

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF LONGVIEW LAND	)	CASE NO.
COMPANY, LLC TO FILE REQUIRED	)	2012-00499
REPORTS	)	

ORDER

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission, on or before March 31 of each year, a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.990 provides penalties for utilities that fail to file the required reports.

Longview Land Company, LLC ("Longview") owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the collection, transmission, or treatment of sewage for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.<sup>1</sup>

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or any Commission regulation shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.00.

On December 15, 2011, the Commission provided to Longview the standard forms for the annual financial and statistical reports. According to Commission records, Longview

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<sup>1</sup> KRS 278.010(3)(d) and KRS 278.010(3)(f).

has yet to file its sewer annual reports for the 2011 calendar year. The absence of this report is *prima facie* evidence that Longview willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

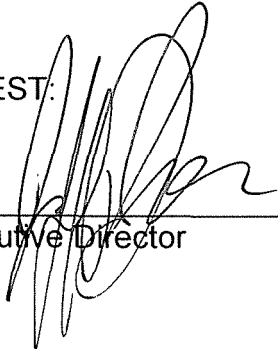
1. Longview shall file with the Commission, no later than December 20, 2012, its sewer annual report for the 2011 calendar year.

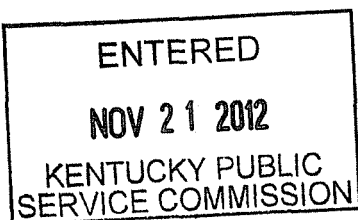
2. Longview shall appear on January 23, 2013, at 11:00 a.m. Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of showing cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with 278.230(3).

3. If Longview desires to waive its right to a hearing in this matter, it shall, no later than December 20, 2012, file the required report and pay a penalty of \$250.00. Payment of the penalty shall be made by certified check or money order made payable to the Kentucky State Treasurer, Commonwealth of Kentucky, and shall be delivered to the Office of General Counsel, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615.

By the Commission

ATTEST:

  
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Executive Director



R. Brad Pulliam  
Longview Land Company, LLC  
710 East Main Street  
Lexington, KY 40502