

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE OF)
AMERICAN BROADBAND, INC. TO FILE) CASE NO. 2011-00333
REQUIRED REPORTS)

ORDER

On October 12, 2011, the Commission ordered American Broadband, Inc. ("American Broadband") to show cause why it should not be penalized for failing to comply with KRS 278.140. A hearing in this matter was held on October 27, 2011. No representative appeared on behalf of American Broadband. On December 7, 2011, American Broadband submitted its 2010 Long Distance Carrier gross operating report and proposed to pay a penalty of \$500 to resolve any penalties for failure to comply with KRS 278.140.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. American Broadband is a Kentucky corporation that transmits or conveys over wire, in air, or otherwise, messages by telephone for the public for compensation in the Commonwealth of Kentucky. It is therefore a utility subject to Commission jurisdiction.¹

¹ KRS 278.010(3)(e).

2. KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings of receipts derived from intrastate business for the preceding calendar year.

3. On or about January 4, 2011, the Commission mailed to American Broadband at its address of record the Commission's standard form for the annual financial and statistical report, two copies of the Commission's standard form for report of gross earnings derived from intrastate business, and a letter of instruction to complete the forms for the 2010 calendar year operations.

4. As of April 1, 2011, American Broadband had not filed the Long Distance Carrier gross operating report for the 2010 calendar year operations nor requested an extension of time in which to make such filing.

5. On December 7, 2011, American Broadband filed its report of gross earnings derived from intrastate business for its 2010 calendar year operations and has proposed to pay a penalty of \$500.00 to resolve all outstanding issues related to its obligations.

6. American Broadband violated KRS 278.140 when failing to file, on or before March 31, 2011, a report of its gross earnings of receipts derived from intrastate business for the calendar year 2010.

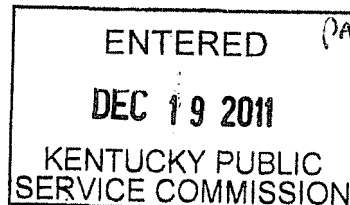
7. American Broadband's settlement proposal to resolve all outstanding issues is reasonable and should be accepted.

8. American Broadband should be assessed a penalty of \$500 for its failure to comply with KRS 278.140.

IT IS THEREFORE ORDERED that:

1. American Broadband's settlement proposal is accepted.
2. American Broadband is assessed a penalty of \$500.00 for its failure to comply with KRS 278.140.
3. This case is closed and shall be removed from the Commission's docket.

By the Commission



ATTEST:

A handwritten signature in black ink, appearing to be "M. O. Her", written over a horizontal line.

Executive Director

Case No. 2011-00333

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