

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

T & B PLUMBING, LLC )

\_\_\_\_\_ )

ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO.  
2021-00274

OPENING ORDER

T & B Plumbing, LLC (T & B Plumbing) 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 T & B Plumbing for violations 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.

KRS 367.4911 (1)(b) – An excavator may commence work before the two (2) full working days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that they have no facilities in the area of the proposed excavation, demolition, or timber harvesting.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that T & B Plumbing 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. T & B Plumbing shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 32767 in the Appendix to this Order is made a part of the record in this case.

**5. Please note that notice of a hearing to be held in this matter will be mailed to T & B Plumbing 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.**

By the Commission



ATTEST:

  
Executive Director

Case No. 2021-00274

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00274 DATED FEB 10 2022

NINE PAGES TO FOLLOW

## PIPELINE DAMAGE INVESTIGATION REPORT

### Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 32767
<b>Incident Date</b> 7/6/2020 1:40:00 PM	<b>Report Submitted</b> 7/29/2020 12:00:00 AM

### OPERATOR INFORMATION

<b>Operator</b> Atmos Energy Corporation	<b>Reported By</b> Anthony Stallins
<b>Phone</b> (270) 779-4849	<b>Email</b> anthony.stallins@atmosenergy.
<b>Incident Location</b> 864 STAR AVE, BOWLING GREEN 864 Star Ave Bowling Green, KY 42104  Warren	<b>Locate Ticket Number</b> 2007021653

### EXCAVATOR INFORMATION

<b>Name of Excavator</b> Skipworth, Thomas	<b>Organization ID</b> 0902603
<b>Phone</b> 270-770-9478/270-779-9478	<b>Email</b>
<b>Excavator Address</b> T. & B. Plumbing, LLC 3012 Hwy 181 S Greenville, KY 42345	<b>Locate Ticket Number</b>

### INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date )	Incident Date	# of Days Expired	Within Scope of Excavation
2007021653	Yes / No / N/A	7/2/20	7/23/20	7/6/20	N/A	Yes / No / N/A

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes / No / N/A	Mechanized	\$382.00	\$382.00

The operator reports that T & B Plumbing, installing new water and sewer at 870 Star Ave, cut a 3/4" PE branched service line with a track-hoe which serves 864 Star Ave. T & B Plumbing called

in a locate ticket (2007021653) for 870 Star Ave, however that ticket would not be valid until 7/7/20 at 5:30pm. The line was damaged 7/6/20. The gas lines had not been located at the time of the damage. Damage due to excavator starting to dig before waiting the required two working days ("Working day" means a twenty-four (24) hour period commencing from the time of receipt of the notification by the Kentucky Contact Center except Saturday, Sunday, and holidays established by federal or state statute".)

### **INVESTIGATION**

This would be the company's second violation. The first violation (32339) was for failure to contact 811 prior to excavating.

Online phone number: 270.338.6031.

March 19, 2021

- Called 270.338.6031, no longer in service.
- Called 270.779.9478, left a v.m.

March 26, 2021

- Spoke w/Mr. Skipworth, he wanted to know if he was allowed to begin digging if there were marks on the ground and it was two hours before his dig ticket was due. I stated that only if he received a positive response from the utility. He will review and get back with me next week.

April 1, 2021

- Mr. Skipworth called back and said that he has no records that would indicate that T & B Plumbing was at fault. I informed him that I did have documentation that T & B was responsible for the violation, and I could either send him a demand letter with a \$2,000 civil penalty or he could request a hearing before the commissioners. He said for me to go ahead and send the letter.

### **VIOLATION**

KRS 367.4911 (1) (b) An excavator may commence work before the two (2) full working days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that they have no facilities in the area of the proposed excavation, demolition, or timber harvesting.

# Gas Excavation Damage Report

## Atmos Energy Corporation

Submitted 7/29/2020 Incident ID: 32767

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32767\)](#)

### Reported By:

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

### Gas Line Incident Occured:

**Date:** 7/6/2020  
**Time:** 1:40 PM

### Details:

**Reported Date:** 7/6/2020 4:32 PM

### Incident Location Address:

**Location:** 864 STAR AVE, BOWLING GREEN  
**Address:** 864 Star Ave  
**City:** Bowling Green  
**State:** KY  
**County:** Warren  
**Zip:** 42104  
**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.:** 2007021653

**Excavator:** Contractor

### Excavator Address:

**First Name:** Thomas  
**Last Name:** Skipworth  
**Organization ID:** 0902603  
**Company:** T. & B. PLUMBING, LLC  
**Phone:** 270-770-9478/270-779-9478  
**Email:**

**Address:** 3012 Hwy 181 S  
**City:** Greenville  
**State:** KY  
**Zip:** 42345  
**Confirm Code:**  
**Excavation Damage:** One Call notification practices not sufficient

**Description of Incident** Cut 3/4" PE service. Locate ticket not valid. One customer off. No injuries. EFV activated.

Summary Information

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7/29/2020

**Full details such as the cause** T & B Plumbing, installing new water and sewer at 870 Star Ave, cut a 3/4" PE branched service line with a track-hoe which serves 864 Star Ave. T & B Plumbing called in a locate ticket (2007021653) for 870 Star Ave, however that ticket would not be valid until 7/7/20 at 5:30pm. The line was damaged 7/6/20. The gas lines had not been located at the time of the damage. Damage due to excavator starting to dig before waiting the required two working days ("Working day" means a twenty-four (24) hour period commencing from the time of receipt of the notification by the Kentucky Contact Center except Saturday, Sunday, and holidays established by federal or state statute".)

**Extent of the damage** The damage PE was repaired and service restored to 864 Star Ave.

**Cost of the damage** \$382.00

**Steps taken to prevent re-occurrence** T & B Plumbing advised of the two working days notice ("Working day" means a twenty-four (24) hour period commencing from the time of receipt of the notification by the Kentucky Contact Center except Saturday, Sunday, and holidays established by federal or state statute".) before beginning excavation.

**Amount billed to excavator** \$382.00

NORMAL NOTICE

Ticket : 2007021653 Date: 07/02/2020 Time: 17:18 Oper: SHUNTER Chan:000

State: KY Cnty: WARREN City: BOWLING GREEN  
Subdivision: MAGNOLIA HILLS Lot: 23

Address : 870  
Street : STAR AVE  
Cross 1 : KY RT 622  
Location: LOCATE ENTIRE PROPERTY--PLEASE USE PAINT AND FLAGS  
:  
Boundary: n 36.924042 s 36.914578 w -86.427711 e -86.417685

Work type : WATER AND SEWER INSTALLATION  
Done for : JACO HOMES  
Start date: 07/07/2020 Time: 17:30 Hours notice: 120/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: UNKNOWN

Company : T AND B PLUMBING Type: CONT  
Co addr : 3012 KY RT 181 SOUTH  
City : GREENVILLE State: KY Zip: 42345  
Caller : THOMAS SKIPWORTH Phone: (270)779-9478  
Contact : THOMAS SKIPWORTH CELL Phone:  
Mobile : (270)779-9478

Submitted date: 07/02/2020 Time: 17:18  
Members: 0115 0136 0139 0329 0423





# Kentucky Secretary of State

## Michael G. Adams



### T. & B. PLUMBING, LLC







#### General Information

<b>Organization Number</b>	0902603
<b>Name</b>	T. & B. PLUMBING, LLC
<b>Profit or Non-Profit</b>	P - Profit
<b>Company Type</b>	KLC - Kentucky Limited Liability Company
<b>Status</b>	A - Active
<b>Standing</b>	G - Good
<b>State</b>	KY
<b>File Date</b>	11/19/2014
<b>Organization Date</b>	11/19/2014
<b>Last Annual Report</b>	3/5/2020
<b>Principal Office</b>	3012 HIGHWAY 181 SOUTH GREENVILLE, KY 42345
<b>Managed By</b>	Members
<b>Registered Agent</b>	THOMAS W. SKIPWORTH 3012 HIGHWAY 181 SOUTH GREENVILLE, KY 42345

#### Current Officers

**Member** LOIS SKIPWORTH

## Individuals / Entities listed at time of formation

**Organizer** THOMAS W SKIPWORTH

## Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	3/5/2020	1 page	tiff	PDF
Annual Report	6/12/2019	1 page	tiff	PDF
Annual Report	4/19/2018	1 page	tiff	PDF
Annual Report	3/29/2017	1 page	tiff	PDF
Annual Report	3/7/2016	1 page	tiff	PDF
Annual Report	7/29/2015	1 page	tiff	PDF
Articles of Organization (LLC)	11/19/2014	2 pages	tiff	PDF

## Assumed Names

## Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	3/5/2020 2:35:47 PM	3/5/2020	
Annual report	6/12/2019 11:59:07 AM	6/12/2019	
Annual report	4/19/2018 8:51:41 AM	4/19/2018	
Annual report	3/29/2017 10:16:20 AM	3/29/2017	
Annual report	3/7/2016 3:44:17 PM	3/7/2016	
Annual report	7/29/2015 1:30:22 PM	7/29/2015	
Add	11/19/2014 8:21:23 AM	11/19/2014	

## Microfilmed Images

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Kentucky Unbridled Spirit

\*T. & B. Plumbing, LLC  
3012 KY RT HWY 181 SOUTH  
Greenville, KENTUCKY 42345