

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**ELECTRONIC INVESTIGATION OF )  
VALLEY GAS INC.'S FAILURE TO COMPLY ) CASE NO. 2022-00001  
WITH KRS 278.495, 807 KAR 5:027, AND )  
49 C.F.R. PART 192 )**

**MOTION FOR LEAVE TO SUBMIT NOTICE OF COMPLIANCE  
OUT OF TIME**

Pursuant to 807 KAR 5:001, Section 5(1), Valley Gas, Inc. (“Valley Gas”) moves for leave to file its notice of compliance with Ordering Paragraph 5 of the Public Service Commission’s (“Commission”) Order of April 5, 2023 out of time. In support of its Motion, Valley Gas states:

1. In its Order of April 5, 2023 in this matter, the Commission suspended \$128,000 of the penalties assessed against Valley Gas on the conditions that for a period of five year Valley Gas continue using a third-party contractor, such as Utility Safety and Design, Inc. (“USDI”), to ensure its compliance with all federal safety standards and that Valley Gas submit a report to the Commission annually no later than December 31 of each year documenting its use of a third-party contractor.

2. Valley Gas did not submit a report to the Commission regarding its use of a third party contractor for calendar year 2023 prior to the filing of this Motion.

3. On February 27, 2024, Commission Staff sent an electronic mail message to Valley Gas’s former legal counsel advising that the required report, which was due on December 31, 2023, had not been received and implying that one of the conditions for continued suspension of the \$128,000 in outstanding penalties had not been met.

4. Valley Gas's failure to submit the appropriate notice and evidence was in part due to a change in legal representation. Former legal counsel ended its representation of Valley Gas shortly after the issuance of the Order of April 5, 2023. Current legal counsel was not retained until October 2023 and expressly for matters not involving Case No. 2022-00001. Therefore, neither legal counsel was prepared to remind Valley Gas of its obligation under the Order of April 5, 2023.

5. Upon receiving Commission Staff's electronic message, Valley Gas worked with its current legal counsel to promptly gather the required documents and submit the required notice and evidence. It is working with current legal counsel to ensure subsequent notices are timely submitted.

6. Valley Gas's failure to submit the required notice and information by December 31, 2023 was unintentional and not in bad faith.

WHEREFORE, Valley Gas requests that the Commission grant it leave to file its Notice of Compliance out of time, accept its Notice of Compliance, and take no action against it for its untimely submission.

Dated: March 11, 2024

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on March 11, 2024; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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W. Duncan Crosby III