

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LONNIE WILLIAMS AND SON EXCAVATING, LLC)	CASE NO.
_____)	2019-00161
)	
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)	
)	

ORDER

Pursuant to KRS 278.495(2), the Kentucky Public Service Commission (Commission) has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt from an operator of a report of excavation damage to its underground gas pipeline, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Lonnie Williams and Son Excavating, LLC (Williams) for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Williams violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Williams shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of the date of this Order.
2. Williams shall appear on September 27, 2019, at 9 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act, and showing cause why it should not be subject to the penalties prescribed in KRS 367.4917(1) and (4) for this alleged violation.

3. A person shall not file a paper or appear at a hearing on behalf of, or otherwise represent, a partnership, corporation, or business entity (including a limited liability company) or other person unless the person is an attorney licensed to practice law in Kentucky.

4. The September 27, 2019 hearing shall be recorded by videotape only.

5. The Staff Incident Report in the Appendix to this Order is made a part of the record in this case.

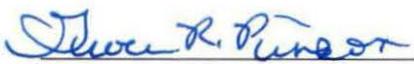
6. This Order shall be served via certified mail, return receipt accepted, to Lonnie Williams and Son Excavating, LLC, c/o Lonnie Williams, as Agent for Service of Process, 2131 Marydell Road, London, KY 40741.

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By the Commission

ENTERED
AUG 27 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00161

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00161 DATED **AUG 27 2019**

[TWO PAGES TO FOLLOW]

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Jason Whisman	Incident ID 20867
Incident Date 8/20/2018 5:25:00 PM	Report Submitted 8/29/2018 2:12:59 PM

OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 ext. 1160 Incident Location 1326 Keavy Road London, KY 40741 Laurel	Reported By Mary Virginia Rupard Email mvrupard@deltagas.com Locate Ticket Number
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EXCAVATOR INFORMATION

Name of Excavator Lonnie, Williams Phone 606-864-3200 Excavator Address Lonnie Williams and Son Excavating 2131 Marydell Rd London, KY 40741	Organization ID 0896595 Email Locate Ticket Number
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Excavation Damage: No notification made to the One Call Center

Description of Incident Lonnie Williams was using an excavator to demolish a building when debris fell on the riser and meter bar causing the service line to break below the blacktop.

Summary Information

9/4/2018

Full details such as the cause - Lonnie Williams did not call 811 to request a line location prior to starting this demolition project.

Extent of the damage - There were no injuries or property damage attributable to this incident. Delta employees install a cap and retired the service line.

Cost of the damage - \$478.00

Steps taken to prevent re-occurrence - Lonnie Williams was advised that the law requires anyone that is going to do any type of excavation work to call 811 to request a line location at least two working days prior to starting work. The definition of excavation work includes using mechanized equipment during demolition.

Amount billed to excavator - \$0.00

Investigation Summary:

I called and left a message for Lonnie Williams on 12/4/2018 at 3:10pm. I called and left another message on 12/6/18 at 9:17am. I called and spoke to a lady at his house and she gave me his cell number on 12/13 at 8:21am. I left a message on his cell phone on 12/13 at 8:21am and stated that he would get the full penalty without reduction if he did not return my phone call on 12/13. His cell number is 606-682-1318. Lonnie said the gas line was already broke. Building fell on top of pipe. A sign fell across the buiding and broke pipe before demolition. He agreed to reduced penalty of \$250 and to attend class.

Violation:

KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Lonnie Williams and Son Excavating
2131 Marydell Rd.
London, KENTUCKY 40741