

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DANNY DENNIS DBA C.A.D. CONTRACTING)	
)	
_____)	CASE NO.
)	2021-00261
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Danny Dennis DBA C.A.D. Contracting (Mr. Dennis) 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 Mr. Dennis 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 Mr. Dennis 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. Dennis 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.

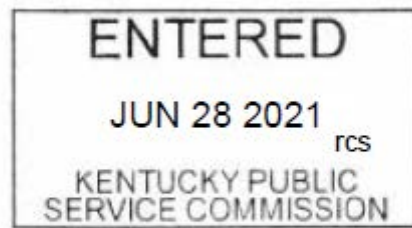
2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 43366 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. Dennis 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



ATTEST:

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

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00261 DATED JUN 28 2021

SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 1/21/2021 2:40:00 PM	Incident ID 43366 Report Submitted 1/26/2021 2:31:55 PM
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OPERATOR INFORMATION

Operator Leitchfield Gas Company Phone (270) 589-1668 Incident Location 347 Chalybeate Rd. 347 Chalybeate Rd Smiths Grove, KY 42171 Edmonson	Reported By Jimmy Wells Email jwwells@windstream.net Locate Ticket Number
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EXCAVATOR INFORMATION

Name of Excavator Dennis, Danny Phone 270-670-4802 Excavator Address C.A.D. Contracting 173 River Birch Loop Smiths Grove, KY 42171	Organization ID Email CADCONTRACTING@HOTMAIL Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator damaged a ¾ inch gas service and failed to call the KY Contact Center (811).

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

DR Summary

Excavation Within 18" <small>(Approximate Location)</small>	Type Of Equipment Used	Cost of Damage	Amount Billed
No call to 811	Not specified	\$220.00	\$220.00

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from Initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
2101180833	Yes	01/18/21	N/A	01/21/21	0	Yes

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

INVESTIGATION

On 02/19/21 the Excavator, C.A.D. Contracting's Danny Dennis, stated that LT...0833 was obtained on 01/18/21. Mr. Dennis stated that the damage was caused by a backhoe bucket tooth and the damage occurred within the 18-inch approximate location. Mr. Dennis was receptive to attending the Damage Prevention Course and paying the reduce penalty of \$250.00.

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
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Leitchfield Gas Company

Submitted 1/26/2021 Incident ID 43366

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43366\)](#)

Reported By:

Name	Jimmy Wells
Phone	(270) 589-1668
Email	jwells@windstream.net

Gas Line Incident Occured:

Date	1/21/2021
Time	2:40 PM

Details:

Reported Date	1/26/2021 2:07 PM
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Incident Location Address:

Location	347 Chalybeate Rd.
Address	347 Chalybeate Rd
City	Smiths Grove
State	KY
County	Edmonson
Zip	42171
Confirm Code	Y

Number of Customers out 1

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.

Excavator	Contractor
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Excavator Address:

First Name	Danny
Last Name	Dennis
Organization ID	
Company	C.A.D. Contracting
Phone	270-670-4802
Email	CADCONTRACTING@HOTMAIL.COM

Address	173 River Birch Loop
City	Smiths Grove
State	KY
Zip	42171
Confirm Code	Y
Excavation Damage	One Call notification practices not sufficient

Description of Incident Contractor did not call 811

Summary Information

1/26/2021

Full details such as the cause	contractor tore out 3/4 inch service line ,
Extent of the damage	3 foot of service line
Cost of the damage	\$220.00
Steps taken to prevent re-occurrence	Notified Contractor of his responsibility and that he would be getting contacted by the state.
Amount billed to excavator	\$220.00

Attachment 2

NORMAL NOTICE

Ticket : 2101180833 Date: 01/18/2021 Time: 11:00 Oper: LPORTER Chan:000

State: KY Cnty: EDMONSON City: SMITHS GROVE
Subdivision:

Address : 347
Street : CHALYBEATE RD
Cross 1 : MOHAWK RD
Location: LOCATE ENTIRE PROPERTY

:
Boundary: n 37.156691 s 37.148351 w -86.227386 e -86.225315

Work type : INSTALL WATERE
Done for : JEREMY PORTER
Start date: 01/21/2021 Time: 07:00 Hours notice: 68/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 2 FEET

Company : CAD CONTRACTING Type: CONT
Co addr : 725 HWY 259 N
City : BROWNSVILLE State: KY Zip: 42210
Caller : CASSIE DENNIS Phone: (270)670-4802
Contact : DANNY DENNIS--CELL Phone:
Mobile : (270)670-4802
Email : CADCONTRACTNG@HOTMAIL.COM

Submitted date: 01/18/2021 Time: 11:00
Members: 0031 0423 WINKY

*Danny Dennis
C.A.D. Contracting
725 HWY 259 N
Brownsville, KENTUCKY 42210