

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIGGS CONSTRUCTION, LLC)	
)	
_____)	CASE NO.
)	2021-00337
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Riggs Construction, LLC (Riggs 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 Riggs Construction 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 Riggs Construction violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

This proceeding was established on August 9, 2021 with the issuance of an Opening Order. The attempt to perfect service of process for the previously issued Opening Order was unsuccessful. The Opening Order is now being reissued with the intent to perfect service of process on Riggs Construction.

IT IS THEREFORE ORDERED that:

1. Riggs 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. 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 43492 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 Riggs 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



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00337 DATED SEP 29 2021

FIFTEEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 3/30/2021 3:46:00 PM	Incident ID 43492 Key 7461 Report Submitted 4/12/2021 8:41:53 AM
---	--

OPERATOR INFORMATION

Operator Columbia Gas of Kentucky, Inc. Phone (859) 537-2123 Incident Location 200 Sparrow Ct Russell, KY 41169 Greenup	Reported By James Rice Email JamesRice@NiSource.com Locate Ticket Number 2103300213
---	--

EXCAVATOR INFORMATION

Name of Excavator Riggs, Cecil Phone 606-393-5171 Excavator Address Riggs Construction, LLC 2325 Winchester Ave Ashland, KY 41101	Organization ID 0727957 Email cecilriggs4@gmail.com Locate Ticket Number
---	---

INCIDENT

The Operator reports that the Excavator damaged a one-inch gas service, with mechanized equipment and failed to wait the required two days before excavating.

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

DR Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage	Amount Billed
Did not wait 2 days	Mechanized / Not specified	\$850.00	\$850.00

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
2103300213	Yes	03/30/21 08:09	Did not wait 2 days	03/30/21 15:46	0	Yes

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

INVESTIGATION

A review of LT...0213 revealed the ticket was obtained at 08:09 and the positive response indicates the facilities were marked with a conflict (See Attachment 2 & LT Summary). *Note:* 811, Carly Dunsmore, stated that the Positive Response notation "Does conflict" indicates that the Operator has facilities in the area needing marked and the Operator marked the underground facilities as noted on this LT.

On 04/29/21 an attempt to contact the Excavator at 606-393-5171 resulted in a message stating the number is no longer in service. *Note:* The LT lists Mr. Riggs address as 929 N. 3rd St. Ironton, OH 45638, phone number 606-831-3385.

On 04/29/21 Mr. Riggs was contacted at 606-831-3385. Mr. Riggs stated that the area was located, but Columbia's locate company was unable to find the service, therefore Columbia attempted to locate the service with no success. Mr. Riggs stated that all parties involved knew he was digging and no one informed him that he need to stop.

On 04/29/21 the Operator, Columbia's James Rice, via email, provided the following documentations:

- Email with screen shot of Gas Lost:
 - Email: Mr. Rice states in the email that Mr. Rice confirmed with the locator that Mr. Riggs was informed not to excavate and the plant crew needed to come out and locate. *Note:* The "Do not dig" is documented in the Audit History for LT...0213 dated 03/30/21 at 3:13 pm see summary below and Attachment 3.
 - Gas Lost: Indicates that a Columbia employee was across the road from the incident location on another call when Mr. Riggs damaged the service line. Mr. Riggs was advised not to dig without markings, Mr. Riggs knew the LT was not due and Mr. Riggs knew not to dig. *Note:* Mr. Rice, via telephone, stated this note was written on the incident date and the conversation documented by

Columbia's Service Technician not to dig occurred before the damage.

- Audit History for LT...0213: Summary:

Date	Time	Details
03/30/21	08:14:46 AM	Ticket received
03/30/21	3:13:00 PM	Company Request (Ongoing): added by Brandon Meek, Locate Time: 3/30/2021 3:10:53 PM Note: CKY GAS main was un-locatable, DO NOT DIG until CKY GAS is located.
03/31/21	10:57:25 AM	Company Request (Ongoing): added by Brandon Meek, Locate Time: 3/31/2021 10:55:20 AM, Note: Hooked to repair exposed service line and ran service and main on left side. Spoke to crew onsite. DO NOT DIG IN FRONT OF PROPERTY until CKY GAS main is located.
4/2/2021	12:22:32 PM	CKY (1) MARKED: added by Brandon Meek, Locate Time: 4/2/2021 12:21:29 PM, Note: This ticket was damaged before the ticket was due. Marked out the rest of ticket after damage.

Mr. Rice's email, Gas Lost and, Audit History for LT...0213 are include as Attachment 3.

On 05/14/21 Mr. Riggs was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00. Mr. Riggs requested the Demand Letter be sent to 67 Buck Rd. Grayson, KY 41143.

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	Revert to 1st Offence Date (Last Offence Date +365 Days)
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 4/12/2021 Incident ID 43492

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43492\)](#)

Reported By:

Name	James Rice
Phone	(859) 537-2123
Email	JamesRice@NiSource.com

Gas Line Incident Occured:

Date	3/30/2021
Time	3:46 PM

Details:

Reported Date	4/6/2021 2:36 PM
---------------	------------------

Incident Location Address:

Location	
Address	200 Sparrow Ct
City	Russell
State	KY
County	Greenup
Zip	41169
Confirm Code	Y
Number of Customers out	0
Was gas or hazardous liquids contained in the underground facility?	<input checked="" type="checkbox"/>
Was gas or hazardous liquids released into the atmosphere?	<input checked="" type="checkbox"/> *
	3/2020
Locate Request Ticket No.	2103300213
Excavator	Contractor

Excavator Address:

First Name	Cecil
Last Name	Riggs
Organization ID	
Company	
Phone	Riggs Construction
Email	cecilriggs4@gmail.com

Address 2325 Winchester Ave
City Ashland
State KY
Zip 41101
Confirm Code Y
Excavation Damage Other insufficient excavation practices

Description of Incident Riggs Construction struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

4/12/2021

Full details such as the cause Riggs Construction was excavating with mechanized equipment on a locate ticket that had not cleared. The required 2 working days after receiving notification from the excavator had not expired. While excavating, Riggs Construction damaged a plastic one inch natural gas service line.
Extent of the damage A plastic one inch natural gas service line was severed, and the service line was repaired.
Cost of the damage \$850.00
Steps taken to prevent re-occurrence CKY employees advised Riggs Construction of the 811 dig laws and to wait the required time before beginning excavation activities.
Amount billed to excavator \$850.00

Attachment 2

NORMAL NOTICE

Ticket : 2103300213 Date: 03/30/2021 Time: 08:09 Oper: MEBERLE Chan:000

State: KY Cnty: GREENUP City: FLATWOODS
Subdivision: KENWOOD

Address : 200

Street : SPARROW CT

Cross 1 : PHEASANT CT

Location: LOCATE THE ENTIRE PROPERTY

:

Boundary: n 38.511728 s 38.510283 w -82.701353 e -82.698424

Work type : INSTALL CATCH BAIS AND DRAIN PIPES

Done for : DR GUPTA

Start date: 04/01/2021 Time: 08:30 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 6 FEET

Company : RIGGS CONSTRUCTION Type: CONT

Co addr : 929 N 3RD ST

City : IRONTON State: OH Zip: 45638

Caller : CECIL RIGGS Phone: (606)831-3385

Contact : CECIL RIGGS - CELL Phone:

Mobile : (606)831-3385

Email : CECILRIGGS4@GMAIL.COM

Remarks : *** GEOCODED PLACE IS RUSSELL

:

Submitted date: 03/30/2021 Time: 08:09

Members: 0023 0176 0367 WINKY

* Responses are current as of 04/15/2021 03:23 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
TIME WARNER CABLE 0023	COMMUNICATIONS	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	Does conflict, underground facilities have been marked.
COLUMBIA GAS (CENTRAL ASHLAND) 0176	PIPELINE	COLUMBIA GAS CUSTOMER SERVICE (800) 432-9345	Does conflict, underground facilities have been marked.
KENTUCKY POWER - AEP 0367	ELECTRIC	KENTUCKY POWER - AEP CUSTOMER SERVICE (800) 956-4237	
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

Attachment 3

Tout, Eric V (PSC)

From: JamesRice@nisource.com
Sent: Thursday, April 29, 2021 9:56 AM
To: Tout, Eric V (PSC)
Subject: Incident #: 43492
Attachments: Incident 43492 - 200 Sparrow Ct - Ticket History.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Here you go Eric. Spoke with locator also to confirm that he told Mr. Riggs that a plant crew would need to come out and locate prior to excavating.

*****GAS LOST*****

DAMAGE HOLE SIZE: 010 UNITS: DIAMETER (IN.) AREA (SQ.IN.) HOW LONG DID GAS BLOW

LINE SIZE: 010

- *MATERIAL:
- CI - Cast Iron
 - CU - Copper
 - OT - Other
 - P - Plastic
 - PI - Plastic Insert
 - S - Steel
 - ST - Steel Treated

STABLE SUPPLY PRESSURE: 7.5 lbs

BLOWING OPEN: YES NO WAS GAS LOSS RE

IF YES, HOW: folded over and taped

HOW LONG RESTRICTED: 2 HR: 25 MIN EXCESS

IF MAIN, DISTANCE TO INTERSECTION OR MAPPABLE FEATURE: _____ FT. IF SERVICE, DISTANCE FROM DA

*****COMMENTS*****

ADDITIONAL FACTS OR COMMENTS:

Was onsite on Pr at 104 Pheasant ct across the road from Cecil
Service line was hit. GFFIL with Riggs Construction tore out service
Cecil to not dig without ~~any~~ lines being marked. Cecil left th
being able to get vehicle license plate info. He knew ticket was no
knew not to dig.

Thanks,

James Rice
Compliance Specialist

Columbia Gas of Kentucky
Cell: 859-537-2123
Office: 859-288-6328
Email: JamesRice@NiSource.com

0176 00048 KUPIa 03/30/2021 08:14:45 2103300213-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 2103300213 Date: 03/30/2021 Time: 08:09 Oper: MEBERLE Chan:000

State: KY Cnty: GREENUP City: FLATWOODS
Subdivision: KENWOOD

Address : 200
Street : SPARROW CT
Cross 1 : PHEASANT CT
Location: LOCATE THE ENTIRE PROPERTY
:
Boundary: n 38.511728 s 38.510283 w -82.701353 e -82.698424

Work type : INSTALL CATCH BAIS AND DRAIN PIPES
Done for : DR GUPTA
Start date: 04/01/2021 Time: 08:30 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 6 FEET

Company : RIGGS CONSTRUCTION Type: CONT
Co addr : 929 N 3RD ST
City : IRONTON State: OH Zip: 45638
Caller : CECIL RIGGS Phone: (606)831-3385
Contact : CECIL RIGGS - CELL Phone:
Mobile : (606)831-3385
Email : CECILRIGGS4@GMAIL.COM

Remarks : *** GEOCODED PLACE IS RUSSELL
:

Submitted date: 03/30/2021 Time: 08:09
Members: 0023 0176 0367 WINKY

Audit History:

3/30/2021 8:14:46 AM: Received

DETAILS: Ticket received for registration code 0176

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: Approved Contractors Smart Score calculated. Score value: 0

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: KY Critical Care Facilities if Score is 1000 calculated. Score value: 1

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: MD Critical Facilities if score is 115 or 116 calculated. Score value: 0

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: OH Critical Care Facilities if score is 1000 calculated. Score value: 0

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: OH Late Ticket Type Close calculated. Score value: 5

3/30/2021 8:14:46 AM: Ticket Score Calculated

DETAILS: PA Critical Facilities if score is 1501 to 1606 calculated. Score value: 0

3/30/2021 8:14:47 AM: Ticket Score Calculated

DETAILS: Risk Percentile calculated. Score value: 0

3/30/2021 8:14:47 AM: Ticket Score Calculated

DETAILS: VA Critical Care if Score is 100 calculated. Score value: 0

3/30/2021 8:14:47 AM: Put in Folder

DETAILS: Put in OH-KY In House Screening by auto process

NOTE: Auto Processed per Ticket Type

3/30/2021 8:14:47 AM: Ticket Queued

DETAILS: Ticket queued for delivery

3/30/2021 8:14:49 AM: Ticket Delivered

DETAILS: Ticket successfully sent to a web request device at <https://integrator-ns.optimainxdr.com/ticket>

3/30/2021 8:14:58 AM: Smart Score Saved

DETAILS: Risk Percentile saved. Score value: 72

3/30/2021 9:18:30 AM: Moved to Folder

DETAILS: Moved from OH-KY In House Screening to KY - In House by Elaine Teague

REASON: Tickets in Conflict

3/30/2021 9:18:30 AM: Ticket Queued

DETAILS: Ticket queued for delivery

3/30/2021 9:18:31 AM: Ticket Queued

DETAILS: Ticket queued for delivery

3/30/2021 9:18:33 AM: Ticket Delivered

DETAILS: Ticket successfully sent to ICAssigners@nisource.com

3/30/2021 9:18:40 AM: Ticket Delivered

DETAILS: Ticket successfully sent to a web request device at <https://integrator-ns.optimainxdr.com/ticket>

3/30/2021 3:13:00 PM: Responded

DETAILS: Company Request (Ongoing): added by Brandon Meek, Locate Time: 3/30/2021 3:10:53 PM, Units of Work: 1.00

NOTE: CKY GAS main was unlocatable, DO NOT DIG until CKY GAS is located.

3/30/2021 3:13:00 PM: Positive Response to Center Queued

DETAILS: Positive Response to Center queued for delivery

3/30/2021 3:13:00 PM: Ticket Queued

DETAILS: Ticket queued for delivery

3/30/2021 3:13:06 PM: Positive Response to Center Delivered

DETAILS: Positive Response to Center successfully sent

3/30/2021 3:13:07 PM: Ticket Delivered

DETAILS: Ticket successfully sent to a web request device at <https://integrator-ns.optimainxdr.com/ticket>

3/30/2021 3:13:18 PM: Smart Score Saved

DETAILS: Risk Percentile saved. Score value: 65

3/31/2021 10:57:25 AM: Responded

DETAILS: Company Request (Ongoing): added by Brandon Meek, Locate Time: 3/31/2021 10:55:20 AM, Units of Work: 2.00

NOTE: Hooked to repaired exposed service line and ran service and main on left side. Spoke to crew onsite. DO NOT DIG IN FRONT OF PROPERTY until CKY GAS main is located.

3/31/2021 10:57:25 AM: Ticket Queued

DETAILS: Ticket queued for delivery

3/31/2021 10:57:25 AM: Positive Response to Center Queued

DETAILS: Positive Response to Center queued for delivery

3/31/2021 10:57:31 AM: Ticket Delivered

DETAILS: Ticket successfully sent to a web request device at <https://integrator-ns.optimainxdr.com/ticket>

3/31/2021 10:57:31 AM: Positive Response to Center Delivered

DETAILS: Positive Response to Center successfully sent

4/2/2021 12:22:32 PM: Responded

DETAILS: CKY (1) MARKED: added by Brandon Meek, Locate Time: 4/2/2021 12:21:29 PM, Units of Work: 3.00

NOTE: This ticket was damaged before the ticket was due. Marked out the rest of ticket after damage.

4/2/2021 12:22:32 PM: Ticket Queued

DETAILS: Ticket queued for delivery

4/2/2021 12:22:39 PM: Ticket Delivered

DETAILS: Ticket successfully sent to a web request device at <https://integrator-ns.optimainxdr.com/ticket>

4/2/2021 12:22:44 PM: Smart Score Saved

DETAILS: Risk Percentile saved. Score value: 67

*RIGGS CONSTRUCTION, LLC
929 N. 3rd Street
Ironton, OHIO 45638