

# 8th ANNUAL UTILITY LAW SERIES

OCTOBER 26, 2023

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**

**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. The presenter will also examine and discuss recent court and PSC decisions.

**9:30 - 9:45**

**BREAK**

**9:45 - 10:45**

**What the 2023 General Assembly Did for Utilities | Cameron F. Myers**

The 2023 Kentucky General Assembly enacted several laws which affect certain utilities: HB 522 (increasing bidding threshold); and SB 263 (Regionalization). It also amended HB 8 enacted by the 2022 General Assembly concerning the residential sales tax exemption for utility customers. The presenter will discuss all these legislative changes and how they will impact utilities.

**10:45 - 11:00**

**BREAK**

**11:00 - 12:00**

**Working Effectively with Your Board | Robert Miller**

This presentation addresses the role of a utility General Manager, the role of the Board, and how they should work harmoniously to benefit the utility. In particular, the presenter will guide the Board members in understanding their role, performing their role, and improving their performance. The presentation will focus on the Board's oversight, policy making, strategic planning and emergency preparedness role.

**12:00 - 1:00**

**LUNCH (Provided On-site)**



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## AFTERNOON AGENDA

**1:00 - 2:00**

### **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 the evolving PFAS landscape, the Biden Administration's rule defining Waters of the U.S. and its scramble to revise the definition following the recent Sackett decision by the Supreme Court, and a new Supreme Court challenge to 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.

**2:00 - 2:15**

**BREAK**

**2:15 - 3:15**

### **Tariffs: Practical Considerations** | Gerald Wuetcher

Water and Sewer utility tariffs offer a unique opportunity for those utilities to structure their relationship with their customers. This presentation highlights various provisions that a water or sewer utility should include as part of a tariff to protect against financial and legal liability as well as avoid common customer disputes. In the first portion of his presentation, the presenter will discuss the statutory and regulatory framework for water and sewer utility tariffs and the process by which a tariff may be revised. The presentation will conclude with some practical suggestions for improving the tariff of a water or sewer utility. Recent PSC decisions on tariff matters will also be discussed.

**3:15 - 3:25**

**BREAK**

**3:25 - 4:25**

### **Legal Issues in the Operation & Management of Water & Wastewater Systems:**

#### **A Panel Discussion** | Damon Talley and Gerald Wuetcher

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**

