

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FAILURE OF CERTAIN UTILITIES) ADMINISTRATIVE
TO FILE ANNUAL REPORTS OF GROSS) CASE NO. 303
OPERATING REVENUES)

O R D E R

On May 2, 1986, this Commission levied a fine of \$100 against Timothy Facilities, Inc. ("Timothy Facilities") for its failure to file a Report of Gross Operating Revenues for the calendar year ending December 31, 1985. This Commission further ordered Timothy Facilities to file the required report within 20 days of its order. The report was filed, but the fine was not paid. On August 7, 1986, this Commission levied an additional fine of \$100 against Timothy Facilities for its failure to pay the earlier fine. The fines which total \$200 are still unpaid.

Timothy Facilities requests that this Commission rescind the outstanding fines. While acknowledging its failure to make a timely filing of its 1985 annual report, it asks that this Commission take notice of some extenuating factors. The report's preparation was delayed because several essential records were misplaced. Officials of Timothy Facilities state that they mistakenly believed an extension to the report's filing deadline had been granted. Finally, Timothy Facilities argues that because of its small size and limited financial resources, imposition of the fines would impose an undue hardship.

The Commission, after consideration of the record and being advised, is of the opinion and so finds that:

1. Timothy Facilities failed to timely file a Report of Gross Operating Revenues for the calendar year ending December 31, 1985. Its failure was, in part, due to a mistaken belief that an extension on the filing deadline for the report had been granted.

2. Imposition of the fines would impose a financial hardship upon Timothy Facilities.

3. The fines should be suspended until April 1, 1989. If Timothy Facilities timely files its Report of Gross Operating Revenues for the 1987 and 1988 calendar years, then the fines should be rescinded at the end of the suspension period. If it fails to make a timely filing of these reports, then the suspension period should immediately end and the fines immediately become payable.

IT IS THEREFORE ORDERED that:

1. The fines levied against Timothy Facilities shall be, and they hereby are, suspended until April 1, 1989. If Timothy Facilities timely files with the Commission its Report of Gross Operating Revenues for the 1987 and 1988 calendar years, these fines shall be rescinded. Rescission shall occur on April 2, 1989, and shall not require any additional action by the Commission.

2. If Timothy Facilities fails to make a timely filing of its Report of Gross Operating Revenues for the 1987 or 1988 calendar year, the suspension period shall immediately end and the fines shall become immediately payable.

Done at Frankfort, Kentucky, this 23rd day of November, 1987.

PUBLIC SERVICE COMMISSION

Richard D. Hemmings
Chairman

[Signature]
Vice Chairman

[Signature]
Commissioner

ATTEST:

Executive Director