

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 28 2017

PUBLIC SERVICE
COMMISSION

In the Matter of:

CITY OF LIBERTY GAS COMPANY)
_____)

ALLEGED FAILURE TO COMPLY WITH)
KRS 278.492 AND 49 C.F.R. PART 192)

CASE NO. 2017-00053

CITY OF LIBERTY’S MOTION TO CORRECT ORDER

The City of Liberty (“Liberty”), by counsel, hereby respectfully moves the Kentucky Public Service Commission (“Commission”) to make a technical correction to the Commission’s Order dated June 13, 2017.

In the Order, the Commission found that a portion of the assessed penalty should be suspended upon completion and compliance with certain requirements, including the following: “Liberty should provide a copy of each completed leakage survey within 15 days of the survey completion.” Order at 14. Ordering paragraph 5 further solidified this finding, stating: “Liberty shall provide a copy of each completed leakage survey within 15 days of the survey completion.”

Liberty seeks a correction or clarification of this ordering paragraph. There is some ambiguity created by two separate items: the leakage survey, which is the inspection of the gas system, and the leakage survey’s written report, which is created after the inspection is performed. Because the Order seeks a “copy” of something, it appears that the Commission is seeking the written report to be submitted. In addition, because a third party is performing the leakage survey and completing the subsequent written report, the timing of the report is out of

Liberty's control.¹ For example, in 2016, Heath Consultants completed the leakage survey on July 21 and the report was mailed to Liberty 15 days later on August 5, 2017. Liberty could not have produced the written report to the Commission within 15 days of the leakage survey in 2016.

Accordingly, Liberty respectfully requests that ordering paragraph number 5 of the Commission's Order dated June 13, 2017, be corrected to state: "Liberty shall submit to the Commission a copy of a written report for each completed leakage survey within 15 days of Liberty's receipt of the written report."

Respectfully submitted,



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¹ Liberty also notes that the issue of whether Heath will agree to a five-year contractual term is also out of Liberty's control. Liberty has contacted Heath regarding such a provision, and it appears that Heath will enter into a contract with a five-year term. If Liberty determines at a later date that it is impossible or impractical to comply with the terms of that provision, it will file an appropriate motion with the Commission.