

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF LONGVIEW LAND)	CASE NO.
COMPANY, LLC TO FILE REQUIRED)	2012-00499
REPORTS)	

ORDER

On November 21, 2012, the Commission ordered Longview Land Company, LLC (“Longview”) to show cause why it should not be subject to the penalties in KRS 278.990 for failing to comply with KRS 278.230(3). A hearing in this matter was held on January 23, 2013. No representative appeared on behalf of Longview.

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

1. Longview owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the collection, transmission, or treatment of sewage for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.¹

2. 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.

3. 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

¹ KRS 278.010(3)(d) and KRS 278.010(3)(f).

utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.990 provides penalties for utilities that fail to file the required reports.

4. On or about December 15, 2011, the Commission provided to Longview the standard forms for the annual financial and statistical reports. According to Commission records, Longview has yet to file its sewer annual reports for the 2011 calendar year.

5. As of April 1, 2011, Longview has not filed the required reports for the 2011 calendar year operations nor requested an extension of time in which to make such filing.

6. As of the date of this Order, Longview has not filed an annual financial and statistical report for its 2011 calendar year operations.

7. As of the date of this Order, Longview has not filed a report of gross earnings derived from intrastate business for its 2011 calendar year.

8. Where the act a utility is required to do is merely clerical in nature, willfulness or deliberate intent can be inferred from the fact of noncompliance.²

9. Longview has willfully failed to comply with KRS 278.230(3).

10. KRS 278.990(1) provides that any utility that willfully violates any provision of KRS Chapter 278 or any regulation promulgated pursuant to KRS Chapter 278, or fails to perform any duty imposed upon it under those sections shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.00.

11. Longview shall be assessed a penalty of \$2,500.00 for its willful failure to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:

² See *Re Dyke Water Company*, 55 PUR3d 342 (Cal. P.U.C. 1964).

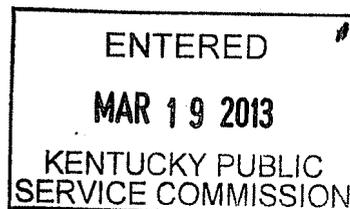
1. Longview is assessed a penalty of \$2,500.00 for its willful failure to comply with KRS 278.230(3).

2. Longview shall pay the assessed penalty within 14 days of the date of this Order. Payment shall be made by certified check or money order made payable to "Kentucky State Treasurer" and shall be mailed or delivered to the Office of General Counsel, Kentucky Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615.

3. Within 20 days of the date of this Order, Longview shall file with the Commission completed sewer annual financial and statistical reports for its 2011 calendar year operations and completed reports of gross earnings derived from intrastate business for its 2011 calendar year operations.

4. This case is closed and removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00499

R. Brad Pulliam
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