

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF ELAM UTILITY)	
COMPANY, INC.)	
_____)	CASE NO. 99-107
)	
ALLEGATION OF VIOLATION OF)	
KRS 278.160(2) AND 807 KAR 5:011,)	
SECTION 6, FOR COLLECTING RATES)	
NOT AUTHORIZED IN ITS FILED TARIFF)	

O R D E R

On March 26, 1999, the Commission issued an Order to Elam Utility Company, Inc. ("Elam") to show cause why it should not be penalized for violation of KRS 278.160(2) in that Elam charged and collected rates that were not authorized in its filed tariff. In that Order the Commission required Elam to refund the illegally collected revenues within 30 days of March 26, 1999. The Commission also set a show cause hearing for May 12, 1999 to assess a penalty for the violation as set out in KRS 278.990(1). The Commission found that the only issue to be decided by the Commission is the penalty, if any, to be imposed, pursuant to KRS 278.990, upon Elam for this violation. On April 2, 1999, Elam filed a response to the Commission's Order stating that Elam has refunded the overcharge, but requesting correction of a mathematical error in refund amounts and dismissal of any penalty to be imposed.

The Commission finds that an informal conference should be held to clarify all issues before the Commission.

The Commission, on its own motion, HEREBY ORDERS that:

1. Elam shall appear before the Commission on April 28, 1999, at 10:30 a.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of an informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding.

2. Elam shall bring all documents to support its position and shall be represented by a corporate officer authorized to enter into any settlement agreement.

Done at Frankfort, Kentucky, this 14th day of April, 1999.

By the Commission

ATTEST:

Executive Director