

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BTU PIPELINE, INC.)
_____) CASE NO. 95-513
FAILURE TO COMPLY WITH KRS 278.230(3))

O R D E R

BTU Pipeline, Inc. ("BTU Pipeline"), owns, controls, operates, or manages facilities used for and in connection with the distribution, sale and furnishing of natural or manufactured gas to or for the public for compensation. It is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(b).

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 BTU Pipeline the standard forms for the annual financial and statistical report. According to Commission records, BTU Pipeline 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 BTU Pipeline has willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. BTU Pipeline shall file with the Commission, no later than December 15, 1995, its financial and statistical report for the 1994 calendar year.

2. BTU Pipeline 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 278.140 and 278.230(3).

3. If BTU Pipeline 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