

9th ANNUAL UTILITY LAW SERIES

October 24, 2024

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



MORNING AGENDA

7:45 – 8:25

REGISTRATION AND REFRESHMENTS

8:25 – 8:30

Welcome and Program Overview | Scott Young

8:30 – 9:30

Everything you wanted to know about Certificates of Public Convenience and Necessity and Debt Authorizations but were afraid to ask the PSC | Gerald Wuetcher

This presentation reviews the statutory law surrounding the construction of utility facilities and the issuance of debt. It will focus on what utility actions require a certificate of public convenience and necessity and the exceptions to the general requirement for a certificate of public convenience and necessity. It will also identify those debt issuances and contractual obligations that require prior Commission authorization and exceptions to the requirement for prior Commission authorization. The presentation will also provide practical suggestions on preparing applications for such relief to assist Commission Review and minimize the time required to obtain Commission approval.

9:30 – 9:45

BREAK

9:45 – 10:45

Asset Management and Financing | Robert K. Miller

This presentation discusses the different facets of Asset Management, including taking inventory of a utility's assets, determining the condition, reliability, and critical nature of the assets, and building an Asset Management Plan. In addition, a long-term funding strategy will be discussed.

10:45 – 11:00

BREAK

11:00 – 12:00

Hot Environmental Law Topics | Sarah Jarboe and Joye Beth Spinks

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 the evolving PFAS landscape, Waters of the U.S. and the scramble to revise the definition following the recent Sackett decision by the Supreme Court, and a new Supreme Court challenge ending deference to federal agencies in interpreting statutes. Presenters will also provide status updates on EPA's Lead and Copper Rule, 401 water quality certification, and the proposed rule to change aspects of the Risk Management Program.

12:00 – 1:00

LUNCH (Provided On-Site)

PRESENTED BY:



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AFTERNOON AGENDA

1:00 – 2:00

Relations with the Public Service Commission: Best Practices for Maintaining Positive Interaction | Tina Frederick

This presentation focuses on the practices that utilities can undertake to ensure good and effective relations with the Commission. The presentation will review the challenges that the Commission currently faces, common mistakes that utilities make when seeking relief from the Commission, the importance of carefully reviewing and complying with Commission orders, and the importance of compliance with regulatory filing deadlines. It will also discuss how the Commission reviews applications for relief and what filers should generally expect.

2:00 – 2:15

BREAK

2:15 – 3:15

Recent Developments in Utility Regulation | Damon Talley

This presentation reviews recent developments in public utility law and regulation. Topics include unaccounted water loss, borrowing money, compliance with PSC Orders, and PSC Investigations, and keeping minutes of Board meetings. The presenter will also examine and discuss recent court and PSC decisions.

3:15 – 3:25

BREAK

3:25 – 4:25

Legal Issues in the Operation & Management of Water and Wastewater Utilities: A Panel Discussion | Damon Talley and Tina Frederick

A panel of attorneys will entertain audience questions regarding frequently recurring legal issues faced by water and wastewater utilities. Discussion is expected to address KRS Chapter 74 and its effects on the management and operation of water districts, as well as other highly relevant statutory provisions, such as the Claims against Local Government Act, Bidding Requirements provision of KRS Chapter 424, Eminent Domain, Local Model Procurement Law, Whistle Blowers Act, and general laws related to special districts. PSC regulatory requirements will also be discussed.

4:25 – 4:30

Closing Remarks & Administrative Announcements | Scott Young

PRESENTED BY:

