

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF MIKE LITTLE GAS)	
COMPANY, INC., MIKI THOMPSON, WINNIE)	CASE NO.
GREER, AND DANIEL GREER, INDIVIDUALLY)	2007-00107
AND AS OFFICERS OF THE UTILITY, FOR)	
ALLEGED VIOLATIONS OF COMMISSION)	
ORDERS AND SAFETY VIOLATIONS)	
PURSUANT TO KRS 278.990 AND KRS 278.992)	

O R D E R

On June 20, 2007, an Order was issued in this case adopting and approving the terms and conditions set forth in a Settlement Agreement between Commission Staff and Mike Little Gas Company, Inc. ("Mike Little"), Miki Thompson, individually and as President of Mike Little, Daniel Greer, individually and as former Vice President of Mike Little, and Winnie Greer, individually and as Treasurer of Mike Little.

In that Order, Mike Little and Miki Thompson and Winnie Greer, individually and in their capacity as corporate officers of Mike Little, were assessed, jointly and severally, a civil penalty of \$100,000.00 for the listed violations. However, \$95,000.00 of that penalty was suspended upon the following terms and conditions:

- a. Mike Little, Miki Thompson, and Winnie Greer, jointly or severally, shall pay \$5,000.00 of the civil penalty within 30 days from the date of this Order.
- b. All exposed plastic pipe in the Mike Little system is to be buried within 30 days from the date of this Order.
- c. Mike Little is to have in place, by contract or otherwise, a certified operator in conformity with 49 C.F.R. Part Subpart N- Qualifications of Pipeline Personnel § 192.801-807 within 30 days from the date of this Order.

d. Mike Little is to have established a continuing educational program (Public Awareness Program) pursuant to 49 C.F.R. § 192.616(a-i) within 30 days from the date of this Order.

e. Mike Little will have performed a gas sampling and a leakage survey within 30 days from the date of this Order.

The Order further specified that if any one of the conditions of the penalty suspension is not complied with within the required 30-day period, the entire suspended penalty of \$95,000.00 shall be immediately due and payable. Upon confirmation by Commission Staff that all of the five above-stated conditions have been complied with, the balance of the \$95,000.00 suspended penalty is to be forgiven by Order of the Commission.

On July 17, 2007, Mike Little, Miki Thompson, and Winnie Greer filed a motion to waive the fine of \$5,000.00 imposed in the Order of June 20, 2007 and for an extension of time in which to comply with ¶¶ c and e above.

Mike Little states that the payment of the fine would impose a hardship upon Mike Little due to its recent unexpected cost of repairs and compliance. Due to the record of Mike Little before this Commission and the fact that the two principal owners of Mike Little are also responsible for the \$5,000.00 fine, the Commission is not persuaded to waive the agreed penalty of \$5,000.00. The Commission will, however, grant an extension of time of 15 days in which the \$5,000.00 penalty shall be paid.

Mike Little states that it cannot comply with the requirements of ¶¶ c and e of the above-stated conditions for the suspension of the entire penalty within the 30-day period. Mike Little says it has experienced unexpected delays in the qualification of a certified operator and in completing its gas sampling. The delay in having a certified operator in place involves a delay by a qualified instructor, Roger Wingate, in

scheduling the training necessary until mid-August. Further, Mike Little finds that it will experience a delay in obtaining a calibrated instrument for gas sampling and training.

The purpose of the suspension of the \$95,000.00 in penalty was primarily to obtain compliance with the safety regulations required of all operators, rather than just to impose a monetary penalty. The Commission will grant Mike Little's request for an extension of time to comply with those requirements.

IT IS HEREBY ORDERED that:

1. The request of Mike Little to waive the \$5,000.00 penalty is denied.
2. Mike Little is granted an extension of 15 days from the date of this Order to pay the \$5,000.00 penalty, as required in the June 20, 2007 Order, and that Order is so modified.
3. Mike Little is granted an extension to September 4, 2007 in which to comply with the requirements of ordering paragraphs 4(c) and (e) of the June 20, 2007 Order, and that Order is so modified.
4. Beginning August 3, 2007, Mike Little shall file with the Commission status reports every 21 days as to its efforts in complying with ordering paragraphs 4(c) and (e) until the tasks are completed.

Done at Frankfort, Kentucky, this 31st day of July, 2007.

By the Commission

ATTEST:



Executive Director