

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

On February 7, 2017, the Commission issued an Order directing Fern Lake Company ("Fern Lake") to: (1) file no later than February 24, 2017, its gross operating reports and annual reports for the 2014 and 2015 calendar years; and (2) appear on March 28, 2017, to show cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with KRS 278.140 and KRS 278.230(3).

The March 28, 2017, hearing was held as scheduled. No representative appeared on behalf of Fern Lake.

As a result of the evidence and record of the March 28, 2017, hearing, the Commission issued a May 4, 2017 Order finding, among other things, that Fern Lake had willfully failed to submit reports for the 2014 and 2015 calendar years as required by KRS 278.230(3), 807 KAR 5:006, Section 4(2), and KRS 278.140. The Commission's May 4, 2017 Order assessed, pursuant to KRS 278.990(1), Fern Lake a penalty of \$5,000.00 for its willful failure to comply with KRS 278.230 and 807 KAR 5:006, Section 4(2), as well as a penalty of \$5,000.00 for its willful failure to comply with KRS 278.140. The Commission's May 4, 2017 Order directed Fern Lake to pay the assessed penalties, totaling \$10,000.00, within 14 days of the date of the Order.

On June 6, 2017, because Fern Lake had not yet paid the assessed penalties, the Commission issued a letter demanding payment from Fern Lake. On August 23, 2017, because Fern Lake had not yet paid the assessed penalties, the Commission filed Civil Action No. 2017-CI-00900 in Franklin Circuit Court, seeking to enforce the Commission's May 4, 2017 Order.

On September 5, 2017, Fern Lake filed its gross report and annual reports for calendar years 2014 and 2015, as directed in the February 7, 2017 Order.

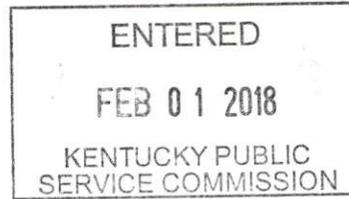
On September 27, 2017, Fern Lake entered into a Settlement Agreement with the Commission to resolve its obligations outstanding under the Commission's May 4, 2017 Order. Pursuant to that Settlement Agreement, Fern Lake tendered a check in the amount of \$9,000.00 to the Commission on September 29, 2017. The Settlement Agreement was entered into the record in this case on October 24, 2017.

Because Fern Lake has filed its gross operating reports and annual reports for the calendar years 2014 and 2015, and tendered the \$9,000.00 agreed to in the Settlement Agreement, the Commission finds that Fern Lake has satisfied the Commission's May 4, 2017 Order and this case should be dismissed.

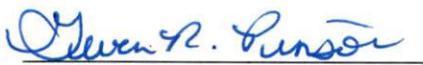
IT IS THEREFORE ORDERED that:

1. Fern Lake has satisfied the Commission's May 4, 2017 Order;
2. This case is dismissed with prejudice and removed from the Commission's active docket; and
3. This is a final and appealable order.

By the Commission



ATTEST:


Executive Director

Case No. 2017-00031

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