

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JEFF ROBARDS CONSTRUCTION, INC.)	
)	
_____)	CASE NO.
)	2021-00255
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Jeff Robards Construction, Inc. (Jeff Robards Construction) 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 Jeff Robards Construction for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Jeff Robards Construction 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. Jeff Robards Construction 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 32510 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 Jeff Robards Construction 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.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED
JUN 24 2021
rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00255

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00255 DATED JUN 24 2021

SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 3/30/2020 10:05:00 AM	Incident ID 32510 Report Submitted 4/27/2020 8:45:18 AM
--	--

OPERATOR INFORMATION

Operator Atmos Energy Corporation Phone (270) 779-4849 Incident Location 676 Champions Way, (Simpsonville) Shelbyville 676 Champions Way Simpsonville, KY 40067 Shelby	Reported By Anthony Stallins Email anthony.stallins@atmosenergy. Locate Ticket Number 2003240418
---	---

EXCAVATOR INFORMATION

Name of Excavator Robards, Jeff Phone 502-955-5095/502-957-5909 Excavator Address Jeff Robards Construction, Inc. 4435 N Preston Hwy Shepherdsville, KY 40165	Organization ID 0474042 Email chrisc@jrc-inc.com Locate Ticket Number
---	--

INCIDENT

The Operator reports that the Excavator damaged a properly marked ¾ inch gas service with a backhoe. The Damage Report is include as Attachment 1.

Excavation Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized / Backhoe	\$321.00	\$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
2003240418	Yes	03/24/20	N/A	03/30/20	N/A	Yes

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

INVESTIGATION

On 12/08/20 the Excavator, Jeff Robards Construction's Randy Young, stated that research was required and he would call back. Barry Bentley of Jeff Robards Construction called back and wanted to do additional research and stated he will be in contact.

On 12/09/20 Mr. Bentley (502-210-0208) stated that a tooth of the backhoe bucket caught and damaged the gas service. Mr. Bentley was aware that a Demand Letter would be sent imposing the penalty of \$2,000.00.

VIOLATION KRS 367.4911

(10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

of Offences (Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
2 nd	20921	08/31/18	03/04/19

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 4/27/2020 Incident ID 32510

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32510\)](#)

Reported By:

Name	Anthony Stallins
Phone	(270) 779-4849
Email	anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date	3/30/2020
Time	10:05 AM

Details:

Reported Date	3/31/2020 8:37 AM
---------------	-------------------

Incident Location Address:

Location	676 CHAMPIONS WAY, (Simpsonville) SHELBYVILLE
Address	676 Champions Way
City	Simpsonville
State	KY
County	Shelby
Zip	40067

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. 2003240418

Excavator Contractor

Excavator Address:

First Name	Jeff
Last Name	Robards
Organization ID	0474042
Company	JEFF ROBARDS CONSTRUCTION, NC.
Phone	502-955-5095/502-957-5909
Email	chrisc@jrc-inc.com

Address	4435 N Preston Hwy
City	Shepherdsville
State	KY
Zip	40165
Confirm Code	Y
Excavation Damage	Failure to use hand tools where required

Description of Incident Cut 3/4" PE service line. Locate ticket. No one off. No injuries.

Summary Information

4/27/2020

Full details such as the cause	Jeff Roberts Construction, installing a water line at 676 Champions Way, cut a 3/4" PE service line with a backhoe. Jeff Roberts Construction had a locate ticket (2003240418) and the line was correctly located. This damage was caused by excavator using mechanized equipment (backhoe) inside the 18" approximate location (tolerance zone).
Extent of the damage	Damage PE was repaired.
Cost of the damage	\$321.00
Steps taken to prevent re-occurrence	Jeff Roberts Construction advised of the need to use non-mechanized equipment (shovel) inside the 18" approximate location (tolerance zone). Jeff Roberts Construction did ask the Atmos First Responder about training we offer. After the pandemic, we will invite the excavator and employees to a Atmos Energy Damage Prevention/KY 811 Dig Law Training Session in Shelbyville.
Amount billed to excavator	\$321.00

Attachment 2

NORMAL NOTICE

Ticket : 2003240418 Date: 03/24/2020 Time: 09:27 Oper: DSMITH Chan:000

State: KY Cnty: SHELBY City: SIMPSONVILLE
Subdivision: FAIRWAYS AT CARDINAL CLUB

Address :

Street : CHAMPIONS WAY

Cross 1 : OLD VEECHDALE RD

Location: FROM THE INTERSECTION - LOCATE WEST 700 FEET - ON THE NORTH SIDE OF
THE WEST BOUND LANE -- ENDING AT SNEED CT

:

Boundary: n 38.214661 s 38.213093 w -85.354473 e -85.350134

Work type : INSTALL WATER LINE

Done for : PULTE HOMES

Start date: 03/26/2020 Time: 09:45 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 6 FEET

Company : JEFF ROBARDS CONSTRUCTION Type: CONT

Co addr : 4435 NORTH PRESTON HIGHWAY

City : SHEPHERDSVILLE State: KY Zip: 40165

Caller : CHRIS CRUME Phone: (502)957-5909

Contact : CHRIS CRUME - CELL Phone:

Mobile : (502)492-2386

Fax : (502)957-5977

Email : CHRISC@JRC-INC.COM

Submitted date: 03/24/2020 Time: 09:27

Members: 0002 0070 0134 0139 0218 0326 0616 0738

Jeff Robards
Registered Agent
Jeff Robards Construction, Inc.
4435 N. Preston Highway
Shepherdsville, KENTUCKY 40165