

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OVERHEAD DOOR OF EASTERN KENTUCKY)	
)	
_____)	CASE NO.
)	2021-00203
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Overhead Door of Eastern Kentucky 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).¹

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,

¹ 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 Overhead Door of Eastern Kentucky 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 Overhead Door of Eastern Kentucky 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. Overhead Door of Eastern Kentucky shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, 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 32702 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 Overhead Door of Eastern Kentucky 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



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00203 DATED MAY 24 2021

SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 4/21/2020 11:40:00 AM	Incident ID 32702 Report Submitted 1/21/2021 10:32:46 AM
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OPERATOR INFORMATION

Operator Paintsville Utilities Phone (606) 789-2630 Incident Location Euclid Ave. 1715 Paintsville, KY 41240 Johnson	Reported By tom daniels Email tmdaniels@paintsvilleutilities.co Locate Ticket Number no ticket
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EXCAVATOR INFORMATION

Name of Excavator Thacker, Matt Phone 800-929-3667 Excavator Address Overhead Door of Eastern Kentucky P.O. Box 159 Harold, KY 41635	Organization ID 0941679 Email no Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator damaged a two inch gas line installing a fence and failed to call the KY Contact Center (811).

The Damage Report (DR) is include as Attachment 1.

Excavation Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
No call to 811	Not specified	\$0.00	\$0.00

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2004211317	Yes	04/21/20 13:24	Obtained approx. 1.75 hrs. after the damage occurred.	04/21/20 11:40	N/A	Yes / No / N/A

The Locate Ticket(s) is/are include as Attachment 2.

INVESTIGATION

On 02/01/21 811 provided LT...1317 revealing it was obtained by the Excavator approximately 1.75 hours after the damage occurred.

On 02/01/21 the Excavator, Overhead Door of Eastern Kentucky's Matt Thacker (606-874-4262), stated that an auger was being utilized when the damage occurred and no call was made to 811. Mr. Thacker was receptive to attending the Damage Prevention Course and paying the reduce penalty of \$250.00.

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.

of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Paintsville Utilities

Submitted 1/21/2021 Incident ID 32702

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32702\)](#)

Reported By:

Name	tom daniels
Phone	(606) 789-2630
Email	tmdaniels@paintsvilleutilities.com

Gas Line Incident Occured:

Date	4/21/2020
Time	11:40 AM

Details:

Reported Date	6/16/2020 11:11 AM
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Incident Location Address:

Location	euclid ave
Address	1715
City	paintsville
State	KY
County	johnson
Zip	41240

Confirm Code

Number of Customers out 0

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere? *

3/2020

Locate Request Ticket No. no ticket

Excavator Contractor

Excavator Address:

First Name	Matt
Last Name	Thacker
Organization ID	
Company	Over head door inc.
Phone	800-929-3667
Email	no

Address no address on report
City Ivel
State kentucky
Zip 41240
Confirm Code
Excavation Damage No notification made to the One
Call Center

Description of Incident Installing fence

Summary Information

1/21/2021

Full details such as the cause putting up new fence hit 2" gas line
Extent of the damage repaired with {2} 2" fuse couplings and 18" of pipe
Cost of the damage \$0.00
Steps taken to prevent re-occurrence
Amount billed to excavator \$0.00

Attachment 2

NORMAL NOTICE

Ticket : 2004211317 Date: 04/21/2020 Time: 13:24 Oper: DFLEENER Chan:1560

State: KY Cnty: JOHNSON City: PAINTSVILLE

Subdivision:

Address : 1715

Street : EUCLID AVE

Cross 1 : HENRY ST

Location: LOCATE THE ENTIRE RIGHT SIDE OF THE PROPERTY ALONG THE GREEN AND ORANGE LINE OFF AREA - APPROX 660 FEET WHEN FACING SCHOOL FROM EUCLID AVE

:

Boundary: n 37.814141 s 37.809987 w -82.780636 e -82.774707

Work type : INSTALL FENCE

Done for : CENTRAL ELEMENTARY SCHOOL

Start date: 04/23/2020 Time: 13:45 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 3 FEET

Company : OVERHEAD DOOR OF EASTERN KY Type: CONT

Co addr : 389 TOLLAGE CRK

City : PIKEVILLE State: KY Zip: 41501

Caller : JOHNNY HAMILTON Phone: (606)874-4262

Contact : MATT THACKER - CELL Phone:

Mobile : (606)339-5233

Fax : (606)874-4265

Email : JHAMILTON@ODEKY.COM

Submitted date: 04/21/2020 Time: 13:24

Members: 0139 0171 0367 0472 0556 0622

Johnny M. Fannin
469 Pine Ridge Rd.
Harold, KENTUCKY 41635

John Schmoltdt
72 Red Sand Hill
Harold, KENTUCKY 41635

Heather Gearheart
143 Walnut Drive
Pikeville, KENTUCKY 41501

Overhead Door of Eastern Kentucky
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