

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

B.T.U. GAS COMPANY, INC.)
_____)

ALLEGED VIOLATIONS OF ADMINISTRATIVE)
REGULATION 807 KAR 5:006, 807 KAR 5:022,)
807 KAR 5:027 AND 49 CFR 191-192)

CASE NO.
2007-00403

PETITION TO REVISE PENALTY PAYMENT SCHEDULE

Comes B.T.U. Gas Company, Inc. (B.T.U. Gas), by counsel, and respectfully requests the Commission to revise the penalty payment schedule established in the Commission's Order to allow B.T.U. Gas to pay the \$10,000 penalty in installments.

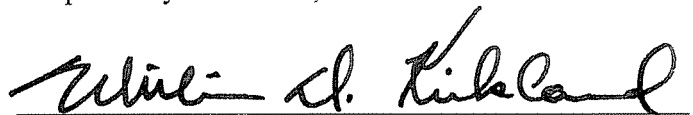
By Order dated September 23, 2010, the Commission assessed a penalty of \$170,000 against B.T.U. Gas for violations of several administrative regulations and ordered the company to pay \$10,000 of the penalty on or before October 23, 2010. The Commission suspended the remaining \$160,000 penalty for two years, provided B.T.U. Gas meets certain requirements. Due to unforeseen circumstances, B.T.U. Gas respectfully asks the Commission to revise the payment schedule to allow the company to pay the \$10,000 penalty according to the following installment schedule: \$2,500 on November 23, 2010; \$2,500 on December 23, 2010; and \$5,000 on January 23, 2011. The grounds for this motion are set out below.

B.T.U. Gas owner and operator, Pamela and Richard Williams, reported that on September 3, 2010, B.T.U. Gas suffered a theft and fire at its office and shop. Several pieces of equipment the company had bought to address the violations found by the Commission, including new machines, meters, regulators, and welding equipment, were stolen. The

company's records and written safety programs were also destroyed in the fire. Although the expert hired by B.T.U. Gas, Roger Wingate, has replaced the written programs, the company must use its available funds to replace the stolen equipment. Those funds are limited now, due to low customer usage and low seasonal demand for natural gas. B.T.U. Gas expects demand for natural gas and its revenue to increase substantially beginning in November and represents that it will be able to pay the \$10,000 penalty according to the installment schedule outlined above. Pamela and Richard Williams are unable to pay the penalty from their personal funds, as they are involved in a bankruptcy proceeding, which does not affect B.T.U. Gas.

B.T.U. Gas understands the gravity of the violations found, appreciates the Commission's consideration in probating most of the assessed penalty, and declares that it will make every good faith effort to comply with the Commission's conditions. The company represents that it has already taken steps to correct the violations and will continue to work diligently to meet the Commission's expectations. B.T.U. Gas submits that this motion is necessary due to exigent circumstances and asks the Commission to enter an order revising the payment schedule as requests.

Respectfully submitted,



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Counsel for B.T.U. Gas Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing motion were served via facsimile and by first class mail, postage prepaid, this 11th day of October 2010 upon the following:

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