

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|------------|
| RON ROSS |) | |
| |) | |
| _____ |) | CASE NO. |
| |) | 2020-00045 |
| ALLEGED VIOLATION OF UNDERGROUND |) | |
| FACILITY DAMAGE PREVENTION ACT |) | |

ORDER

A hearing was held before the Kentucky Public Service Commission (PSC) on April 23, 2021, at 9 a.m. at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Ron Ross violated KRS 367.4911(1)(a), (the Underground Facility Damage Prevention Act, hereafter the "Act"), on April 8, 2019, at approximately 4:30 p.m. at 539 North 44th Street in Louisville, Kentucky, when he damaged a natural gas pipeline while conducting excavation operations without making a line location request to the One Call Center not less than two nor more than ten full working days prior to commencing work. Mr. Ross was served with process and notified of the hearing date and time but failed to appear at the hearing to contest the allegations.

Eric Tout, an investigator for the Division of Inspections testified that he conducted an investigation which established that Mr. Ross had not obtained a locate ticket number from 811 and that Mr. Ross while operating a mini track hoe struck severed a .5" plastic natural gas service line in the process of conducting excavation activities. The service line was owned and operated by Louisville Gas & Electric Company for the benefit of the

public and contained natural gas at the time of the damage. This incident was Mr. Ross's first violation of the Act.

FINDINGS OF FACT

The testimony presented at the hearing and the exhibits filed in the record stand un rebutted and establish that:

1. Ron Ross, at the time the damage occurred on April 8, 2019, was an excavator as defined by KRS 367.4903(4) who caused damage to a natural gas service line by means of excavation as defined by KRS 367.4903(2) and (6). The natural gas service line was an underground facility owned and operated by Louisville Gas & Electric Company to serve the public. The gas pipeline contained natural gas at the time it was damaged by Mr. Ross.

2. Mr. Ross failed to call the Kentucky Contact Center (One Call Center or Protection Notification Center) to obtain information about the approximate location of the damaged natural gas service line not less than two nor more than ten full working days prior to commencing work as required by KRS 367.4911(1)(a).

3. This excavation work was not emergency work within the scope of KRS 367.4907 or the definition of "Emergency" as defined in KRS 367.4903(7), and no exception to the call requirement is applicable to this case.

4. There are no known mitigating factors which would merit the imposition of a fine less than the maximum provided by law. This violation is a first offense.

CONCLUSIONS OF LAW

1. Ron Ross violated the requirements of KRS 367.4911(1)(a) by failing to provide the operator of an underground facility serving the public with notification of his

intended work and work schedule not less than two nor more than ten full working days prior to commencing work.

2. KRS 367.4917(1) provides that an excavator who fails to comply with any provision of KRS 367.4911 shall be guilty of endangering underground facilities and may be subject to a fine of \$250 for the first offense.

3. KRS 367.4917(4) provides that any person who violates any provision of the Act that involves damage to a facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material shall be subject to a fine not to exceed \$1,000 for each offense.

4. Ron Ross, by reason of his failure to comply with the applicable provisions of the Underground Facility Damage Prevention Act as hereinbefore set out, is subject to a maximum fine of \$1,250.

IT IS THEREFORE ORDERED that:

1. Ron Ross is assessed a fine of \$1,250 for violation of KRS 367.4911(1)(a) for failure to provide the Louisville Gas & Electric Company, the operator of an underground facility serving the public, with notification of his intended work and work schedule not less than two nor more than ten full working days prior to commencing work and for violation of KRS 367.4917(4).

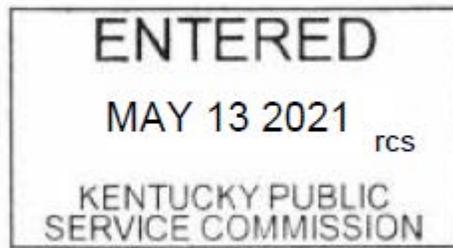
2. Ron Ross shall pay \$1,250 within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the offices of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40601.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the Commission to act or within 20 days after service of the final Order, as set out in KRS 278.410.

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By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bidwell". The signature is written in a cursive style.

Executive Director

Ron Ross
1014 Woodway Lane
Louisville, KENTUCKY 40211