

People's -  
\*for cashier's check  
for Public Service Commission

730- misc.

RECEIVED

lines. According to Flemingsburg's audited financial statements, Flemingsburg's utility operations (gas, water, and wastewater) had a net loss of \$265,992 for the fiscal year ending June 30, 2016. Assessment of the full civil penalty could impair Flemingsburg's ability to provide adequate service to its ratepayers.

MAY 15 2018  
PUBLIC SERVICE  
COMMISSION

Having reviewed the record and considered the assessment criteria, the Commission finds that Flemingsburg should be assessed a total civil penalty in the amount of \$60,000 calculated as follows:

Violation of 49 C.F.R. §§ 192.605(a) and 192.751(a): \$50,000

Violation of 49 C.F.R. § 199.105(b): \$5,000

Violation of 49 C.F.R. § 199.225(a): \$5,000

Of this amount, the Commission finds that \$30,000 should be suspended on the condition that Flemingsburg conducts additional training on the requirement to remove all potential ignition sources when gas is being vented into the open air and conduct supervisor training on post-incident drug and alcohol testing. The Commission finds that Flemingsburg should conduct this training within three months of the date of this Order and certify in writing to the Commission that it has completed the training within 30 days of completion thereof.

IT IS THEREFORE ORDERED that:

1. Flemingsburg is assessed a penalty in the amount of \$60,000 for violation of 49 C.F.R. §§ 192.605(a), 192.751(a), 199.105(b), 199.225(a).
2. Flemingsburg shall pay \$30,000 of the assessed civil penalty within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer, and mailed or delivered to the Office of the General Counsel, Kentucky Public

Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602. The remaining \$30,000 of the civil penalty shall be suspended on the condition that Flemingsburg complies with the ordering paragraphs 3, 4, and 5 of this Order within the timeframe allowed.

3. Within three months of the date of this Order, Flemingsburg shall provide, through a qualified third party, additional mandatory training to all employees who work on or near natural gas facilities on the requirement to remove each potential ignition source from any area where gas is being vented into the open air.

4. Within three months of the date of this Order, Flemingsburg shall provide, through a qualified third party, additional mandatory training to all supervisors of employees who work on or near natural gas facilities regarding the proper procedure for post-incident drug and alcohol testing.

5. Within 30 days of completion of the training ordered in ordering paragraphs 3 and 4 of this Order, Flemingsburg shall certify to the Commission in writing that it has completed such training.

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