

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF FERN LAKE COMPANY) CASE NO.
TO FILE REQUIRED REPORTS) 2017-00031

ORDER

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. 807 KAR 5:006, Section 4(2), requires every utility to file with the Commission, on or before March 31 of each year, a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year. KRS 278.990 provides penalties for utilities that fail to file the required reports.

Fern Lake Company owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the distribution and furnishing of water service to the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.¹

¹ KRS 278.010(3)(d).

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or any Commission regulation shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.00.

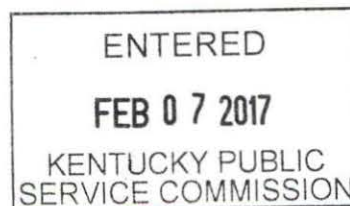
According to Commission records, Fern Lake Company has yet to file its annual reports and gross operating reports for the 2014 and 2015 calendar years. The absence of these reports is *prima facie* evidence that Fern Lake Company willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

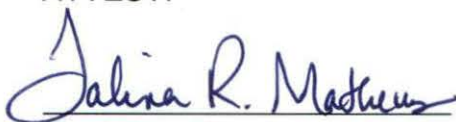
1. Fern Lake Company shall file with the Commission, no later than February 24, 2017, its gross operating reports for the 2014 and 2015 calendar years and its annual reports for the 2014 and 2015 calendar years.

2. Fern Lake Company shall appear on March 28, 2017, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of showing cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with KRS 278.140 and 278.230(3).

By the Commission



ATTEST:


Executive Director

*Fern Lake Company
34 Appolo Fuels Road
Middlesboro, KY 40965

*Fern Lake Company
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34 Appolo Fuels Road
Middlesboro, KY 40965