

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE INVESTIGATION INTO WESTERN FLEMING)
COUNTY WATER DISTRICT'S AND CHAIRMAN)
CLYDE THOMAS' ALLEGED WILLFUL VIOLATION) CASE NO. 9673
OF THE COMMISSION ORDER ENTERED MARCH 30,)
1987)

O R D E R

On November 14, 1988, the Commission entered its Order in this case assessing a \$500 fine against Clyde Thomas, Chairman of Western Fleming County Water District ("Western Fleming") for his willful violation of a Commission Order. On December 5, 1988, Mr. Thomas filed a Petition for Reconsideration and supporting Affidavits requesting the Commission consider abating or reducing the amount of the fine.

In support of his request, Mr. Thomas states that Western Fleming has been maintaining meter test and history cards since the early part of 1988 and the district has a pressure recording device which has been used since September of 1988. He states that the district ceased charging an unauthorized wholesale rate immediately after the hearing on June 21, 1988. In addition, Mr. Thomas states that Western Fleming has now filed a tariff with the Commission for approval of those rates and charges which formed the basis of two prior proceedings.

After consideration of the Petition and supporting Affidavits, the Commission is of the opinion that by coordinating

the tariff filing on behalf of the district and establishing a meter testing program, Mr. Thomas has made significant progress toward compliance with Commission regulations and Orders. Imposition of monetary penalties remains secondary to the Commission's intent of securing compliance to its administrative regulations and Orders.

After a review of the record and being advised, the Commission is of the opinion and finds that:

1. Within 15 days of the date of this Order, \$100 of the \$500 fine assessed shall be immediately due and payable by Mr. Thomas.

2. Filing requirements specified in Ordering Paragraph No. 1 of the November 14, 1988 Order shall remain in effect as stated with the exception that the first quarterly compliance report is due no later than January 6, 1989. The next compliance report is due no later than April 1, 1989; subsequent reports shall be due on the first day of the month which begins the next quarter.

3. The remaining \$400 of the fine shall be suspended pending completion and filing of the quarterly compliance reports. Western Fleming shall continue to file such reports until the Commission determines that compliance has been satisfactorily achieved and the Commission specifically relieves Western Fleming from the filing requirements. At the time of this determination the remainder of the fine will be vacated.

4. In the event Mr. Thomas fails to timely file any of the required compliance reports, the remaining \$400 of the fine shall become immediately due and payable within 5 days after the report was due to be filed.

5. Filing of the required reports shall continue until such time as the Commission determines that compliance has been adequately demonstrated.

6. All other provisions of the Commission's November 14, 1988 Order shall remain in full force and effect as if specifically repeated herein.

BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 22nd day of December, 1988.

PUBLIC SERVICE COMMISSION

Chairman

Robert M. Davis

Vice Chairman

Spencer N. Williams

Commissioner

ATTEST:

Executive Director