

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SEAN TURNER

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ALLEGED VIOLATION OF UNDERGROUND  
FACILITY DAMAGE PREVENTION ACT

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CASE NO.  
2019-00282

OPENING ORDER

Sean Turner has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).<sup>1</sup>

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, 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,

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

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 of a report of excavation damage to its underground gas pipeline from an operator, 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 Sean Turner (Mr. Turner) for violation of the following provision of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues . . . .

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Mr. Turner 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:

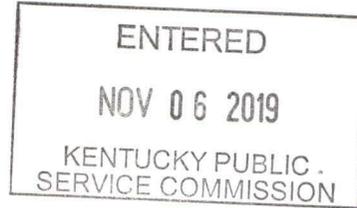
1. Mr. Turner shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.
3. The Staff Incident Report 21162 in the Appendix to this Order is made a part of the record in this case.

4. Please note that notice of a hearing to be held in this matter will be mailed to Mr. Turner once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2019-00282 DATED **NOV 06 2019**

FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 21162
<b>Incident Date</b> 10/25/2018 1:43:00 PM	<b>Report Submitted</b> 11/20/2018 9:37:21 AM

## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company	<b>Reported By</b> Paul Stratman
<b>Phone</b> (502) 364-8724	<b>Email</b> Paul.Stratman@lge-KU.com
<b>Incident Location</b> 506 Main St West Point, KY 40177	<b>Locate Ticket Number</b> 1809280477
Hardin	

## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Turner, Sean	<b>Organization ID</b>
<b>Phone</b> 502-322-2293	<b>Email</b>
<b>Excavator Address</b> 464 N 25th St Louisville, KY 40212	<b>Locate Ticket Number</b>

## INCIDENT

Homeowner working on water line repair damaged gas service. Excavator was working on expired locate request ticket (ticket requested 9/28).

## INVESTIGATION

May 31, 2019

- Spoke with Mike Jones. He said his notes indicate a trencher was used.
- Spoke with Sean Turner. He was at work, doesn't have email, says he received a letter from LG&E that states that the only thing he was in violation of was going over the 21 day limit on the dig ticket. I explained that that was a violation, and tried to discuss the terms of a demand letter. Mr. Turner was not agreeable to the penalty, a reduced penalty and attending a class in Frankfort. He said he had hired a contractor to do the digging, but the information was at home. He needed me to text him the PSC address so he can send the information. I will wait until someone with a work cell phone is available for me to use.

June 18, 2019 spoke with Mr. Turner again. He said he wasn't digging, Anthony Hale was. Before I could ask for any additional information, Mr. Turner said he had to go and hung up.

## **VIOLATION**

KRS 367.4911 (8) (a) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if the markings of any underground facility have been removed or are no longer visible.

Addendum to the Investigation Report.

As of October 25<sup>th</sup>, 2019, Official records confirm that Sean Turner is the Owner of 506 Main Street West Point, KY 40177.

NORMAL NOTICE

Ticket : 1809280477 Date: 09/28/2018 Time: 10:18 Oper: MEVENER Chan:000

State: KY Cnty: HARDIN City: WEST POINT  
Subdivision:

Address : 506

Street : MAIN ST

Cross 1 : S 5TH ST

Location: WHEN LOOKING AT THE PROPERTY FROM THE ROAD - LOCATE THE LEFT SIDE OF  
THE PROPERTY

:

Boundary: n 37.999598 s 37.998392 w -85.948599 e -85.946461

Work type : WATER LINE INSTALL

Done for : SEAN TURNER

Start date: 10/02/2018 Time: 10:30 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 3 FEET

Company : SEAN TURNER Type: HOME

Co addr : 464 N 25TH ST

City : LOUISVILLE State: KY Zip: 40212

Caller : SEAN TURNER Phone: (502)322-2293

Contact : SEAN TURNER - CELL Phone:

Mobile : (502)322-2293

Submitted date: 09/28/2018 Time: 10:18

Members: 0002 0139

Sean Turner  
464 N 25th Street  
Louisville, KENTUCKY 40212