

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF MARSHALL COUNTY)
ENVIRONMENTAL SERVICES, LLC TO FILE REQUIRED) CASE NO. 2018-00264
REPORTS)

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on January 31, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on January 31, 2019 in this proceeding;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on January 31, 2019.

A copy of this Notice, the certification of the digital video record, hearing log, and exhibits have been electronically served upon all persons listed at the end of this Notice.

Parties desiring to view the digital video recording of the hearing may do so at

http://psc.ky.gov/av_broadcast/2018-00264/2018-00264_31Jan19_Inter.aspx.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 5th day of February 2019.

A handwritten signature in cursive script that reads "Gwen R. Pinson".

Gwen R. Pinson
Executive Director
Public Service Commission of Kentucky

Marshall County Environmental Services, LLC
522 US Hwy 68 West
Benton, KY 42025

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Marshall County Environmental Services, LLC
522 US Hwy 68 West
Benton, KY 42025

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF MARSHALL COUNTY)	CASE NO.
ENVIRONMENTAL SERVICES, LLC TO FILE)	2018-00264
REQUIRED REPORTS)	

CERTIFICATION

I, KaBrenda L. Warfield, hereby certify that:

1. The attached DVD contains a digital recording of the Hearing conducted in the above-styled proceeding on January 31, 2019. Hearing Log, Exhibit List and Witness List are included with the recording on January 31, 2019.
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Hearing of January 31, 2019.
4. The Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Hearing of January 31, 2019 and the time at which each occurred.

Signed this 31st day of January, 2019.



KaBrenda L. Warfield, CKP
Paralegal Consultant



Stephanie Schweighardt,
Notary Public State at Large
Commission Expires: January 14, 2023
ID#: 614400



Judge: Bob Cicero; Michael Schmitt

Witness: Jeff Cline

Clerk: KaBrenda Warfield

Date:	Type:	Location:	Department:
1/31/2019	Other	Hearing Room 1	Hearing Room 1 (HR 1)

Event Time	Log Event	
8:37:42 AM	Session Started	
8:37:44 AM	Session Paused	
8:56:35 AM	Session Resumed	
8:56:38 AM	Session Paused	
8:56:44 AM	Session Resumed	
8:56:48 AM	Chairman Schmitt Note: Fields, Angela	Chairman stating Preliminary remarks and introduction of Vice Chairman Cicero and Commissioner Mathews
8:57:43 AM	Chairman Schmitt Note: Fields, Angela	Is anyone here this morning in the hearing room on behalf of Marshall County Environmental Services, LLC?
8:57:57 AM	Chairman Schmitt Note: Fields, Angela	On behalf of Public Service Commission would Staff Counsel please identify himself together with any witnesses that may be present to testify this morning?
8:58:09 AM	Staff Atty Bowker Public Service Commission Note: Fields, Angela	Introduction of self and witness.
8:58:22 AM	Chairman Schmitt Note: Fields, Angela	The nature of the proceeding today in Case No. 2018-00264 is the result of an Order of the Public Service Commission which was entered on Dec 06, 2018.
8:59:15 AM	Chairman Schmitt Note: Fields, Angela	So at this time if no one is here on behalf of Marshall County Environmental Services, LLC. Mr. Bowker will you please call your first witness?
8:59:26 AM	Staff Atty Bowker Public Service Commission Note: Fields, Angela	Yes Sir, I call Jeff Kline to the stand.
8:59:35 AM	Chairman Schmitt - witness Cline Note: Fields, Angela	Swearing in of witness.
8:59:44 AM	Chairman Schmitt Note: Fields, Angela	Mr. Bowker you may ask.
8:59:47 AM	Staff Atty Bowker Public Service Commission - witness Cline Note: Fields, Angela	Good morning Mr. Cline. Could you please state your name and business address and position with the Commission?
9:00:00 AM	Staff Atty Bowker Public Service Commission - witness Cline Note: Fields, Angela	How long have you been employed by the Kentucky Public Service Commission?
9:00:07 AM	Staff Atty Bowker Public Service Commission - witness Cline Note: Fields, Angela	As Procedures Development Coordinator what are your duties relative to the filing of Annual Financial and Statistical Reports and Annual Gross Operating Revenues Reports?
9:02:39 AM	Staff Atty Bowker Public Service Commission - witness Cline Note: Fields, Angela	Did Marshall County Environmental Services, LLC timely file its Annual Financial and Statistical Report for the 2017 calendar year?

9:02:52 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela What is the deadline for the filing of that report?

9:02:57 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela As of today's date, has the Annual Financial and Statistical Report for the 2017 calendar year for Marshall Environmental been filed?

9:03:12 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Did Marshall Environmental timely file its Annual Gross Operating Revenues Report for the 2017 calendar year?

9:03:21 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela And what is the deadline for the filing of that report?

9:03:25 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela And as of today's date has the Annual Gross Operating Revenues Report for the 2017 calendar year for Marshall Environmental been filed?

9:03:33 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Who are Allen Artis and Michelle Artis?

9:03:52 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela And Michelle has been what in the past?

9:04:51 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Do you have documentation of any communication between either Allen or Michelle Artis and the Public Service Commission that is relevant to the filing of Marshall Environmental's Annual Financial and Statistical Report and Annual Gross Operating Revenues Report for the 2017 calendar year?

9:05:36 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Have you compiled those communications into an exhibit here today?

9:06:21 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Its accurate? That's what you compiled regarding that documentation?

9:06:27 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Mr. Chairman I move to enter that as Commission Exhibit #1 please?

9:06:31 AM Exhibit 1 Sustained
Note: Fields, Angela Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Let the materials be filed collectively as Exhibit 1.

9:06:37 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela And Mr. Cline have you received from Marshall Environmental any request for a extension for either of these reports for the 2017 calendar year?

9:07:38 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela On December 07, 2017 did the Commission provide Marshall Environmental with an electronic link to the stand forms?

9:08:16 AM Staff Atty Bowker Public Service Commission - witness Cline
Note: Fields, Angela Mr. Chairman I have no further questions. Mr. Cline is available for any examination.

9:08:23 AM Chairman Schmitt
Note: Fields, Angela Commissioner Cicero any questions?

9:08:25 AM Vice Chairman Cicero - witness Cline
Note: Fields, Angela Just to confirm, You did speak with the defendant, Marshall Environmental Services? They understood that they were delinquent? After several attempts to contact them, and yet you still have not received anything?

9:08:49 AM	Vice Chairman Cicero - witness Cline Note: Fields, Angela	And just to confirm the reason why Marshall Environmental Services is being in here is because they are facing additional penalties because they were initially found to be delinquent and the Commission provided them the opportunity to pay a partial penalty if they complied in the future for their 2017, 2018, and 19 records?
9:09:21 AM	Vice Chairman Cicero - witness Cline Note: Fields, Angela	And if they did not comply they would face an additional penalty of six thousand dollars?
9:09:35 AM	Vice Chairman Cicero - witness Cline Note: Fields, Angela	So they have had an opportunity, and they have not complied?
9:09:42 AM	Vice Chairman Cicero - witness Cline Note: Fields, Angela	I don't have any other questions.
9:09:44 AM	Chairman Schmitt Note: Fields, Angela	I have no questions.
9:09:45 AM	Chairman Schmitt Note: Fields, Angela	Mr. Bowker anything further from this witness?
9:09:50 AM	Vice Chairman Cicero - witness Cline Note: Fields, Angela	Mr. Cline you may step down. Thank you.
9:09:52 AM	Chairman Schmitt Note: Fields, Angela	Mr. Bowker do you have any other witness to call?
9:09:57 AM	Chairman Schmitt Note: Fields, Angela	Is there any reason why at this time then that this hearing should not be adjourned?
9:10:03 AM	Chairman Schmitt Note: Fields, Angela	There being no further testimony, this hearing is hereby adjourned.
9:10:11 AM	Session Paused	
9:10:18 AM	Session Ended	



Name:

Description:

Exhibit 01

PSC - Exhibit 1 - Communications between PSC and Marshall Environmental Services.

Kentucky Public Service Commission
Summary of 2017 Annual and Gross Reporting
Marshall County Environmental Services, LLC

- 9/21/2018 Jeff Cline issued inquiry to Allen Artis for delinquent Annual Report (AR) and Gross Operating Report (GOR); Response due 10/1/2018.
- 7/9/2018 Jeff Cline issued inquiry for 2017 GOR and AR; Response due 7/20/2018.
- 5/29/2018 Jeff Cline attempted to reach Allen Artis at (270) 205-1571 periodically in AM and received busy signal. JC issued reminder requesting Gross figure for 6/1/2018 Certification to Kentucky Department of Finance.
- 5/10/2018 Jeff Cline issued follow-up inquiry for AR and GOR; Response due 5/18/2018.
- 5/8/2018 Jeff Cline received phone inquiry from Allen Artis for help on logging into web portal; Jeff Cline could not duplicate issue and was unable to resolve so deferred to PSC IT. PSC IT responded to inquiry and Allen Artis soon thereafter advised Jeff Cline after phone followup he had been helped.
- 4/17/2018 Jeff Cline issued inquiry for AR and GOR; Response due 4/30/2018.
- 12/7/2017 Jeff Cline issued 2017 reminder notice.

Cline, Jeff D (PSC)

From: Cline, Jeff D (PSC)
Sent: Friday, September 21, 2018 3:17 PM
To: Allen Artis (williamartis27@gmail.com)
Cc: PSC - Reports
Subject: FW: Marshall County Environmental Services, LLC - Past Due 2017 Gross and Annual Reports - Final Reminder

Good afternoon,

We received an updated email and mailing address for you today and wanted to follow up with an outstanding issue.

The 2017 Annual and Gross Reports have still not yet been filed and are now considered highly delinquent as they were due March 31, 2018. Please submit both by October 1, 2018 to bring Marshall County Environmental Services, LLC back into compliance.

Regards,

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Blvd
P. O. Box 615
Frankfort, KY 40602

www.psc.ky.gov

Cline, Jeff D (PSC)

From: PSC - Reports
Sent: Monday, July 9, 2018 3:46 PM
To: Allen Aetis (williamartis27@gmail.com)
Cc: PSC - Reports
Subject: Marshall County Environmental Services, LLC - Past Due 2017 Gross and Annual Reports - Final Reminder

Please be advised your 2017 Gross and Annual Reports are considered past due.

Should you need additional time for submission of the Annual Report, you may request another extension via email to PSC.Reports@ky.gov providing an explanation for the need of extra time. Otherwise, please submit both, the Gross and Annual Report, no later than July 20, 2018.

Do not hesitate contacting me in reply to this message should you have any questions.

Regards,

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Boulevard
PO Box 615
Frankfort, KY 40602

www.psc.ky.gov

Cline, Jeff D (PSC)

From: Cline, Jeff D (PSC)
Sent: Tuesday, May 29, 2018 11:57 AM
To: Allen Aetis (williamartis27@gmail.com)
Cc: PSC - Reports
Subject: Marshall County Environmental Services, LLC - Past Due 2017 Gross and Annual Reports - Final Reminder

Good morning,

We have attempted to reach you by phone numerous times at (270) 205-1571 and received a busy signal. We are in need of the 2017 calendar year gross revenue figure. A reply to this message with only the gross revenue figure of Marshall County Environmental Services, LLC for calendar year 2017 simply typed within the body of the email will be sufficient so long as you follow up with a hard copy Gross Report at your earliest convenience. A reply with only the gross figure will prevent us from having to estimate the revenue figure for our certifying all utility revenues to the Kentucky Finance Cabinet this week.

Refer to the following links for printing the Gross Report in the format of your choice:

PDF version: <http://psc.ky.gov/agencies/psc/forms/gor01.pdf>

Word version: <http://psc.ky.gov/agencies/psc/forms/gor01.doc>

As for the Annual Report, a 30-day extension of time can be requested by email to PSC.Reports@ky.gov providing an explanation for the need of the request. Both of these actions are required to bring the company back into compliance.

The Gross and Annual Reports remain highly delinquent pursuant to [KRS 278.170](#) and [807 KAR 5:006, Section 4](#). Swift action to comply with the reporting requirements will prevent a show cause action and penalties implemented pursuant to [KRS 278.990](#).

Regards,

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Blvd
P. O. Box 615
Frankfort, KY 40602

www.psc.ky.gov

Cline, Jeff D (PSC)

From: PSC - Reports
Sent: Thursday, May 10, 2018 10:07 AM
To: Allen Aetis (williamartis27@gmail.com)
Subject: RE: Marshall County Environmental Services, LLC - Past Due 2017 Gross and Annual Reports

Good morning,

Please email a completed Gross Report in reply to this message and follow up with the original hard copy by mail by May 18, 2018. As for the Annual Report, a 30-day extension of time can be requested by email to PSC.Reports@ky.gov providing an explanation for the need of the request. Both of these actions are required to bring the company back into compliance.

Regards,

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Blvd
P. O. Box 615
Frankfort, KY 40602

www.psc.ky.gov

Cline, Jeff D (PSC)

From: PSC - Reports
Sent: Tuesday, April 17, 2018 1:40 PM
To: mces431@gmail.com
Subject: Marshall County Environmental Services, LLC - Past Due 2017 Gross and Annual Reports

Please be advised that the 2017 Gross and Annual Reports were required to be submitted by March 31, 2018 and are now past due and considered highly delinquent pursuant to KRS 278.170 and 807 KAR 5:006, Section 4. Swift action to comply with the reporting requirements will prevent a show cause action and penalties implemented pursuant to KRS 278.990.

Please email the Gross Report in reply to this message and follow up with the original hard copy by mail by April 30, 2018. As for the Annual Report, a 30-day extension of time can be requested by email to PSC.Reports@ky.gov providing an explanation for the need of the request.

It is essential that we receive feedback from you as quickly as possible pursuant to a statutory deadline.

Please do not hesitate contacting me in reply to this message should you have any questions at all.

Regards,

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Blvd
P. O. Box 615
Frankfort, KY 40602

www.psc.ky.gov

Cline, Jeff D (PSC)

From: Cline, Jeff D (PSC)
Sent: Thursday, December 7, 2017 3:02 PM
To: mces431@gmail.com
Subject: Sewer Utility's 2017 Annual and Gross Reports Due March 31, 2018

If you are not the individual that completes Gross and Annual Reporting to the Kentucky Public Service Commission ("KPSC") on behalf of Marshall County Environmental Services, LLC, please forward to the proper person as this email contains pertinent requirement information including links to forms that can be printed for filing that are time-sensitive.

This correspondence is to serve as a reminder for **Marshall County Environmental Services, LLC (ID 9003800)** that the 2017 **Sewer Report of Gross Operating Revenues ("Gross Report")** and the **Annual Financial and Statistical Report ("Annual Report")** are required to be filed with the KPSC **no later than March 31, 2018.**

Please note: If your company provides more than one service type, separate emails will be sent for each service type to the default regulatory email on file with the KPSC.

Gross Report

One original signed and notarized original hard copy Gross Report for calendar year 2017 is required to be filed pursuant to KRS 278.140 and 807 KAR 5:006, Section 4(1) and should be mailed to the address at the bottom of this correspondence. Ensure that the Gross Report filed with the KPSC is complete, including utility's default regulatory email address, pursuant to 807 KAR 5:006, Section 3(2). Please do not upload a copy of the Gross Report with the e-filed Annual Report as the Gross Report should be filed in hard copy format only.

A blank Gross Report should be printed, filled out, signed/notarized, and mailed to the mailing address provided at the bottom of this email.

Refer to the following links for printing the Gross Report in the format of your choice:

PDF version: <http://psc.ky.gov/agencies/psc/forms/gor01.pdf>

Word version: <http://psc.ky.gov/agencies/psc/forms/gor01.doc>

If you are unable to print the Gross Report using the links provided above and would like to request a blank hard copy Gross Report mailed to you, please request a hard copy by sending an email to PSC.Reports@ky.gov.

Annual Report

The Annual Report should be completed in the KPSC's e-filing system for calendar year 2017 pursuant to 807 KAR 5:006, Section 4(2). A hard copy is not required.

An Oath Page should accompany your Annual Report which can be created at the Create and Upload Page located at last schedule on the left side of the screen of the Annual Report e-filing system. After your Annual Report Oath Page is printed, signed and notarized, simply scan and upload it back into the system under this same schedule. If you do not have scanning capabilities, you may mail a hard copy Oath Page to the address provided at the bottom of this email and we will upload on your behalf.

Further, there is an Upload Supporting Documents page to allow you a method to upload additional pages related to your Annual Report, if necessary. This page is the 2nd to last schedule shown on the left side of the screen, directly above the Create and Upload Oath Page schedule. In the event you had an Audit performed and the Audit Report is ready at the time of your Annual Report submission, a PDF copy of the report should be uploaded to be included with the Annual Report submission under this schedule. If you have an Audit performed but the Audit Report is not yet available, you may go ahead and submit your Annual Report. When the Audit Report is available, simply request for the Supporting

Documents schedule to be placed back into edit mode by generating an email to PSC.Reports@ky.gov. We will then open up the schedule to allow you to upload the Audit Report.

Refer to the following link to log into the KPSC e-filing system for submitting the Annual Report:

KPSC E-Filing System: <https://psc.ky.gov/Security/account/login.aspx>

Annual Report Tips and Problem Solving

Making use of the **checklist** located at the 3rd to last schedule shown on the left side of the screen, just above the Upload Supporting Documents schedule, will help you eliminate cross-reference issues found in your report prior to submission. Also, be sure to click the **Save button** on each page when completing your Annual Report prior to moving on to the next page. After you save each page of your Annual Report, we recommend scrolling back to the top of each individual page and look for any description shown in red indicating errors that should be corrected prior to final submission.

Other helpful tips and instructions are available on our web site at:
<http://psc.ky.gov/agencies/psc/AnnualReport/AnnRptInstructions.pdf>

Extension Requests

An extension of time request for submitting the Gross Report cannot be granted and prompt filing is essential. However, the KPSC may occasionally, upon written request, allow a 30-day extension of time for filing the Annual Report. The request must provide a reasonable explanation and be submitted prior to the March 31 deadline. **Annual Report extensions should be requested by generating an email to PSC.Reports@ky.gov.**

Any utility failing to comply with reporting requirements may be subject to the impositions of penalties provided under KRS 278.990.

Should you have any questions regarding reporting requirements, please do not hesitate to contact us at PSC.Reports@ky.gov or (502) 564-3940.

Jeff D. Cline
Kentucky Public Service Commission
211 Sower Boulevard
PO Box 615
Frankfort, KY 40602

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