

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF SOUTHERN MADISON)	
WATER DISTRICT TO FILE REQUIRED REPORT)	CASE NO.
PURSUANT TO KRS 278.230(3) AND 807 KAR)	2021-00389
5:006, SECTION 4)	

ORDER

The Commission, on its own motion, finds that a hearing should be scheduled in this matter. On October 14, 2021, the Commission initiated this proceeding to show cause why Southern Madison Water District (Southern Madison District) should not be subject to the civil penalties established in KRS 278.990 for its failure to comply with KRS 278.140(3), KRS 278.230(3), and 807 KAR 5:006, Section 4, by failing to file Southern Madison District’s annual financial and statistical report (Annual Report). In the October 14, 2021 Order, the Commission directed Southern Madison District to file this report and a \$500 civil penalty by November 9, 2021.

To date, Southern Madison District has not filed the Annual Report, but did tender a check representing the \$500 civil penalty. Ordering paragraph 3 expressly states that “[i]f Southern Madison District desires to waive its right to a hearing in this matter, Southern Madison District shall, no later than November 9, 2021, file the required report and pay a penalty of \$500.” Because Southern Madison District failed to comply with the October 14, 2021 Order by filing the report with the penalty payment, the Commission finds that Southern Madison District failed to waive its right to waive a hearing and the check should be returned to Southern Madison District. Upon a finding of a willful violation

of KRS 278.140(3), KRS 278.230(3), and 807 KAR 5:006, Section 4, and a Commission Order, the Commission may assess civil penalties pursuant to KRS 278.990 of up to \$2,500 per occurrence.

IT IS THEREFORE ORDERED that:

1. A hearing in this matter shall be held on Wednesday, February 2, 2022, at 1 p.m. Eastern Standard Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.
2. The payment of the \$500 civil penalty without the filing of the Annual Report is rejected and will be returned to Southern Madison District by certified mail, along with a copy of this Order.
3. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.

By the Commission



ATTEST:


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