

RECEIVED

JUL 01 2016

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

B&H GAS COMPANY, B&S OIL AND GAS COMPANY ) CASE NO.  
AND MR. BUD RIFE, INDIVIDUALLY AND AS AN ) 2016-00204  
OFFICER OF B&H GAS COMPANY AND B&S OIL AND )  
GAS COMPANY )

\*\*\*\*\*

RESPONSE TO ORDER REGARDING ALLEGED VIOLATION  
OF A COMMISSION ORDER

\*\*\*\*\*

Comes B&H Gas Company (“B&H”), and B&S Oil and Gas Company (“B&S”), and Bud Rife, individually and as President of B&H and B&S (collectively “Respondents”), by and through counsel, and do hereby file their Response to the Order regarding alleged violation of a Commission order. This matter is set for a hearing on July 6, 2016 at 10:00 am.

The basis for this proceeding is the Respondents failure to comply with the Commission’s June 8, 2016 Order, and whether penalties should be imposed on Respondents for failure to comply with this Order pursuant to KRS 278.990. As the Commission’s Order correctly notes, Respondents asked for an extension to file responses to the Commission’s requests by June 6, 2016, and to respond to the Attorney General’s requests by June 14, 2016. As the Commission is aware, B&H is a very small utility with limited office staff and capacity, and responding to the requests for information puts a greater strain on Respondents’ resources than it does for larger utilities. Respondents served responses to the Commission’s requests for

information on June 3, 2016- three days in advance of the proposed deadline, and sent responses to the Attorney General's requests for information on June 14, 2016.<sup>1</sup>

While Respondents' Motion asked that the deadline for responses to the Attorney General's requests for information be set for June 14, 2016, the Commission's June 8, 2016 Order incorrectly stated that Respondents requested an extension to June 13, 2016, and noting no objection from the Attorney General, granted Respondent's Motion and ordered that responses to the Attorney General be filed by June 13, 2016. Undersigned submits that the deadline for submitting these responses was calendared for June 14, 2016 as requested and which undersigned understood to have been granted, and not for June 13, 2016. The fact that Respondents' supplemental responses to the Attorney General were sent on June 14, 2016 and not on June 13, 2016 is an oversight attributable to Respondents' counsel, and should not be imparted to Respondents.

Respondents submit that they did not willfully violate the Commission's Order. Respondents have worked in good faith to comply with the Commission's orders. Respondents have responded to all requests for information made in PSC Case No. 2015-00367. While Respondents did fail to tender responses to the Attorney General's supplemental requests by June 13, 2016, responses were overnighted to the Commission on June 14, 2016- which undersigned mistakenly believed to be the deadline.

Based on the foregoing, Respondents pray the Commission not impose penalties pursuant to KRS 278.990.

Dated this 1<sup>st</sup> day of July, 2016.

---

<sup>1</sup> Specifically, Respondent's responses were overnighted by UPS on June 14, 2016.

Respectfully submitted,



JOE F. CHILDERS

BETHANY N. BAXTER

JOE F. CHILDERS & ASSOCIATES

The Lexington Building

201 West Short Street

Suite 300

Lexington, Kentucky 40507

Telephone: (859) 253-9824

Facsimile: (859) 258-9288

childerslaw81@gmail.com