



Bill Proposes to Expand the Kentucky Public Service Commission and Siting Board

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Last week, the Kentucky legislature proposed expanding the Kentucky Public Service Commission (PSC) with Senate Bill (SB) 8, introduced by Senate President Robert Stivers. The bill would increase the number of commissioners appointed to the PSC from three to five and impose minimum qualifications for commissioners.

Currently, the PSC consists of three members appointed by the governor, whom are then confirmed by the Kentucky Senate. SB 8, as proposed, would still require the governor to appoint three commissioners, but would now authorize the state auditor to appoint two additional commissioners.

SB 8 also establishes minimum qualifications for commissioners. Under current law, the governor “shall consider the various kinds of expertise relevant to utility regulation and the varied interests to be protected by the commission,” but “no two members shall be of the same occupation or profession.” Under SB 8, the governor’s three appointees must satisfy the following new requirements:

- One must be a licensed attorney who has practiced law in Kentucky for at least seven years; and
- The two remaining appointees must have education or training, and five years of actual experience in one or more of the following fields: economics, engineering, accounting, finance, utility regulation, pipeline or utility infrastructure safety; business management; or environmental management.

The state auditor’s two appointees must satisfy the following requirements:

- One must have at least five years’ actual experience as a consumer advocate; and
- One must have the same educational or training and experiential qualifications as required for the governor’s non-lawyer appointees.

All appointments and reappointments will continue to require Senate confirmation. Additionally, SB 8 retains the requirement that no two members of the PSC shall have the same occupation but adds that “no more than three commissioners shall be of the same political party,” injecting a partisan element which was previously absent.

SB 8 would also impose term limits on PSC commissioners. Current law provides a four-year term and does not include term limits. SB 8 would limit commissioners to three total terms of four years each, thus setting a maximum of 12 years of service with the PSC.

Note that commissioners also act as members of the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”), which regulates non-jurisdictional electrical generation facilities and transmission lines. SB 8 will expand the Siting Board from seven to nine members to account for the two additional appointees.

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