

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FAILURE OF GILBERT CONSTRUCTION )  
COMPANY - GRAHAM ESTATES SUBDIVISION -TO) CASE NO. 98-446  
FILE ANNUAL AND GROSS REVENUE REPORTS )

ORDER

On September 1, 1998, the Public Service Commission ( Commission ) ordered Gilbert Construction Company Graham Estates Subdivision ( Gilbert ) to show cause why it should not be penalized for having failed to comply with KRS 278.230(3). A hearing in this matter was held before the Honorable Paul Shapiro at the offices of the Commission on October 7, 1998. Neither Gilbert nor its attorney appeared at the hearing. William Feldman appeared as a witness on behalf of the Commission.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires.
2. KRS 278.140 requires every utility, on or before March 31 of each year, to file with the Commission a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year.
3. 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.

4. The required forms were timely mailed by the Commission to the utility along with a transmittal letter informing the utility of the deadline for filing the reports.

5. As of the date of this Order, neither the gross revenue report nor the annual report for calendar year 1997 has been filed by Gilbert.

6. KRS 278.990(1) provides that if any utility willfully violates any of the provisions of KRS Chapter 278 or any regulation promulgated thereunder it shall be subject to a civil penalty to be assessed by the Commission for each offense not less than \$25.00 nor more than \$2,500.

7. Gilbert has willfully failed to comply with KRS 278.230(3).

8. Gilbert should be assessed a penalty of \$250 for its willful failure to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. Gilbert is assessed a penalty of \$250.00 for its willful violation of KRS 278.230(3).

2. Gilbert shall pay the assessed penalty within 20 days of the date of this Order. Payment shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be mailed or delivered to the Office of General Counsel, Public Service Commission of Kentucky, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

3. Within 20 days of the date of this Order, Gilbert shall file with the Commission a completed gross revenue report and completed annual report for the 1997 calendar year.

Done at Frankfort, Kentucky, this 3<sup>rd</sup> day of February, 1999.

By the Commission

ATTEST:

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Executive Director