

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J WITT PROPERTIES LLC	)	
	)	
_____	)	CASE NO.
	)	2021-00336
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

J Witt Properties, LLC (J Witt) 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,

---

<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 J Witt 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 J Witt 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. J Witt 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 32632 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 J Witt 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. Bidwell". The signature is written in a cursive style.

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00336 DATED SEP 15 2021

SIX PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 32632
<b>Incident Date</b> 5/12/2020 2:30:00 PM	<b>Report Submitted</b> 5/29/2020 11:58:12 AM

## OPERATOR INFORMATION

<b>Operator</b> Delta Natural Gas Company, Inc.	<b>Reported By</b> Craig Mitchell
<b>Phone</b> 859-744-6171 Ext. 1124	<b>Email</b> cmitchell@deltagas.com
<b>Incident Location</b> 605 McKayla Drive Richmond, KY 40475  Madison	<b>Locate Ticket Number</b>

## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Witt, Jamie	<b>Organization ID</b> 1023719
<b>Phone</b> 859-893-4731	<b>Email</b> jamiewitt@yahoo.com
<b>Excavator Address</b> J Witt Properties LLC 367 Reges Rd Irvine, KY 40336	<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
None	N/A	N/A	N/A	5/12/20	N/A	N/A

### Excavation Summary

Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	Mechanized	\$102.00	\$0.00

The operator reports that Jamie Witt with J Witt Properties LLC was using a backhoe to install an underground electric line when he hit and severed a 3/4" plastic natural gas service line. Mr. Witt did not call 811 prior to excavating.

## **INVESTIGATION**

This would be the company's first violation.

Phone number verified using company's facebook page.

January 19, 2021

- Called 859.893.4731, left a v.m.

January 26, 2021

- Called 859.893.4731, left a second v.m.

February 4, 2021

- Called 859.893.4731, left a third v.m. stating a demand letter was coming.
- Received a call back. He said that he has tried to call me several times and it didn't work. He agreed to the reduced penalty and remedial.

## **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.

# Gas Excavation Damage Report

Delta Natural Gas Company, Inc.

Submitted 5/29/2020 Incident ID 32632

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32632\)](#)

## Reported By:

Name	Craig Mitchell
Phone	859-744-6171 Ext. 1124
Email	cmitchell@deltagas.com

## Gas Line Incident Occured:

Date	5/12/2020
Time	2:30 PM

## Details:

Reported Date	5/21/2020 4:29 PM
---------------	-------------------

## Incident Location Address:

Location	605 McKayla Drive
Address	605 McKayla Drive
City	Richmond
State	KY
County	Madison
Zip	40475

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.

Excavator Contractor

## Excavator Address:

First Name	Jamie
Last Name	Witt
Organization ID	1023719
Company	J Witt Properties LLC
Phone	859-893-4731
Email	jamiewitt@yahoo.com



<b>Address</b>	367 Reges Rd
<b>City</b>	Irvine
<b>State</b>	KY
<b>Zip</b>	40336
<b>Confirm Code</b>	Y
<b>Excavation Damage</b>	No notification made to the One Call Center
<b>Description of Incident</b>	Jamie Witt with J Witt Properties LLC was using a backhoe to install an underground electric line when he hit and severed a 3/4" plastic natural gas service line.

### Summary Information

---

5/29/2020

<b>Full details such as the cause</b>	Mr. Witt did not call 811 to request a line location prior to the excavation activities and therefore he did not know the location of the 3/4" plastic natural gas service line which ultimately resulted in him completely severing the line with a backhoe.
<b>Extent of the damage</b>	There were no injuries or property damage attributable to this incident. Delta employees replaced approximately 3 feet of 3/4" plastic service line piping and installed (2) 3/4" electrofusion couplings, (2) #12 wire connectors, and 5 feet of tracer wire.
<b>Cost of the damage</b>	\$102.00
<b>Steps taken to prevent re-occurrence</b>	Mr. Witt was informed that anyone that is going to do any type of excavation work is required by law to call KY811 and request a line location at least two working days prior to starting work and, when excavation is necessary within the approximate location of the pipeline (18" on either side), the law requires hand digging or the use of a non intrusive means to avoid damage to the pipeline.
<b>Amount billed to excavator</b>	\$0.00



# Kentucky Secretary of State

## Michael G. Adams



### J WITT PROPERTIES LLC

[File Annual Report](#)
[File Statement of Change of Principal Office](#)
[File Statement of Change of registered Agent / Registered Address](#)
[Printable Forms](#)
[Additional Services](#)
[Certificates](#)

#### General Information

<b>Organization Number</b>	1023719
<b>Name</b>	J WITT PROPERTIES 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>	6/12/2018
<b>Organization Date</b>	6/12/2018
<b>Last Annual Report</b>	7/16/2020
<b>Principal Office</b>	361 REGES ROAD IRVINE, KY 40336
<b>Managed By</b>	Managers
<b>Registered Agent</b>	JAMIE WITT 361 REGES ROAD IRVINE, KY 40336

#### Current Officers

**Manager** Witt WITT

## Individuals / Entities listed at time of formation

**Organizer** JAMIE WITT

## 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	7/16/2020	1 page	PDF	
Annual Report	5/23/2019	1 page	tiff	PDF
Articles of Organization (LLC)	6/12/2018	1 page	tiff	PDF

## Assumed Names

### Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	7/16/2020 11:22:44 AM	7/16/2020 11:22:44 AM	
Annual report	5/23/2019 11:56:16 AM	5/23/2019	
Add	6/12/2018 2:03:54 PM	6/12/2018	

## Microfilmed Images

[Contact](#) [Site Map](#)

[Privacy](#) [Security](#) [Disclaimer](#) [Accessibility](#)

© Commonwealth of Kentucky  
All rights reserved.

Kentucky Unbridled Spirit

\*J WITT PROPERTIES LLC  
361 Reges Road  
Irvine, KENTUCKY 40336