

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF GEARHEART)	
COMMUNICATIONS, INC. DBA COALFIELDS)	
TELEPHONE COMPANY FOR AUTHORITY TO)	CASE NO.
ISSUE INDEBTEDNESS PAYABLE AT PERIODS)	2016-00397
OF MORE THAN TWO (2) YEARS FROM THE)	
DATE THEREOF)	

ORDER

On November 17, 2016, Gearheart Communications, Inc. d/b/a Coalfields Telephone Company (“Coalfields”), filed with the Commission an application requesting Commission approval of an application to issue indebtedness (“Application”). In the Application, Coalfields requests deviation from the filing requirements of 807 KAR 5:001, Section 12 (2)(h).¹

807 KAR 5:001, Section 12(2)(h), requires the filing of, “[t]he rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year” Coalfields requests deviation from the requirement stating that it “does not maintain 12-month rolling financial statements in a form that would allow it to capture the 12-month period from November 2015 through October 2016,” and it would be impractical to create such statements.²

It appears from the Application and request for deviation that Coalfields has mistakenly requested deviation from the wrong filing regulation. Based upon its

¹ Application at 6.

² *Id.*

request, it appears that Coalfields is actually requesting relief from the requirements of 807 KAR 5:001, Sections 12(1)(a) and (2)(i). 807 KAR 5:001, Section 12(1)(a), requires, *inter alia*, that the information provided in a financial exhibit attached to an application cover operations for a 12-month period, with that period ending not more than 90 days prior to the date the application is filed. 807 KAR 5:001, Section 12(2)(i), requires the filing of “[a] detailed income and balance sheet” covering the 12-month period prior to the filing of the application, consistent with 807 KAR 5:001, Section 12(1)(a). Coalfields included in the financial exhibit to the Application a detailed income statement and balance sheet for the ten-month period ending October 2016 and notes that its 2015 income statements and balance sheet are on file with the Commission.

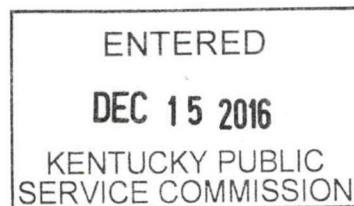
It is evident to the Commission that Coalfields intended to request deviation from the filing requirements of 807 KAR 5:001 Sections 12(1)(a) and (2)(i), not 807 KAR 5:001, Section 2(h). Therefore, the Commission will treat Coalfields’ request as a request to deviate from the filing requirements of 807 KAR 5:001, Section 12(1)(a) and (2)(i), to the extent that the income statements and balance sheets do not cover a 12-month period.

Based upon the foregoing, the Commission finds that Coalfields should be granted deviation from 807 KAR 5:001, Sections 12(1)(a) and (2)(i), to the extent that the income statements and balance sheet do not cover a 12-month period. The information for the remainder of the 12-month period, if needed, is already on file with the Commission in the form of Coalfields’ 2015 income statements and balance sheet.

IT IS THEREFORE ORDERED that:

1. Coalfields is granted deviation from 807 KAR 5:001, Sections 12(1)(a) and (2)(i), to the extent that the income statements and balance sheets do not need to cover a 12-month period.
2. Coalfields' Application is deemed filed from the date of this Order.

By the Commission



ATTEST:


Executive Director

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