

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TONY BROWNING D/B/A )  
HERRINGTON HAVEN SEWER SYSTEM, INC. )  
 )  
\_\_\_\_\_ ) CASE NO. 93-051  
 )  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.230(3) )

O R D E R

Tony Browning, doing business as Herrington Haven Sewer System, Inc., which owns, controls, operates, and manages a subdivision treatment facility plant in Garrard County, Kentucky which is used for and in connection with the treatment of sewage for the public for compensation. He is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(f).

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. Commission Regulation 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(1) states that any utility which willfully violates any provision of KRS Chapter 278 or Commission regulation shall be subject to a civil penalty not less than twenty-five

dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500).

On January 2, 1992, the Commission provided to Browning the standard forms for the annual financial and statistical report. According to Commission records, Browning has yet to file his financial and statistical report for the 1991 calendar year with the Commission. The absence of this report from Commission records constitutes prima facie evidence that Browning has willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. Browning shall file with the Commission, no later than March 15, 1993, its financial and statistical report for the 1991 calendar year.


2. Browning shall appear on April 14, 1993, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause, if any he can, why he should not be subjected to the penalties of KRS 278.990 for his failure to comply with KRS 278.230(3).

3. If Browning desires to waive his right to a hearing in this matter, he shall, no later than April 1, 1993, file the required report and pay a penalty of \$250. Payment of the penalty shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be delivered to Executive Director, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

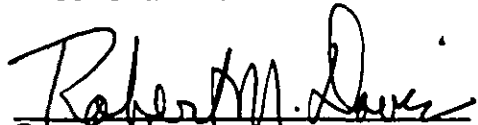
Done at Frankfort, Kentucky, this

12th day of February, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director