

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

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

O R D E R

On October 11, 2010, B.T.U. Gas Company, Inc. ("BTU") filed a petition to revise the penalty payment schedule contained in the Commission's September 23, 2010 Order, specifically the \$10,000 payment due on October 23, 2010. The reason stated for the request is that, on September 3, 2010, BTU "suffered a theft and fire at its office and shop," and several pieces of equipment that BTU had bought to address some of the violations for which BTU was cited in the September 23, 2010 Order had been stolen and needed to be replaced. BTU states that, until the demand for natural gas increases, as it is expected to do in the next few months, funds available to pay the \$10,000 fine are limited. Because of a bankruptcy proceeding involving Richard and Pamela Williams, they are unable to pay the fine out of their personal funds.

BTU has asked to pay the \$10,000 penalty in three installments: \$2,500 on November 23, 2010; \$2,500 on December 23, 2010; and \$5,000 on January 23, 2011. The Commission, having considered the petition and being otherwise fully advised, finds that this request is not acceptable. The payment schedule for the \$10,000 penalty

should, however, be modified to include two installments of \$5,000 each, with the first installment due and payable by November 23, 2010 and the second installment due and payable by December 23, 2010. The Commission acknowledges that, on October 26, 2010, BTU filed a status report of the 17 violations cited in the September 23, 2010 Order. The Commission finds that BTU should file an updated report on the status of each violation on or before November 23, 2010.

IT IS THEREFORE ORDERED that:

1. BTU's petition to pay its \$10,000 penalty in three installments is hereby denied.

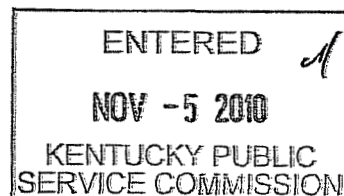
2. The payment schedule for BTU's \$10,000 penalty is modified as follows:

BTU shall pay \$5,000 by November 23, 2010 and \$5,000 by December 23, 2010.

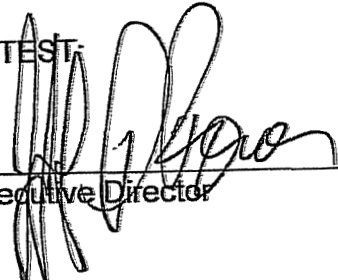
3. BTU shall file an updated report of the status of the 17 violations cited in the September 23, 2010 Order by November 23, 2010.

4. All other provisions of the Commission's Order of September 23, 2010 shall remain in effect.

By the Commission



ATTEST:

  
Executive Director

Case No. 2007-00403