

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J & W SANITATION COMPANY, INC. )

\_\_\_\_\_  
FAILURE TO COMPLY WITH KRS 278.230(3) )

) CASE NO. 95-509  
)  
)

O R D E R

J & W Sanitation Company, Inc. ("J & W Sanitation"), a Kentucky corporation, owns, controls, operates, and manages a subdivision treatment facility plant in Hopkins County, Kentucky, which is used for and in connection with the treatment of sewage for the public for compensation. It is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(f).

KRS 278.230(3) requires every utility to file with the Commission any report or other information that the Commission reasonably directs. Commission Regulation 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission on or before March 31 of each year a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission.

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or Commission regulation shall be subject to a civil penalty not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500).

On January 3, 1995, the Commission provided to J & W Sanitation the standard forms for the annual financial and statistical report. According to Commission records, J & W Sanitation has yet to file this report for the 1994 calendar year with the Commission. The absence of this report from Commission records constitutes prima facie evidence that J & W Sanitation has willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. J & W Sanitation shall file with the Commission, no later than December 15, 1995, its financial and statistical report for the 1994 calendar year.

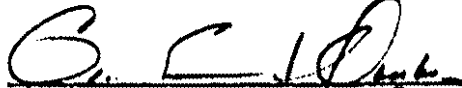
2. J & W Sanitation shall appear on December 18, 1995, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for its failure to comply with KRS 278.230(3).

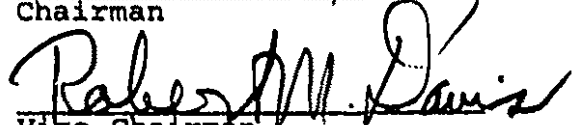
3. If J & W Sanitation desires to waive its right to a hearing in this matter, it shall, no later than December 15, 1995, file the required report and pay a penalty of \$125. Payment of the penalty shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky, and shall be

delivered to Office of General Counsel, Public Service Commission,  
730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 20th day of November, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director