

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CENTER RIDGE WATER DISTRICT NO. 2	)	
_____	)	
	)	
ALLEGED FAILURE TO COMPLY WITH AN	)	CASE NO.
ORDER BY THE COMMISSION AND 807 KAR	)	2017-00359
5:001, SECTION 20(6)	)	

ORDER

On November 2, 2017, the Commission ordered Center Ridge Water District No. 2, (“Center Ridge”) to show cause why it should not be penalized for failing to comply with the Commission’s Order of April 18, 2017, requiring it either satisfy the matters complained of or file a written answer (within 10 days from the date of service of the Order) to the complaint filed in Case No. 2017-00164, Peggy S. Rose v. Center Ridge Water District No. 2. A hearing in this matter was held on January 9, 2018. No representative appeared on behalf of Center Ridge.

On April 5, 2017, Peggy S. Rose filed a Complaint against Center Ridge with the Commission in Case No. 2017-00164. On April 18, 2017, Center Ridge was served electronically with a copy of the complaint and an Order requiring it to satisfy the matters complained of, or file a written answer with ten days from the date of service.<sup>1</sup> Having received no answer, the Commission sent a letter dated June 20, 2017, by certified mail, return receipt requested, requiring that Center Ridge file an answer within 10 days with a

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<sup>1</sup> Case No. 2017-00164, *Peggy S. Rose v. Center Ridge Water District No. 2*. (Ky. PSC Apr. 5, 2017) Order at 1,

motion for extension of time explaining the reason for the delay in responding to the Commission's Order. There was no response filed. The Commission did receive a certified mail receipt which had the date of delivery as June 23, 2017, but no signature was on the receipt. The attached letter was not returned with the receipt.

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

1. Center Ridge is a utility under the definition of 278.010(3). It is a person that owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the collection, transmission, or treatment of sewage for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.<sup>2</sup>

2. 807 KAR 5:001, Section 20(4)(b), requires that when a complaint establishes a *prima facie* case, the Commission "shall serve an order upon the person complained of...requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten days from the date of service of the order...." Upon service of such an order, 807 KAR 5:001, Section 20(6), requires that "the defendant shall file an answer to the complaint within the time specified in the order or the extension as the commission, for good cause shown, shall grant."

3. On April 18, 2017, the Commission issued an Order requiring Center Ridge to satisfy the matters complained of or file a written response to Peggy Rose's Complaint within ten days. This order was served on Center Ridge electronically at the email address on file with the Commission.

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<sup>2</sup> KRS 278.010(3)(f).

4. KRS 278.990 states that, “[i]f any utility willfully violates any of the provisions of this chapter or any regulation promulgated pursuant to this chapter....or fails to perform any duty imposed upon it under those sections for which no penalty has been provided by law, or fails to obey any order of the commission from which all rights of appeal have been exhausted, the utility shall be subject to a civil penalty to be assessed by the commission for each offense not less than twenty-five (\$25) nor more than two thousand five hundred dollars (\$2,500).”

5. Center Ridge has willfully failed to obey the Order of the Commission dated April 18, 2017.

6. In doing so, Center Ridge has willfully failed to comply with 807 KAR 5:001, Section 20(6).

7. Center Ridge should be assessed a penalty of \$2,500 for its willful failure to comply with 807 KAR 5:001, Section 20(6).

IT IS THEREFORE ORDERED that:

1. Center Ridge is assessed a penalty of \$2,500 for its willful failure to comply with 807 KAR 5:001, Section 20(6).

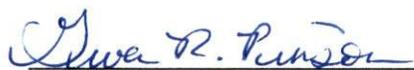
2. Center Ridge shall pay the assessed penalty, totaling \$2,500.00 within 30 days of the date of entry of this Order. Payment shall be by certified check or money order made payable to “Treasurer, Commonwealth of Kentucky” and shall be sent by certified mail or delivered to Office of General Counsel, Public Service Commission of Kentucky, 211 Sower Boulevard, P.O. Box 615 Frankfort, Kentucky 40602-0615.

3. The Executive Director shall serve a copy of this Order on Center Ridge by certified mail.

By the Commission

ENTERED  
MAR 16 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2017-00359

\*Center Ridge Water District No. 2  
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New Concord, KY 42076

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