

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CITY OF LIBERTY GAS COMPANY	)	
_____	)	
ALLEGED FAILURE TO COMPLY	)	CASE NO.
WITH KRS 278.495 AND 49 C.F.R. PART 192	)	2017-00053

ORDER

On February 6, 2017, the Commission initiated this proceeding and directed the City of Liberty Gas Company to show cause why it should not be subject to the penalties prescribed in KRS 278.992(1) for alleged violations of 49 C.F.R. Section 192.723(b)(1), 49 C.F.R. Section 192.723(b)(2), and 49 C.F.R. Section 192.605(a) for failure to perform required periodic leakage surveys. By Order entered February 28, 2017, the Commission joined the City of Liberty, Kentucky (“City” or “Liberty”) as a party to this proceeding. By Order entered March 9, 2017, the Commission amended its February 6, 2017 Order to reflect Liberty’s potential violation of 49 C.F.R. Section 192.603(b) and 807 KAR 5:022 for an alleged failure to retain records of leakage surveys.

Prior to initiating this show cause case, the Commission conducted an investigation to examine Liberty’s compliance with federal pipeline safety requirements for conducting leakage surveys. The basis for that investigation, which was docketed as Case No. 2016-00391,<sup>1</sup> was deficiencies cited in the periodic inspections conducted

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<sup>1</sup> Case No. 2016-00391, *City of Liberty Gas Company Compliance with KRS 278.495 and 49 C.F.R. Part 192* (Ky. PSC Dec. 1, 2016).

by Commission Staff in 2012, 2015, and 2016. Based upon the evidence adduced in the record of that investigation, the Commission initiated this show cause case.

Liberty responded to two rounds of discovery in this matter. An evidentiary hearing was held on March 29, 2017, and Liberty filed its responses to post-hearing data requests. The matter now stands submitted to the Commission for a decision.

### BACKGROUND

Liberty owns and operates a gas distribution system that is subject to Commission jurisdiction pursuant to KRS 278.495(2) and KRS 278.992(1). Liberty's gas system serves 650 customers,<sup>2</sup> with annual revenues in fiscal year 2015 of \$1,142,572 and 2015 annual operating expenses of \$849,036.<sup>3</sup> Under KRS 278.495(2), the Commission is authorized to regulate the safety of natural gas facilities used to distribute natural gas at retail that are owned or operated by any city. KRS 278.495 also authorizes the Commission to enforce the minimum safety standards adopted by the United States Department of Transportation ("USDOT") pursuant to federal pipeline safety laws. KRS 278.992(1) authorizes the Commission to assess a civil penalty for the violation of federal pipeline safety laws.

The USDOT minimum safety standards set forth in 49 C.F.R. Section 192.723(b)(1), require Liberty to perform a leakage survey within its business district "at intervals not exceeding 15 months, but at least once each calendar year." In areas outside a business district, 49 C.F.R. Section 192.723(b)(2) requires that a leakage survey be conducted "as frequently as necessary, but at least once every 5 calendar

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<sup>2</sup> City of Liberty's Response ("Liberty's Mar. 7, 2017 Response") (filed Mar. 7, 2017), at 4.

<sup>3</sup> City of Liberty's Response to Commission Staff's First Request for Information, Item 1.

years at intervals not exceeding 63 months.” However, pursuant to 49 C.F.R. Section 192.605(a), which requires Liberty to prepare and follow written procedures for conducting operations and maintenance activities, and Liberty’s operating and maintenance plan (“O&M Plan”), Liberty is required to conduct leakage surveys outside its business districts every three years.<sup>4</sup> Under 49 C.F.R. Section 192.603(b) and Liberty’s O&M Plan, Liberty is required to maintain a record of leakage surveys to “document the areas surveyed and results.”<sup>5</sup>

### DISCUSSION

Pursuant to KRS 278.495, Commission Staff conducts periodic inspections of gas systems subject to the Commission’s jurisdiction to ensure compliance with federal pipeline safety standards and requirements. As documented by periodic inspections conducted by Commission Staff, Liberty has been cited for repeated failure to perform required leakage surveys.

After conducting a periodic inspection on March 21, 2007, Commission Staff cited Liberty for failure to perform required leakage surveys.<sup>6</sup> In its findings, Commission Staff noted that Liberty had not performed a leakage survey since 2003 and that this was a repeat deficiency.<sup>7</sup> In response to the citation, Liberty stated that it experienced a change in management, and that the new management had not been

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<sup>4</sup> Liberty Hearing Exhibit 1, Liberty’s O&M Plan (“Liberty Hearing Exhibit 1”), at 19.

<sup>5</sup> *Id.* at p. 21.

<sup>6</sup> Commission Hearing Exhibit 6, Utility Inspection Report (“Inspection Report”) (Ky. PSC Mar. 26, 2007), at 2 of 2.

<sup>7</sup> *Id.*

aware of the leakage survey regulations.<sup>8</sup> Liberty further stated that, because of being made aware of the requirements, it “will now be sure that the leakage survey is performed according to our O&M manual.”<sup>9</sup> On July 20, 2007, Commission Staff conducted a follow up inspection and found that Liberty performed the required leakage survey in response to the March 2007 Inspection Report.

On May 27, 2009, Commission Staff conducted a periodic inspection and again cited Liberty for failing to conduct the required leakage survey in the business district.<sup>10</sup> Having conducted leakage surveys within and outside its business district in 2007, Liberty was required to perform a leakage survey within its business district in 2008, but would not have been required to perform a leakage survey outside its business district until 2010. In its response, Liberty admitted that it failed to perform the required leakage survey within the business district in 2008.<sup>11</sup> Liberty stated that it would have a third party perform annual leakage surveys and that the maintenance supervisor would ensure that the leakage surveys were performed every year.<sup>12</sup> Liberty contracted with Heath Consultants, Inc. (“Heath”) to perform the leakage surveys, which were

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<sup>8</sup> Commission Hearing Exhibit 6, Liberty Response to Deficiency Tracking Report (filed May 2, 2007), at 1.

<sup>9</sup> *Id.*

<sup>10</sup> Commission Hearing Exhibit 4, Inspection Report (Ky. PSC May 29, 2009), at 2.

<sup>11</sup> Commission Hearing Exhibit 5, Liberty Response to Deficiency Tracking Report (filed July 16, 2009), at 4.

<sup>12</sup> *Id.*

performed between October 19, 2009, and November 6, 2009. While performing the leakage surveys, Heath found eight Grade 1 leaks and 12 Grade 2 leaks.<sup>13</sup>

Commission Staff conducted another periodic inspection of Liberty in March 2012 and marked Liberty in compliance with leakage survey requirements. However, subsequent inspections performed by Commission Staff do not support that finding. Further, in its responses to the subsequent inspections, Liberty stated that it had not performed leakage surveys since 2009.<sup>14</sup> In this matter, Liberty stated that it was possible that its then-gas supervisor was performing these surveys himself, but that the gas supervisor passed away in 2014 and Liberty “has not located any records of any leak surveys being performed by City employees (or a third party) during this time period.”<sup>15</sup> Liberty subsequently offered that it “has skepticism” that its gas supervisor performed the leakage surveys himself, asserting that he would have kept records if the surveys had been performed, and that Liberty offered the information as a “possible explanation to a discrepancy” between its records and the 2012 Inspection Report.<sup>16</sup>

On July 6–10, 2015, Commission Staff conducted a periodic inspection of Liberty and again cited Liberty for failing to perform the required leakage surveys in the

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<sup>13</sup> Video Transcript of Hearing (“H.V.T.”) at 3:52:22, 3:58:33. A Grade 1 gas leak must be repaired immediately because it represents an existing or probable hazard to persons or property. A Grade 2 gas leak is non-hazardous at the time of detection, but, due to probable future hazard, must be scheduled for repair after Grade 1 leaks are repaired.

<sup>14</sup> Case No. 2017-00053, *City of Liberty Gas Company Alleged Failure to Comply with KRS 278.495 and 49 C.F.R. Part 192*, Order (Ky. PSC Feb. 6, 2017) (“Feb. 6, 2017 Order”), Appendix A, Letter dated September 16, 2015, from City of Liberty to the Commission, and Letter dated September 13, 2016, City of Liberty, to the Commission.

<sup>15</sup> Liberty’s Mar. 7, 2017 Response, at 2, FN 1.

<sup>16</sup> City of Liberty’s Response to Order Dated March 9, 2017 (filed Mar. 16, 2017), at 2.

business district and outside the business district.<sup>17</sup> Commission Staff found that, according to Liberty's records, the last leakage survey was performed in 2009, by Heath.<sup>18</sup>

In its response to the 2015 Inspection Report, Liberty stated that it had contacted Heath to schedule the leakage surveys and that the leakage surveys would be performed before the end of the year 2015.<sup>19</sup> Liberty further stated that, in the future, it would ensure that leakage surveys would be scheduled annually for inside the business district and every three years outside the business district.

Commission Staff conducted a follow-up inspection on June 23, 2016, and, despite Liberty's assurances that the leakage surveys would be performed, again cited Liberty for failing to perform the required leakage surveys.<sup>20</sup> Commission Staff noted that Liberty was in the process of contacting Heath to schedule the leakage surveys.<sup>21</sup>

In its response to the 2016 Inspection Report, Liberty stated that the failure to perform any leakage surveys since 2009 were an oversight due to the death of Liberty's gas supervisor.<sup>22</sup> Liberty explained that the gas supervisor was responsible for scheduling the leakage surveys and, after his death, that duty had been overlooked.<sup>23</sup>

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<sup>17</sup> Commission Hearing Exhibit 1, Inspection Report (Ky. PSC July 13, 2015), at 3.

<sup>18</sup> *Id.*

<sup>19</sup> Feb. 6, 2017 Order, Appendix A, Letter dated September 16, 2015 from City of Liberty to the Commission.

<sup>20</sup> Commission Hearing Exhibit 2, Inspection Report, unnumbered page 4.

<sup>21</sup> *Id.*

<sup>22</sup> Feb. 6, 2017 Order, Appendix A, Letter dated September 13, 2016 from Bridgett Blake, City of Liberty, to the Commission.

<sup>23</sup> *Id.*

Liberty stated that it now had a calendar with all gas duties listed and that it would be “diligent in the future with scheduling and performing all surveys and inspections noted in our Operations and Maintenance Plan.”<sup>24</sup>

Liberty also noted that it had executed a service agreement with Heath prior to the June 23, 2016 follow-up inspection.<sup>25</sup> The service agreement had an effective date of June 3, 2016; a representative of Liberty executed the agreement on June 13, 2016, and a representative of Heath executed the agreement on June 22, 2016.<sup>26</sup> Liberty explained that the 2015 survey was not performed due to miscommunication between Liberty employees, each of whom incorrectly understood that the other would contact Heath.<sup>27</sup> When the Liberty City Clerk realized the oversight, she contacted Heath and the service agreement was subsequently executed.<sup>28</sup> Heath performed the leakage surveys between July 19 and July 21, 2016, and detected two Grade 2 leaks.<sup>29</sup>

At the formal hearing held on March 29, 2017, Liberty stated that it contracted with Heath to perform a leakage survey for the entire system and that the leakage survey was scheduled to begin on August 1, 2017.<sup>30</sup> Liberty City Clerk Bridget Blake and Liberty Mayor Steven Brown both testified to the calendaring system that has been implemented to ensure that leakage surveys are timely conducted on a going-forward

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Liberty Hearing Exhibit 2, Service Agreement between Liberty and Heath.

<sup>27</sup> H.V.T. at 2:49:05, 3:17:32.

<sup>28</sup> H.V.T. at 3:17:32; Liberty Hearing Exhibit 3, Heath Leak Survey Report dated Aug. 5, 2016 (“Liberty Hearing Exhibit 3”), unnumbered page 3.

<sup>29</sup> Liberty Hearing Exhibit 3, unnumbered page 3.

<sup>30</sup> H.V.T. at 2:55:05.

basis.<sup>31</sup> Calendars with important dates, such as dates for scheduling leakage surveys, will be kept in city hall and in each of the gas system's maintenance trucks; Clerk Blake is responsible for the calendar and ensuring that leakage surveys are timely conducted.<sup>32</sup> Mayor Brown stressed that Liberty is committed to conducting the leakage surveys as required and, in addition to implementing a calendaring system, is developing written procedures to ensure future compliance.

Should the Commission find that Liberty violated federal pipeline minimum safety standards, Liberty argues that any civil penalty assessed under KRS 278.992(1) should be suspended and eventually voided based upon a condition of "demonstrable compliance" with leakage survey requirements.<sup>33</sup> Liberty asserts that any potential penalty should be "relatively small" based upon the small size of the City itself and the small size of its customer base.<sup>34</sup> Liberty acknowledges the importance of complying with the requisite safety standards, and contends that it operates its gas system "in an otherwise safe manner" and patrols the system at the required intervals, which, though a different process than leakage surveys, also can discover leaks.<sup>35</sup> Liberty further contends that the results of the 2016 leakage survey support Liberty's assertion that it operates its gas system in a safe manner because that leakage survey found only "two relatively minor leaks in the entire system" that were subsequently repaired in the

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<sup>31</sup> *Id.* at 2:59:19, 3:16:13, 4:00:31, 4:18:32.

<sup>32</sup> *Id.* at 2:59:19.

<sup>33</sup> Liberty's Mar. 7, 2017 Response, at 5.

<sup>34</sup> *Id.* at 4.

<sup>35</sup> *Id.*



required time frame.<sup>36</sup> Liberty asks the Commission to consider the proactive steps Liberty has taken and will take to achieve future compliance, including developing a calendaring system.<sup>37</sup> Liberty states that it intends to conduct annual leakage surveys both within the City's business district and outside the City's business district, and that it intends to maintain its contract with Heath to perform the annual leakage surveys.<sup>38</sup>

### FINDINGS

Based upon a review of the evidence of record and being otherwise sufficiently advised, the Commission finds that Liberty performed leakage surveys in 2009 and 2016. The Commission further finds that Liberty violated the USDOT federal pipeline safety standards set forth in 49 C.F.R. Section 192.723(b)(1), 49 C.F.R. Section 192.723(b)(2), and 49 C.F.R. Section 192.605(a) by failing to perform leakage surveys within and outside Liberty's business district on the requisite schedule between those performed in 2009 and in 2016. Because the evidence of record supports the finding that Liberty failed to perform any leakage surveys between those performed in 2009 and in 2016, the potential violation of 49 C.F.R. Section 192.603(b) and 807 KAR 5:022 for failing to retain records of purported leakage surveys allegedly conducted in 2010, 2011, and 2012 is moot.

Based upon the finding that Liberty violated federal pipeline minimum safety standards by failing to perform leakage surveys within and outside Liberty's business district on the requisite schedule between 2009 and 2016, we now turn to the matter of assessing a civil penalty. KRS 278.992(1) authorizes the Commission to assess a civil

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> H.V.T. at 2:55:05, 4:08:21.

penalty for the violation of federal pipeline minimum safety standards. KRS 278.992(1) and 49 C.F.R. Section 190.223(a) govern the amount of the civil penalty that can be assessed. KRS 278.992(1) states that the amount of the civil penalty is:

not to exceed the maximum civil penalty as contained in 49 C.F.R. sec. 190.223, as of December 31, 2011, for a violation of any provision of 49 U.S.C. secs. 60101 *et seq.*, or any regulation or order issued thereunder, for each violation for each day that the violation persists.

As set forth in 49 C.F.R. Section 190.223, as of December 31, 2011, the civil penalty that can be assessed for violation of USDOT minimum safety standards is \$100,000 per violation per day, not to exceed \$1,000,000 for any related series of violations.<sup>39</sup>

Under the Commission's finding that Liberty violated 49 C.F.R. Section 192.723(b)(1), Liberty could be subject to a maximum civil penalty of \$1,000,000 for the related series of violations of failing to conduct the leakage surveys within the City's business district at least once each calendar year in 2010, 2011, 2012, 2013, 2014, and 2015. Under the Commission's finding that Liberty violated 49 C.F.R. Section 192.723(b)(2), and 49 C.F.R. Section 192.605(a), Liberty could be subject to a maximum civil penalty of \$1,000,000 for the related series of violations of failing to conduct the leakage surveys outside the City's business district every three years between December 31, 2012, and June 19, 2016.<sup>40</sup>

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<sup>39</sup> The Commission notes that 49 C.F.R. Section 190.223 has been amended since December 31, 2011. However, pursuant to KRS 278.992(1), the maximum civil penalty is the amount contained in 49 C.F.R. Section 190.223 as of December 31, 2011, and not the amount set forth in subsequent amendments of the federal regulation.

<sup>40</sup> December 31, 2012, was the last date that the leakage survey outside the business district could have been performed in compliance with the required time period, and June 19, 2016, the first day the required leakage survey was performed.

In evaluating the amount of the penalty, the Commission must weigh the following factors provided in KRS 278.992(1):

In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of the violation, shall be considered.

As noted above, Liberty argues that, when the above factors are considered, it should be assessed a small civil penalty that should be suspended upon evidence of compliance. It is to Liberty's credit that it has admitted some degree of non-compliance with the leakage survey standards, and has initiated procedures to address compliance in the future. However, in light of Liberty's extensive history of non-compliance between 2003 and 2016, and Liberty's repeated assurances of future compliance that were not carried out, the Commission cannot agree with Liberty's assessment of the circumstances under which it has operated its gas system.

The Commission is deeply concerned about the gravity of the violations of leakage survey requirements given the number and history of violations, and the serious nature of potential consequences of undetected gas leaks. Had Liberty complied with federal pipeline minimum safety standards between 2003 and 2016, it would have conducted 14 leakage surveys within its business district<sup>41</sup> and five leakage surveys outside its business district.<sup>42</sup> Instead, Liberty conducted only four leakage surveys in

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<sup>41</sup> Under 49 C.F.R. Section 192, 723(b)(1), leakage surveys should have been conducted within the City's business district in 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016.

<sup>42</sup> Under 49 C.F.R. Section 192.723(b)(2), leakage surveys should have been conducted outside the City's business district in 2003, 2006, 2009, 2012, and 2015.

that time period.<sup>43</sup> Further, Liberty has a history of attempting to excuse the failure to perform the required leakage surveys based on changes in management, on its lack of knowledge of the safety standards, or on an oversight. Liberty also has a history of offering assurances after receiving a citation that it would take steps to ensure future compliance. However, as evidenced by repeated citations between 2003 and 2016, Liberty failed to fulfill those assurances or take significant steps to comply with the minimum safety standards.

The serious nature of the potential consequences of failing to perform leakage surveys are detailed in Liberty's O&M Plan. The O&M Plan emphasizes that employees "shall remain aware of potential hazards resulting from natural gas leaks," then goes on to state that natural gas "when mixed with air is combustible" and is "easily ignited by open flame, electric spark including static discharge, or by spark from abrasion."<sup>44</sup> Employees are responsible for ensuring that "[a]ll reasonable precautions shall be taken to protect the public from hazards resulting from . . . dangers resulting from operation and maintenance of the gas distribution system," which includes dangers created by gas leaks.<sup>45</sup> Thus, Liberty was or should have been aware of the potential for an explosion resulting from a gas leak and the possibility for catastrophic injury or death arising from Liberty's failure to conduct the required leakage surveys.

The Commission has similar concerns regarding Liberty's good faith in complying with the minimum safety standards. As discussed above, Liberty has a history of stating that it will comply with leakage survey requirements in the future in response to

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<sup>43</sup> Liberty performed leakage surveys in 2003, 2007, 2009, and 2016.

<sup>44</sup> Liberty Hearing Exhibit 1, at 5.

<sup>45</sup> *Id.*

violations discovered by Commission Staff in periodic inspections. However, Liberty repeatedly failed to take action between 2003 and 2016 to address the cause of the continued non-compliance. Given the repeated nature of the violations and failure to follow through on assurances of future compliance, Liberty does not have a credible justification for its failure to comply with leakage survey requirements. The Commission commends Liberty for taking steps because of this case to establish and implement procedures to achieve ongoing compliance. The Commission is concerned that, however well intentioned the current elected officials are, once those officials are no longer in office, compliance with leakage survey requirements may not be maintained.

To address this concern, the Commission finds that Liberty should develop written policies and procedures for future compliance with leakage survey requirements, setting forth specific action steps and identifying by job title the person who is responsible for each action step and the person who bears overall responsibility for ensuring ongoing compliance. The development of said written policies and procedures should include a periodic review to evaluate the implementation of the processes and make improvements as necessary.

The Commission finds a civil penalty should be assessed against Liberty in the amount of \$30,000 for violating 49 C.F.R. Section 192.723(b)(1), and \$30,000 for violating 49 C.F.R. Section 192.723(b)(2) and 49 C.F.R. Section 192.605(a), for a total civil penalty amount of \$60,000. The Commission further finds that it should suspend all but \$10,000 of the assessed penalty amount of \$60,000 until January 1, 2023 on the condition that Liberty complies with the following terms and provides requested documentation within the designated timeframe:

1. Liberty should conduct annual leakage surveys both within and outside its business district for the next six years, until December 31, 2022. Pending review and evaluation of the leakage survey reports, the Commission may allow Liberty to return to performing leakage surveys according to regulations.

2. Each leakage survey should include, at a minimum, the following information: (a) location (address) of each leak discovered; (b) grade of each leak discovered; and (c) repair schedule for each leak discovered.

3. Liberty should provide a copy of each completed leakage survey within 15 days of the survey completion.

4. If there are any leaks detected in an annual leakage survey, Liberty should file a notice with the Commission within 15 days of repairing the leak, stating the date each leak was repaired.

5. Liberty should convert its contract with Heath to perform annual leakage surveys from a one-year contract that expires on December 31, 2017, with provisions for renewal, to a five-year contract that expires on December 31, 2022. Liberty should file a copy of the modified contract, or, if Liberty executes a new contract with Health, the new contract, within 15 days of executing the modified or new contract.

6. Liberty should be inspected by Commission Staff for compliance with federal minimum pipeline safety standards at least once each calendar year for the period of 2017 through 2022.

7. Liberty should file its written policies and procedures for compliance with leakage survey requirements within 120 days of the date of this Order.

Additionally, the Commission encourages Liberty to pursue training opportunities for its employees with the Kentucky Gas Association.

IT IS THEREFORE ORDERED that:

1. Liberty is assessed a penalty of \$60,000 for violation of 49 C.F.R. Section 192.723(b)(1), 49 C.F.R. Section 192.723(b)(2), and 49 C.F.R. Section 192.605(a) for failure to perform required periodic leakage surveys.

2. Liberty shall pay \$10,000 of the \$60,000 assessed civil penalty within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer, and mailed or delivered to the Office of the General Counsel, Kentucky Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602. The remaining \$50,000 of the civil penalty shall be suspended on the condition that Liberty complies with the terms of this Order and provides all documentation within the timeframe allowed. The \$50,000 suspended penalty shall be suspended until January 1, 2023, unless otherwise ordered by the Commission.

3. Liberty shall conduct annual leakage surveys both within and outside its business district for the next six years, until December 31, 2022. Pending review and evaluation of the leakage survey reports, the Commission may allow Liberty to return to performing leakage surveys according to regulations.

4. Each leakage survey shall include, at a minimum, the following information: (a) location (address) of each leak discovered; (b) grade of each leak discovered; and (c) repair schedule for each leak discovered.

5. Liberty shall provide a copy of each completed leakage survey within 15 days of the survey completion.

6. If there are any leaks detected in an annual leakage survey, Liberty shall file a notice with the Commission within 15 days of repairing the leak, stating the date each leak was repaired.

7. Liberty shall modify its existing contract with Heath from a one-year contract to a five-year contract, or enter into a new contract with Heath to perform annual leakage surveys, with a contract termination date of December 31, 2022. Liberty shall file a copy of the modified or new contract within 15 days of executing the modified or new contract.

8. Liberty shall file within 120 days of the date of this Order its written policies and procedures for compliance with leakage survey requirements.

9. Liberty shall be inspected by Commission Staff for compliance with federal minimum pipeline safety standards at least once each calendar year for the period of 2017 through 2022.

10. This case shall remain open during the pendency of the penalty suspension period, which ends on January 1, 2023. Liberty's compliance with the requirements set forth in ordering paragraphs 2 through 8 shall be monitored on an ongoing basis. A determination shall be made regarding the closing of this case after the termination of the penalty suspension period, which ends on January 1, 2023.

11. Any documents filed in the future pursuant to ordering paragraphs 5 through 8 shall reference this case number.



By the Commission

ENTERED  
JUN 13 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

A handwritten signature in blue ink, appearing to read "Bob B.", with a horizontal line underneath and the word "for" written in small letters to the right of the line.

Executive Director

Case No. 2017-00053

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