

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FAILURE OF U. S. DIGITAL NETWORK, )  
LIMITED PARTNERSHIP TO FILE GROSS ) CASE NO. 98-440  
REVENUE REPORT )

ORDER

On August 31, 1998, the Public Service Commission ( Commission ) ordered U.S. Digital Network, Limited Partnership ( U.S. Digital ) to show cause why it should not be penalized for having failed to comply with KRS 278.230(3). A hearing in this matter was held before the Honorable Paul Shapiro at the offices of the Commission on October 7, 1998. Neither U.S. Digital nor its attorney appeared at the hearing. William Feldman appeared as a witness on behalf of the Commission.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. 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.
2. KRS 278.140 requires every utility, on or before March 31 of each year, to file with the Commission a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year.
3. The required form was timely mailed by the Commission to the utility along with a transmittal letter informing the utility of the deadline for filing the report.

4. As of the date of this Order, a gross revenue report has not been filed with this Commission by U.S. Digital for calendar year 1997.

5. KRS 278.990(1) provides that if any utility willfully violates any of the provisions of KRS Chapter 278 or any regulation promulgated thereunder it shall be subject to a civil penalty to be assessed by the Commission for each offense not less than \$25.00 nor more than \$2,500.

6. U.S. Digital has willfully failed to comply with KRS 278.230(3).

7. U.S. Digital should be assessed a penalty of \$250 for its willful failure to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. U.S. Digital is assessed a penalty of \$250 for its willful violation of KRS 278.230(3).

2. U.S. Digital shall pay the assessed penalty within 20 days of the date of this Order. Payment shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be mailed or delivered to the Office of General Counsel, Public Service Commission of Kentucky, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

3. Within 20 days of the date of this Order U.S. Digital shall file with the Commission a completed gross revenue report for the 1997 calendar year.

Done at Frankfort, Kentucky, this 10<sup>th</sup> day of February, 1999.

By the Commission

ATTEST:

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Executive Director