.

10:45 - 11:00 BREAK

11:00 - 12:00 What to Expect During a Rate Study – Robert K. Miller

This presentation is focused on the responsibilities of water district commissioners during a rate study. It defines a rate study; describes the first steps of getting started with a rate study; describes three types of rate studies in some detail; provides lessons learned for water district commissioners to consider; and differentiates the water district Board of Commissioners’ role from the PSC’s role.

12:00 - 1:00 LUNCH (Provided On-Site)

AFTERNOON AGENDA

1:00 - 2:00 Disaster Preparedness for Water Utilities

Greg Heitzman and Joe Burns

Small water systems in Kentucky are often not prepared for a natural disaster like the December 2021 Western Kentucky tornados or the July 2022 Eastern Kentucky flooding impacting water systems in five (5) counties. This presentation will provide a summary of the challenges faced by small, remote water utilities, and how KRWA and Kentucky WARN responded with mutual aid resources from utilities, state agencies, and non-profit organizations. Participating utilities provided support for infrastructure assessment, repair and operations. WaterStep worked with DOW and Kentucky Public Health to provide mobile water treatment to remote communities without access to potable water. A summary of lessons learned from these experiences will help utilities prepare for future natural disasters.

2:00 - 2:15 BREAK

2:15 - 3:15 Hot Water Topics – Sarah Jarboe, Beth Spinks, and John West

This presentation focuses on bringing attendees up-to-date on environmental law issues that impact water and wastewater utilities. Topics that will be addressed include EPA's recent Lead and Copper Rule Revisions guidance, the evolving PFAS landscape, the Biden Administration's proposed rule to once again change the definition of Waters of the U.S., developments in Clean Water Act point source liability for discharges via groundwater and 401 water quality certification, and the recently published proposed rule to change aspects of the Risk Management Program.

3:15 - 3:25 BREAK

3:25 - 4:25 Everything You Wanted to Know About CPCN's and Debt Authorizations, But Were Afraid to Ask the PSC – Gerald Wuetcher

This presentation reviews all aspects of Certificates of Public Convenience and Necessity, including when a CPCN is needed, extensions in the ordinary course of business, preparing the Application, and tips for obtaining an expedited review of the CPCN Application. It also discusses when a water district must obtain PSC approval before issuing any securities or evidence of indebtedness.

4:25 - 4:30 Closing Remarks & Administrative Announcements – Scott Young