

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A+ COMMUNICATIONS INC.	)	
	)	
_____	)	CASE NO.
	)	2021-00469
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

A+ Communications Inc. (A+ Communications) 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 A+ Communications 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 A+ Communications 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. A+ Communications 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 43044 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 A+ Communications 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.**

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By the Commission

ENTERED  
FEB 22 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00469

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00469 DATED FEB 22 2022

TWENTY-THREE PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43044 **Investigation** 7932  
**Incident Date** 9/24/2020 1:43:00 PM **Report Submitted** 9/30/2020

## Operator Information

**Operator** City of Morganfield **Reported By** Les Piper  
 Morganfield Gas System  
**Phone** (270) 389-2186 **Email** lpiper8215@yahoo.com

**Incident Location** 181 Depot St. **Locate Ticket Number** 2009211391  
 Waverly KY 42462  
 181 Depot St.  
**County** Union

## Excavator Information

**Excavator** Mark Haynes **Organization ID** 1023162  
 A+ Communications Inc.  
**Phone** 502-398-5694 **Email** lpiper8215@yahoo.com  
**Address** 916 Ulrich Ave. **Locate Ticket Number** 2009211391  
 Louisville KY 40219

## Damage Report (DR) Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Boring Machine	\$634.00	\$634.00

The Operator reports that the Excavator damage a two-inch gas main with boring equipment.

**The DR is included as Attachment 1.**

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	ExpirationDate (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2009211391	Yes	09/21/20	10/12/20	09/24/20	0	Yes

**The LT is included as Attachment 2.**

## INVESTIGATION

On 09/01/21 attempts to contact the Excavator at 336-362-5224 (Web #) and 502-398-5694 resulted in busy signals.

On 09/02/21:

The receptionist at 502-398-5694 stated that A+ Communications Inc. no loner exists it was purchased by National OnDemand and referred gas damage calls to Charlie Brown, 502-442-4138.

An attempt to contact Mr. Brown resulted in a message stating you have reached 502-442-4138 wherein a message was left.

A review of National OnDemand's web site News List indicates an article dated 07/31/21 that National Ondemand acquires A+ Communications. Headquarters address is 245 W. Davis St., Burlington, NC.

## PIPELINE DAMAGE INVESTIGATION REPORT

27215, Mailing Address is P.O. Box 2407, Burlington, NC. 27216, 877-263-1052, Safety 877-263-1052 Ext 2004.

**The News List article is include as Attachment 3.**

National OnDemand's Perry Wiltfang (Safety 877-263-1052 Ext 2004) stated that National OnDemand purchased A+ Communications three-six months ago and research was warranted and someone would be in contact by 09/07/21.

On 09/03/21 Mr. Wiltfang stated that National OnDemand would pay the penalty payment of \$250.00, but requested A+ Communications be given credit for this incident. Mr. Wiltfang stated that, since the buyout, the employees of A+ Communications are with National OnDemand and one or all of the crew members involved with this incident would attend the Damage Prevention Course. Staff agreed to the said terms and the Demand Letter would be sent to: Tonya Spivey, HR Director, National OnDemand, 245 W. Davis St., Burlington, NC 27215.

### VIOLATIONS

**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)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +365 Days)
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## City of Morganfield Morganfield Gas System

Submitted 9/30/2020 Incident ID: 43044

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43044\)](#)**Reported By:**

**Name:** LES PIPER  
**Phone:** (270) 389-2186  
**Email:** lpiper8215@yahoo.com

**Gas Line Incident Occured:**

**Date:** 9/24/2020  
**Time:** 1:43 PM

**Details:**

**Reported Date:** 9/30/2020 11:40 AM

**Incident Location Address:**

**Location:** 181 Depot st  
**Address:** 181 Depot st  
**City:** Waverly  
**State:** KY  
**County:** Union  
**Zip:** 42462

**Confirm Code:**

**Number of Customers out:** 5

**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.:** 2009211391

**Excavator:** Contractor

**Excavator Address:**

**First Name:** Mark  
**Last Name:** Haynes  
**Organization ID:** City of Uniontown  
**Company:** A Plus Communication  
**Phone:** 502-398-5694  
**Email:** lpiper8215@yahoo.com

**Address:** 916 Ulrich Ave  
**City:** Louisville  
**State:** KY  
**Zip:** 40219  
**Confirm Code:**  
**Excavation Damage:** Failure to maintain clearance

**Description of Incident** Directional Drilling Rubbed hole in gas line

**Summary Information**

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9/30/2020

**Full details such as the cause** Contractor was attempting to bore over top of gas main while doing so the boring rod was rubbing on the top of the gas line causing it to rub a hole in gas main .When we arrived the contractor had already pulled the boring machine rods back .So from damage to the pipe and his testimony it appears that he was drilling over the top when he pushed forward it caused the boring rod to go downward sitting on gas main as rods were turning it rubbed a hole in the main

**Extent of the damage** Had to cut out and replace 6' of 2" PE 2406 pipe purge the main and restore gas service to 5 customers

**Cost of the damage** \$634.00

**Steps taken to prevent re-occurance** Informed contractor that he needed to do a better job of exposing the gas line before boring so he can maintain plenty of clearance while boring

**Amount billed to excavator** \$634.00

# Attachment 2

## NORMAL NOTICE

Ticket : 2009211391 Date: 09/21/2020 Time: 12:59 Oper: CHARLIE.BROWN.KY Chan:000

State: KY Cnty: UNION City: WAVERLY  
Subdivision:

Address : 170

Street : N DEPOT ST

Cross 1 : US RT 60

Location: LOCATE ENTIRE PROPERTY TO INCLUDE BOTH SIDES OF N DEPOT ST AT ADDRESS  
170. THIS REQUIRES A ROAD BORE

:

Boundary: n 37.711365 s 37.709601 w -87.816611 e -87.813465

Work type : SPECTRUM SERVICE LINE

Done for : SPECTRUM

Start date: 09/23/2020 Time: 13:15 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: UNKNOWN

Company : A PLUS COMMUNICATIONS INC Type: CONT

Co addr : 916 ULRICH AVENUE

City : LOUISVILLE State: KY Zip: 40219

Caller : CHARLIE BROWN Phone: (815)725-1608

Contact : TAMMY DOBLADO Phone:

Mobile : (502)398-5694

Fax : (812)725-1609

Email : TAMMY.DOBLADO@APLUSCOMMUNICATIONS.NET

Submitted date: 09/21/2020 Time: 12:59

Members: 0036 0139 0163 0372 0488

\* Responses are current as of 08/16/2021 08:20 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
CITY OF MORGANFIELD 0036	GAS, SEWER, WATER		
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
COUNTRYMARK REFINING AND LOGISTICS LLC 0163	OIL AND GAS		
TIME WARNER CABLE 0372	CABLE TV	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	No Conflict
UNION COUNTY WATER DISTRICT 0488	WATER		

# Attachment 3

[Back To News List](#)

## NATIONAL ONDEMAND ACQUIRES A+ COMMUNICATIONS

July 13, 2021

BURLINGTON, N.C. – National OnDemand, Inc. today announced the completion of its acquisition of A+ Communications (“A+”), a company providing telecommunications services since its incorporation in 2001.

The management team from A+ will remain with the company. They will continue to operate much as they do today, providing client support and upholding their track record for stellar key performance metrics. National OnDemand will provide corporate support including human resources management and financial administration and expects no organizational changes to the operations.

A+ Communications marks National OnDemand’s fourteenth acquisition in the last four years and expects to execute additional acquisitions this year as it continues its strategy as a national front-runner of [Fiber < https://nationalondemand.com/fiber >](https://nationalondemand.com/fiber), [Wireless < https://nationalondemand.com/wireless >](https://nationalondemand.com/wireless), [Energy < https://nationalondemand.com/energy >](https://nationalondemand.com/energy) and [Technology < https://nationalondemand.com/technology >](https://nationalondemand.com/technology) services.

“A+ has been in business for over twenty years and has a sterling reputation within the industry. I’ve known the owners for many years, and being able to acquire this company in the last mile sector is a huge benefit for our company as we continue to grow,” explained National OnDemand’s Chief Executive Officer, [Douglas Boteler < https://nationalondemand.com/our-story >](https://nationalondemand.com/our-story). “We’re continuing to expand operations across the country, and we are pleased to add the A+ leadership to our team and continue to deliver high-quality results for our clients and their customers.”

National OnDemand has created a large national platform through partnerships, [mergers < https://nationalondemand.com/acquisitions >](https://nationalondemand.com/acquisitions), and [acquisitions < https://nationalondemand.com/acquisitions >](https://nationalondemand.com/acquisitions), as well as organic growth from which it delivers profitable results to clients in multiple sectors.

“This is a great opportunity for our team, with National OnDemand’s support, to grow the business and provide all of our employees with strong benefits and career advancement opportunities” explained A+’s President, Mike Bebko. “We are blessed to have had such a great run in this exciting industry and we are confident that National OnDemand will take it to the next level.”

**About A+ Communications:** Since the company’s founding in 2001, A+ has provided Last Mile services focusing on MDU services, drop bury services and installation services for Multi-System Operators (“MSOs”) along the east coast.

**About National OnDemand:** [National OnDemand < https://nationalondemand.com/about >](https://nationalondemand.com/about), Inc. is a communications and utilities infrastructure provider delivering service solutions to the Fiber, Wireless, Energy and Technology sectors in the United States. Headquartered in Burlington, North Carolina, the Company provides full turnkey infrastructure solutions – on demand, anywhere across its service footprint and has secured and sustained its current standing in the market through the successful completion of mergers and acquisitions, along with demonstrable, steady organic growth.

SOURCE National OnDemand, Inc.

Ready To Start Your Career With Us?

## See What We Are Up To

[< https://www.linkedin.com/company/nationalondemand/mycompany/>](https://www.linkedin.com/company/nationalondemand/mycompany/)

[< https://www.facebook.com/nationalondemand/>](https://www.facebook.com/nationalondemand/)

[< https://twitter.com/nat\\_ondemand/>](https://twitter.com/nat_ondemand/)

[< https://www.instagram.com/nationalondemand/>](https://www.instagram.com/nationalondemand/)

[< https://www.youtube.com/channel/UC8t7fCQiVZe3b7AI7G347RQ>](https://www.youtube.com/channel/UC8t7fCQiVZe3b7AI7G347RQ)

# SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43044 **Investigation** 7932  
**Incident Date** 9/24/2020 1:43:00 PM **Report Submitted** 9/30/2020

## Operator Information

**Operator** City of Morganfield  
Morganfield Gas System **Reported By** Les Piper  
**Phone** (270) 389-2186 **Email** lpiper8215@yahoo.com

**Incident Location** 181 Depot St. **Locate Ticket Number** 2009211391  
Waverly KY 42462

**County** 181 Depot St.  
Union

## Excavator Information

**Excavator** Mark Haynes **Organization ID** 1023162  
A+ Communications Inc.  
**Phone** 502-398-5694 **Email** lpiper8215@yahoo.com  
**Address** 916 Ulrich Ave. **Locate Ticket Number** 2009211391  
Louisville KY 40219

## SUPPLEMENT REPORT

On 11/29/21 the Operator, Morganfield Gas's Les Piper, provide the following documents:

- Gas Excavation Damage Report: Outlined in DR Summary and also see Attachment 1.
- Gas Leak Report: Indicating A+ Communications (Marcus Haynes) damaged a two inch gas line.
- Three Photographs: Indicating the damage occurred within the "approximant location/"tolerance zone" of 18 inches.
- Invoice: Indicating A+ Communications paid \$634.39 for the damages.

**Morganfield Gas's documents are included as Attachment 4.**

**Tout, Eric V (PSC)**

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**From:** Les Piper <lpiper8215@yahoo.com>  
**Sent:** Wednesday, November 24, 2021 9:59 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 43044, 9/24/2020, 181 Depot St., Waverly, A+ Communications Inc. aka National OnDemand

*I WILL BE SENDING WHAT INFO I HAVE TO YOU AS SOON AS I CAN SORRY FOR THE DELAY HAVE A GREAT THANKSGIVING*

On Thursday, November 18, 2021, 08:48:39 AM CST, Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Hello Les,

This one may go to a hearing please send all reports, all pre and damage photographs, billing and payment (copy of the check) info.

If one or all are not available state so.

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582



## Tout, Eric V (PSC)

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**From:** rthompson4794@att.net  
**Sent:** Monday, November 29, 2021 3:05 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Ticket # 43044  
**Attachments:** [Untitled]\_2021112913575530.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

This is all the information I have. If I can be of any other assistance please let me know.

Les Piper  
270-952-0477  
270-952-7232

# Gas Excavation Damage Report

## City of Morganfield Morganfield Gas System

NEW

Reported By:

**Name:** LES PIPER  
**Phone:** (270) 389-2186  
**Email:** lpiper8215@yahoo.com

Gas Line Incident Occured:

**Date:** 9/24/2020  
**Time:** 1:43 pm

Details:

**Reported Date:** 9/30/2020 11:40 AM

### Incident Location Address:

**Location:** 181 Depot st  
**Address:** 181 Depot st  
**City:** Waverly  
**State:** KY  
**County:** Union  
**Zip:** 42462

**Confirm Code:**

**Number of Customers out:** 5

**Was gas or hazardous liquids contained in the underground facility?**

**Was gas or hazardous liquids released into the atmosphere?**

**Locate Request Ticket No.:** 2009211391

**Excavator:** Contractor

**Excavator Address:**

**First Name:** Mark

**Last Name:** Haynes

**Phone:** 502-398-5694

**Email:** lpiper8215@yahoo.com

**Address:** 916 Ulrich Ave

**City:** Louisville

**State:** KY

**Zip:** 40219

**Confirm Code:**

**Excavation Damage:** Failure to maintain clearance

**Description of Incident** Directional Drilling Rubbed hole in gas line

**Summary Information**

9/30/2020 11:40:57 AM

You have 5000 characters in each text area

**Full details such as the cause**

Contractor was attempting to bore over top of gas main while doing so the boring rod was rubbing on the top of the gas line causing it to rub a hole in gas main .When we arrived the contractor had already pulled the boring machine rods back .So from damage to the pipe and his testimony it appears that he was drilling over the top when he pushed forward it caused the boring rod to go downward sitting on gas main as rods were turning it rubbed a hole in the main

<b>Extent of the damage</b>	Had to cut out and replace 6' of 2" PE 2406 pipe purge the main and restore gas service to 5 customers
<b>Cost of the damage</b>	634.39
<b>Steps taken to prevent re-occurrence</b>	Informed contractor that he needed to do a better job of exposing the gas line before boring so he can maintain plenty of clearance while boring
<b>Amount billed to excavator</b>	634.39

9/30/2020 11:40:57 AM

City of Morganfield

Inside Gas Leak Report

Name Marcus Haynes Contact Number 812-457-1332 Time ~~8:10~~ 1:43pm

Address 70 N. Depot

City County Waverly State Key

Dispatched by: Renee T. Reported to: Les Piper

Odor is Inside  Odor is Outside  Possible Carbon Monoxide

Near Gas Appliance  At Meter  In the Yard  In Alley  In the street  
Type \_\_\_\_\_

Is the odor strong?  Yes  No How long have they smelled it? \_\_\_\_\_

Is it blowing?  Yes  No Do they hear it?  Yes  No

Details: Said he hit a gas line.

Time Arrived 1:55 pm Employee's Name: Les Piper

Meter Number: \_\_\_\_\_ Meter Reading: \_\_\_\_\_

Results of Investigation

Gas Leak  Positive  Negative Carbon Monoxide  Positive  Negative

Test Method  Flame Ion  CGI  Soap Test  Pressure Test  RMLD

Customer advised to repair  Yes Gas Shut Off-Date \_\_\_\_\_ Time \_\_\_\_\_ A.M P.M

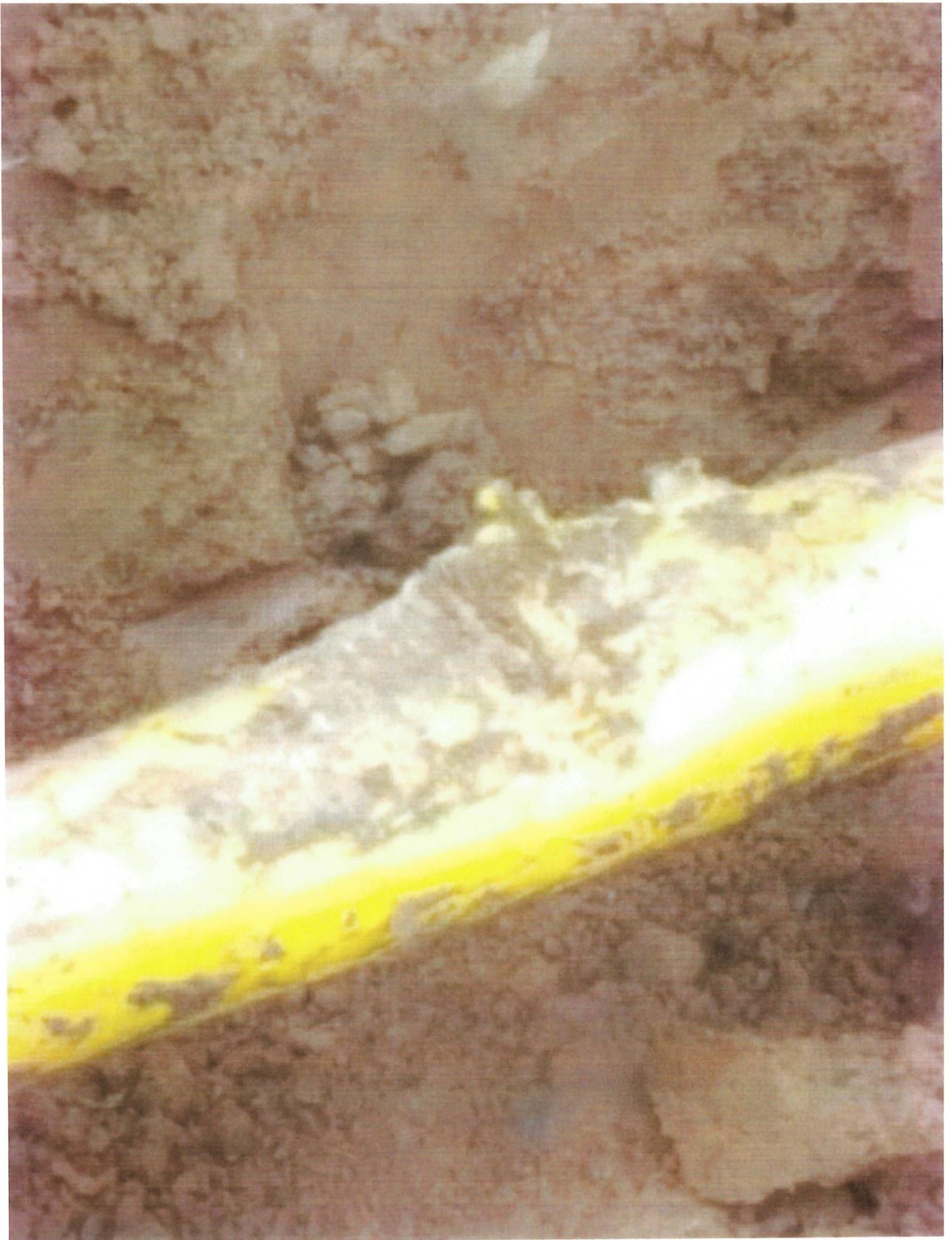
Describe work Performed Materials used: 2" gas line Damaged by Contractor A Plus Communications mark Haynes

Date Completed: ~~4/28~~ 9/24/20 Time Completed: 4:55  AM  PM

Report Reviewed By LP Date: 9/24/20







City of Morganfield  
 130 East Main Street  
 P. O. Box 420  
 Morganfield, KY 42437

# Invoice

Date	Invoice #
9/24/2020	13837

<b>Bill To</b>
A Plus Communication 916 Ulrich Ave Louisville, KY 40219

**PAID**  
**01/07/2021**

<b>P.O. No.</b>

Item	Description	Qty	Rate	Amount
Gas Parts	2 - 2" Stab Couplings		246.30	246.30T
Gas Parts	6' - 2" PE 2406 Gas Pipe		6.90	6.90T
Gas Parts	2 - Water Tight Wire Nuts		3.80	3.80T
Gas Revenue	Gas Lost		40.27	40.27T
	Utility Tax		3.00%	1.21
	Sales Tax		0.07	0.07
Gas Labor	Labor-Gas 4 Men - 3 hours	12	25.00	300.00T

<b>Subtotal</b>	\$598.55
<b>Sales Tax (6.0%)</b>	\$35.84
<b>Total</b>	\$634.39
<b>Payments/Credits</b>	-\$634.39
<b>Balance Due</b>	\$0.00

\*A+ Communications LLC  
916 Ulrich Avenue  
Louisville, KENTUCKY 40219