

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PATTON CONTRACTING AND DIRECTIONAL DRILLING, LLC)	
_____)	CASE NO.
)	2022-00374
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)	

INITIATING ORDER FOR ALLEGED 811 VIOLATION OF THE KENTUCKY UNDERGROUND FACILITY DAMAGE PREVENTION ACT

(Se proporciona la traducción al español de este documento como anexo/apéndice.)

Patton Contracting and Directional Drilling, LLC (Patton Contracting) 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 A hearing in this case shall take place on January 27, 2023.

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

¹ KRS 367.4901 through KRS 367.4917.

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, 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 Appendix A. In its Incident Report, Staff cites Patton Contracting 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 Patton Contracting violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident shall be conducted.

IT IS THEREFORE ORDERED that:

1. Patton Contracting 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. Patton Contracting shall appear on January 27, 2023, at 9 a.m. Eastern Standard Time, in the Richard Raff Hearing Room of the Commission's offices at

211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act.

3. The January 27, 2023 hearing shall be conducted via video conferencing.

4. Patton Contracting shall attend the hearing by using the following link: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; information and instructions are attached to this Order as Appendix B.

5. Patton Contracting shall notify the Commission at least ten days prior to the hearing if Patton Contracting is unable to appear by video conferencing and will therefore appear in person.

6. **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.**


7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 53758, attached to this Order as Appendix A, is made a part of the record in this case.

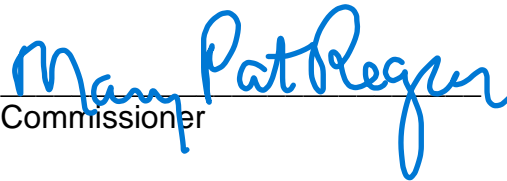
9. The January 27, 2023 hearing shall be recorded by video only.

10. **Please note parties who fail to appear after service will be subject to entry of a default judgment against them.**

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00374 DATED NOV 22 2022

TWENTY-FIVE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53758 **Investigation** 8761
Incident Date 7/7/2021 9:30:00 AM **Report Submitted** 8/6/2021

Operator Information

Operator Atmos Energy Corporation **Reported By** Anthony Stallins
Phone (270) 779-4849 **Email** anthony.stallins@atmosenergy.com

Incident Location 4100 Silent Doe Xing **Locate Ticket Number** N/A
 Owensboro KY 42301
 4100 Silent Doe Xing , Owensboro
County Daviess

Excavator Information

Excavator Lonnie Patton **Organization ID** 1101569
 Patton Contracting and
 Directional Drilling LLC
Phone 270-775-8522 **Email** N/A
Address 400 Church St **Locate Ticket Number** N/A
 Centertown KY 42328

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Mechanized/Directional Drilling	\$1,249.00	\$1,249.00

The Operator reports that the Excavator damaged a two-inch gas main, directional drilling, installing cable, the Excavator failed to contact the KY Contact Center (811), and the Excavator was operating on Locate Ticket (LT) 2105262323 obtained by Fannon Construction.
The DR is included as Attachment 1.

INVESTIGATION

On 05/27/22 811, Carly Dunsmore, conducted a search from 06/01/21 thru 07/09/21 finding no LT for the Excavator, but one LT was found for Fannon Construction (See LT Summary and Attachment 2).

LT Summary						
Ticket #	Valid for	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2105262323	Fannon Construction	06/11/21	07/02/21	07/07/21	5	Yes

A review of LT...2323 reveled it was obtained on 06/11/21 by Fannon Construction to install cable television and the LT expired 07/02/21 five days prior the incident date of 07/07/21.
The LT is include as Attachment 2.

On 09/09/22 an attempt to contact the Excavator at 270-775-8522 and 270-232-4647 (found in Accutint no new address found) resulted in a message stating that the number is not a working number and a busy signal respectively.

On 06/13/22 the Operator, Atmos's Anthony Stallins, stated that the excavator has not paid Atmos for the damage repair, written off as uncollectable and Mr. Stallins provided the following documents:

PIPELINE DAMAGE INVESTIGATION REPORT

- Show Compliance/Construction Order Details: Which is outlined in the DR Summary and Attachment 1.
- Photographs - 5: Depicting the damage.

Atmos documents are included as Attachment 3.

Due to no contact via telephone a Demand Letter will be mailed imposing the penalty of \$250.00 and requiring attendance to the Damage Prevention Course.

VIOLATIONS¹

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 Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 st Offence Date (Last Offence Date +366 Days)
1 st	See above	07/07/21	07/08/22

¹ A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 8/6/2021 Incident ID: 53758

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53758\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 7/7/2021
Time: 9:30 AM

Details:

Reported Date: 7/8/2021 6:20 AM

Incident Location Address:

Location: 4100 SILENT DOE XING , OWENSBORO
Address: 4100 Silent Doe Xing
City: Owensboro
State: KY
County: Daviess
Zip: 42301
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

* 3/2020

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: N/A

Excavator: Contractor

Excavator Address:

First Name: Lonnie
Last Name: Patton
Organization ID: N/A
Company: Patton Contracting and Directional Drilling
Phone: 270-775-8522
Email: N/A
Address: 400 Church St
City: Centertown
State: KY
Zip: 42328
Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident Damaged 2" PE main. No locate ticket. One customer off. No injuries.
Summary Information

8/6/2021

Full details such as the cause	Patton Contracting and Directional Drilling, damaged a 2" PE main while installing cable with a directional boring machine. Patton Contracting did not have a locate ticket. Patton Contracting would advise they were working off a Fannon Construction ticket. The only ticket I could find for Fannon Construction a street address of Silent Doe Xing was (2105262323). Atmos Supervisor stated he spoke with Mr. Patton upon arriving at the damage site. He advised Mr. Patton he needed his own locate ticket and he also need to pot-hole prior to digging (old mark was still visible). Mr Patton advised he understood. Cody would advise Mr. Patton he could not dig until he had a locate ticket. Mr. Patton advised he was "pulling out".
Extent of the damage	The damaged 2" PE was repaired and service restored to the one affected customer.
Cost of the damage	\$1,249.00
Steps taken to prevent re-occurance	Patton Contracting and Directional Boring advised of the need for a KY 811 Locate Ticket before starting any excavation project. Also advised that once a locate is called and the utilities are marked, all utilities must be exposed before using mechanized equipment in the 18" approximate location (tolerance zone).
Amount billed to excavator	\$1,249.00

Attachment 2

Tout, Eric V (PSC)

From: Carly Dunsmore <cdunsmore@usa811.org>
Sent: Friday, May 27, 2022 1:19 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 53758
Attachments: 2105262323.pdf

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

Good afternoon,

We searched between 6/1/2021 and 7/9/2021 but could not find any tickets submitted by Patton Contracting and Directional Drilling for the address 4100 Silent Doe Xing in Daviess County. However, we did find a ticket submitted by Fannon Construction doing work along that road. The ticket is attached. If you have questions, please let us know.

Thank you,
Carly Dunsmore, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

Know what's below. 811 before you dig.

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Fri, May 27, 2022 at 11:17 AM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket(s) 2105262323 and for:

Incident Date: 7/7/2021 (Provided the date range for the search)

Operator: Atmos

Incident Location: 4100 Silent Doe Xing, Owensboro

County: Daviess

Excavator: Patton Contracting and Directional Drilling

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

SECOND NOTICE SEE REMARKS

Ticket : 2105262323 Date: 06/11/2021 Time: 08:59 Oper: KENTUCKY811 Chan:000
Old Tkt: 2105262323 Date: 05/26/2021 Time: 18:49 Oper: KENTUCKY811 Rev: 00A

State: KY Cnty: DAVIESS City: OWENSBORO
Subdivision:

Address :

Street : SILENT DOE XING

Cross 1 : DEER HAVEN DR

Location: FROM THE INTERSECTION -- LOCATE WEST 250 FEET - ON BOTH SIDES OF THE
ROAD

:

Boundary: n 37.790178 s 37.789053 w -87.170499 e -87.167999

Work type : INSTALL CABLE TV

Done for : SPECTRUM COMMUNICATIONS

Start date: 06/01/2021 Time: 07:00 Hours notice: 0/0 Priority: NORM

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

Duration : N/A Depth: 3 FT

Company : FANNON CONSTRUCTION Type: CONT

Co addr : 435 WEST 3RD STREET

City : CALHOUN State: KY Zip: 42327

Caller : BUDDY FANNON Phone: (270)570-1974

Contact : BUDDY FANNON - CELL Phone:

Mobile : (270)570-1974

Email : FANNONCONSTRUCTION71@YAHOO.COM

Remarks : PLEASE LOCATE OR MARK CLEAR IF CLEAR AND NOTIFY

:

Submitted date: 06/11/2021 Time: 08:59

Members: 0132 0139 0195 0315 0372

* Responses are current as of 05/27/2022 01:16 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
ATMOS ENERGY 0132	PIPELINE	ATMOS ENERGY CUSTOMER SERVICE (888) 954-4321	
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
KENERGY CORPORATION 0195	ELECTRIC		Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .
REGIONAL WATER RESOURCE AGENCY 0315	SEWER		
TIME WARNER CABLE 0372	CABLE TV	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .

Attachment 3

Tout, Eric V (PSC)

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, June 13, 2022 10:43 AM
To: Tout, Eric V (PSC)
Cc: Stanley, Bill; Kirkham, Nicole; Townsend, Cody; Mayfield, Daniel; Tucker, Mariam; Stallins, Anthony
Subject: RE: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021
Attachments: Pic 5.jpg

Picture 5.

Let me know if you need anything else.
Anthony

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, June 13, 2022 9:41 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>; Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021

Pic 3 & 4

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, June 13, 2022 9:12 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>; Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021

Good morning Eric,

Per Nicole, Patton Contracting was billed for the damage, however the invoice was never paid. I could find no other phone number for the Patton. I've included the Atmos Third Party Damage Form and there are 5 pictures.

Thanks, Anthony

From: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>
Sent: Friday, June 10, 2022 10:09 AM
To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Subject: Re: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021

This was written off as uncollectible/efforts exhausted.

Happy Friday!

	Invoice No	Inv Amt	Inv Status	Cncl Reas	Claim Resolution	Outst Bal	Claim Di...	
<input type="checkbox"/>	311369	1,248.99	Closed	UNCOLLECTIBL...	Efforts Exhausted	.00		

[Payment History](#)

	Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Invoice Activity	Inv Act Reason	
<input type="checkbox"/>	3	311369		319931	1248.99	03/23/2022	03/23/2022	CREDIT MEMO	UNCOLLECTIBL...	
<input type="checkbox"/>	2	311369				10/04/2021	10/04/2021	50 DAY LETTER UPDATE		
<input type="checkbox"/>	1	311369				09/14/2021	09/14/2021	30 DAY LETTER UPDATE		

Nicole Kirkham
Operations Assistant
3510 Coleman Rd
Paducah, KY 42001
(270)702-6591



From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Thursday, June 9, 2022 9:04 PM
To: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: FW: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021

Good evening guys,

Nicole, would you care to check and see if the invoice for this damage has been paid.

Guys, would any of you have another phone number for Patton Contracting and Directional Drilling. According to Eric, 270-775-8522 is a non-working number. I will start gathering information Monday and I return.

Have a great weekend!!!
Anthony

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Thursday, June 9, 2022 8:58 PM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: PSC ID# 53758; Leak Asset 710414; 4100 Silent Doe Xing, Owensboro; Patton Contracting and Directional Drilling; 7/7/2021

Good evening Eric,

I've checked the phone number and it's the same on all our forms. I will check with the guys in Owensboro and see if anyone has another number for Patton Contracting.

I'm taking a day of vacation tomorrow and going fishing with my father. I will start gathering the information for you Monday if OK.

Have a great weekend!!!

Anthony

Get [Outlook for iOS](#)

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>

Sent: Thursday, June 9, 2022 9:35:41 AM

To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>

Subject: [EXT] 53758, 7/7/2021, 4100 Silent Doe Xing, Owensboro, Patton Contracting and Directional Drilling

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Anthony,

The number provided is a non-working number.

Please send repots, photos, invoices and payment info (copy of check) if paid.

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

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404 40 Ky - eAM	Asset: LEAK710414	Order# - Done - Status - Type: 21514043 - 07/07/2021 - C - LKRP	Job Code: LKRP
----------------------------------	-------------------	---	----------------

Order Description: Leak Repair 1 Cc2636
Run Time: 06/13/2022 08:32

Job Details

Status Complete	Office: OWENSBORO	Done: 07/07/2021	Source: Qk
Type:	SubRegion: Central Ky	District: Owensboro	In MA:
Region: NORTHERN			

Schedule Data

Start Date: 07/08/2021	Base Date:	Interval: 0	Printed:	Print Date:
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Asset

Description: LEAKS	Asset#: LEAK710414	Parent Asset#: LKS (2636)
Group: 4100 SILENT DOE XING 5862000 OWENSBORO		Activity: LEAK REPAIR 1 2636
Description: WC2635	Child Assets:	Status: InActive
Owning Department:		

Location Physical Information

GPS 37.78938	GPS Longitude: -87.16004	GPS Altitude: 0
Latitude: 4100 SILENT DOE XING		State: KY
Address: 5862000 OWENSBORO	Time Zone:	DST:
Town/City: OUTSIDE	Cross Street: DeerHavenDr.	
In/Outside City Limits:		
Other Location Information:		
Map Number:		Class Location: 3
County: 21059 DAVIESS		Control Code:
Property: 90801 DAVIESS,OWENSBORO,OWENSBORO CTY & ISD		
Tax Code:		
School District:		
Land Description:		
City Inspection Required:		Certificate of Occupancy Required:

Location Additional Information

WorkArea/SubArea: KYOWNB_C	PipeLine #:	Read Sequence:
Station Number:	Printer Name: noprint	Corrosion Section:
System Number:		Project Number:
Pipeline Balance Code:		Task Number:
Operation Area: KYOBO	Rate Division: 009	Facilities Classification: DIST
Retirement Unit Name: Non Unitized Retirement Unit		Zip:
Related SAP SO Number: 100019462674		

Leak Data

Date Found: 2021/07/07 09:45	Time Classified: 09:50:51	Leak Grade: 1
Leak Grade By: 19598 Brown, Patrick	Grade 2 Interval:	CGI Reading: 100
Apparent Location: MAIN	Population Density: RES	Unit of Measure: % GAS
Ft To Building: 30'	Surface Type: DIRT	
Leak Location: N/A	Leak Repaired: N	Leak Located (LKFD - 2): 2 - Below Ground
Comments: contractor drilled into 2" PE line did not pot hole and did not have bud ticket was using another contractors bud ticket, const. 7-7-21, PBrown		

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40

LEAK710414

21514043 - 07/07/2021 - C - LKRP

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 1 Cc2636

Run Time: 08/13/2022 08:32

(LKRP) Leak Repair Completion Data

Leak Found (Yes/No): Reason Not Repaired: Initial Cause: EXCAVATION GROUP Condition of Coating: Corrosion 0 Pit Depth (M): Coating Type: NA Repaired Date: 07/07/2021 Residual Gas Follow-Up: Welder ID:

Facility Involved: 1 - Main Origin of Leak: 2 - Body of Pipe Type of Pipe: 9 - Med. Density Polyethylene Ferc Acct: 8740 Wall Thickness: 0 External Corrosion: NA Internal Corrosion: NA PS Reading: 0 Test Pressure: 150 Test Duration: .25 Soap Test (Y/N/A): Y Info Chg Req: N Test Medium: AIR Addit. Maint. Req: N Welding Performed:

Installed 1	Length Units:	Task:	Size:	Type:
Removed 1	Length Units:	Task:	Size: 0	Type:
Installed 2	Length Units:	Task:	Size:	Type:
Removed 2	Length Units:	Task:	Size: 0	Type:

Leak Located: 2 - Below Ground Cause Code: 22 - Other Third Party Excavators Repair Method: 6 - Pipe Replaced Other Leak Cause: Fitting Type: Astm Code: PE4 - Polyethylene PE 3408 Pipe Size: 3rd Party Y Pipe Mfg Code: DC1 - Driscopipe Joint Type: Other Mfg: Damage: Compr Coupling Data: N

(LK3P) Leak 3rd Party Data Completion Data

Activity: LEAK REPAIR 1 2636 Asset Num: Task ID: Damage Date: 2021/07/07 Leak Area Sq. IN: 0 Locate ID #: N 3rd Party Name: Patton ContractingandDrilling Locate Ticket #: 3rd Party Address: 400 Church Street Leak Duration Minutes: 45 Located By: Injuries or Deaths OnSite: 0 Damage to Property: Y Date Located2: Locate Mark within State Y Repair Total: 3rd Party Phone #: 2707758522 Law: NOLOCATEREQ Type of 3rd Party Work: CATV Reason Damage Occurred: Date Locate Requested: Locate Priority: Ferc Acct: 8740 Equipment Causing Damage: DIRECTIONAL Date Located: Date Locate Requested: 2018/04/12 3rd Party Contact: Lonnie Patton Ins Agent: Agent Phone: Company Type: CONTRACTOR Damage Where: City: Centertown Excavator: DISTRIBUTION 1 KY

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40

LEAK710414

21514043 - 07/07/2021 - C - LKRP

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 1 Cc2636

Run Time: 06/13/2022 08:32

Facility Involved:	Num Cust Affected:	State:
Time Located:	Billed:	Zip: 42328
Damage Location:	Damage By: THIRDPY	Title 16: N
FAC Material BODYOFPIPE	FAC Release Plan: Y	One Call Code:
Damage: FAC 911 N	FAC Locate Code: INTRA	FAC Pipe Diameter: 0
Call:	Excavator Ticket:	Excavator Notify Oper: U
Excavator N	Excavator Call:	
Pipeline IS: ACTIVE	Pipeline Material: POLYPLAS	Pipeline Year:
Prod Trans Code:	Fire Comments:	Type of Injury:
Mark :: Positive Response:	Mark 2nd Call Rsn:	Mark 2nd Call Oth:
Mark 2nd Call Ticket:	Mark 2nd Call Date:	Mark 2nd Call Resp:
Mark :: Positive Response:	Mark Why and Rsn:	Mark Why Other:
Mark 0 Variance Inches:	Locator Other Explain:	
SubDivision:	Incident Address: 4100 Silent Doe Xing	Incident Time: 9:37:AM
Lat Long LkUp:	Latitude: 37.78938	Longitude: -87.16004
Tech 3: 26374 Smith, Darrel	Travel 3:	OnSite 3:

(LK3P) RRC Leak 3rd Party

Data Completion Data

Date of Damage:	2021/07/07	Excavator Name:	Patton ContractingandDrilling	Excavator Address:	400 Church Street
Excavator City:	Centertown	Excavator State:	KY	Excavator Zip:	42328
Excavator Contact Name:	Lonnie Patton	Excavator Phone:	2707758522	Excavator Fax:	
Excavator Email:	U	Excavator Type Code:	CONTRACTOR	Excavation Type:	DIRECTIONAL
Work Performed Code:	CATV	Excavator Depth Ft:	0	Excavator Depth In:	0
Was Called:	N	Incident NO:		Country:	US
State:	KY	City:	Owensboro	Address:	4100 Silent Doe Xing
Intersection:	Deer Haven Dr.	RightOfWay Type:	CITYST	Fac Damaged Code:	
Fac Affected Code:	DISTRIBUTION	Fac Damaged Depth Ft:	3	Fac Damaged Depth In:	0
Joint:	N	OneCall Member:	Y	Locate Request:	N
Trench:		OneCall Ticket#:		OneCall Ctr Notified Date:	2018/04/12
OneCall Center Code:		Locator Name:		Fac Marks Visible:	Y
Locate Org Code:		Marked Variance Ft:	0	Marked on Time:	
Fac Marks Correct:	Y	Marked Loc. Meth Othr:		Marked by Paint:	Y
Marked Locate Method:	C	Marked by Other:	U	Marked by Other Comnt:	
Marked by Flags:	Y	Marked Spec Instruction:		Marked Using Maps:	
Marked By White Lining:		Marked Loc Met with Exc:		Marked Reps OnSite:	
Marked 48 HR Notice:		Marked Procedure Used:		Marked Positive Response:	

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40

LEAK710414

21514043 - 07/07/2021 - C - LKRP

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 1 Cc2636

Run Time: 06/13/2022 08:32

Call:	Excavator Down Time:	Excavator Down Cost:
Excavator N		
Down:		
Was Fac Y	Service Interruption: Y	Outage Hours: 3
Damaged:		
Customers 1	Restoral Cost: 0	Number People Injured: 0
Affected:		
Number 0	Impact Fire Occurr: N	Impact Evac: N
Fatalities:		
Impact Evac 0	Impact Evac Comnt:	Impact Media Covrg: N
No People:		
Impact	Impact Street: N	Impact Street Comnt:
Media Covrg		
Comnt:		
Impact N	Impact Explosion Comnt:	Impact Other: N
Explosion:		
Impact	Impact No addl:	Damage Cause Code: NOLOCATEREQ
Other		
Explanation:		
Damage		
Other Desc:		

Comments

& Labor

Comments: contractor bored into 2" PE main, did not pot hole . crew made repairs and put back in service|contractor drilled into 2" PE line did not pot hole

Tech: 24720 Coakley, Kevin

Travel:

OnSite: 7.03

Tech 3: 26374 Smith, Darrel

Travel 3:

OnSite 3:

Tech 4: 18923 Conrad, Christopher

Travel 4:

OnSite 4:

Data

Entry

Stats

Order#
21514043

Asset 07/07/2021 By: 8247 EAMADMIN

Created: Order 07/07/2021 By: 8247 EAMADMIN

Created: Q. 07/07/2021 By: 8247 EAMADMIN

Results Entered:

ET .117 Minutes RECORD Count

0



37.78957, -87.16922, 104.3m
Jul 7, 2021 10:21:36 AM



37.78958, -87.16921, 103.0m
Jul 7, 2021 10:21:39 AM



50G

+GF+

37.78959, -87.16919, 101.5m
Jul 7, 2021 10:21:42 AM



37.78958, -87.16917, 101.4m

Jul 7, 2021 10:21:47 AM



37.78957, -87.16918, 97.9m
Jul 7, 2021 10:22:11 AM

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00374 DATED NOV 22 2022

TWO PAGES TO FOLLOW

Information and Instructions for Hearing

You are required to attend a formal hearing with the Kentucky Public Service Commission. Please note the hearing is scheduled in the **Eastern Time Zone**, and the hearing date and time are on the Order that accompanied these instructions.

You are **strongly encouraged** to download the GoToMeeting app now and be ready for your hearing. If you cannot appear via video using this app, at least ten days prior to your scheduled hearing you must call the Commission's offices at the number provided below. You will receive instructions on appearing in person in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky at the time and date of your scheduled hearing.

Please direct any questions to Ashley Rhodes, Commission Division of Inspections. AshleyB.Rhodes@ky.gov or 502-782-2578.

To download the GoToMeeting app go to:

<https://global.gotomeeting.com/install/258846301>

On the day of your hearing using your computer, tablet, or video enabled smartphone. **Access the proceeding at:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

More information about using GoToMeeting can be found at:

GoToMeeting - Attendee Quick Start

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - How to Join a Meeting

https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Technical Requirements for Using GoToMeeting

Operating System:

Windows 7 – Windows 10
Mac OS X 10.9 (Mavericks) – mac OS Big Sur (11)
Linux/Ubuntu (Web App only)
Google Chrome OS (Web App only)
iOS 11 – iOS 13
Android OS 5 (Lollipop) – Android 10

Web Browser: (Applies to Web App only)

Google Chrome v72 or newer
Microsoft Edge v77 or newer

Internet Connection:

Computer: 1 Mbps or better (broadband recommended)
Mobile device and Chromebook: 3G or better (WiFi recommended for VoIP)

Software:

GoToMeeting desktop app (JavaScript enabled)
GoToMeeting app from the Apple Store, Google Play Store, or Windows Store

Hardware:

2GB of RAM (minimum), 4GB or more of RAM (recommended)
Webcam device*
Microphone and speakers** (USB headset recommended)

Mobile Device:

iPhone 5 or newer
iPad 3rd gen or newer

Note: * You MUST have a camera on your device or connected to your device to appear at the hearing.

** Most devices have built-in speakers, but you will get better audio quality while connected via VoIP if you use a headset

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00374 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

PATTON CONTRACTING AND DIRECTIONAL DRILLING, LLC)	
_____)	CASO NO.
)	2022-00374
PRESUNTA INFRACCIÓN DE LA LEY DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE KENTUCKY

(Se proporciona la traducción al español de este documento como anexo/apéndice.)

Patton Contracting and Directional Drilling, LLC (Patton Contracting) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).¹ Una audiencia sobre este caso tendrá lugar el January 27, 2023.

Conforme a la norma KRS 278.495(2), la Comisión tiene jurisdicción para regular la seguridad de las instalaciones de gas natural en Kentucky y para hacer cumplir las normas federales mínimas de seguridad de las tuberías. En virtud de la Ley, la Comisión tiene autoridad para investigar y evaluar las sanciones civiles por cualquier infracción de la Ley que resulte en daños de excavación a una instalación subterránea utilizada para

¹ KRS 367.4901 a KRS 367.4917.

transportar gas natural o líquidos peligrosos sujetos a las leyes federales de seguridad de tuberías, 49 U.S.C. §. 60101 *et seq.* Toda persona que infrinja cualquier disposición de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares por la primera infracción, no más de 1.000 dólares por la segunda infracción en el plazo de un año, y no más de 3.000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1.000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Patton Contracting] por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Patton Contracting violó la Ley de Prevención de Daños a Instalaciones Subterráneas. La Comisión considera, además, que debe llevarse a cabo una investigación formal sobre el incidente de los daños causados por la excavación.

POR LO TANTO SE ORDENA que:

1. Patton Contracting deberá presentar a la Comisión una respuesta por escrito a las alegaciones contenidas en el Informe de Incidencia del Personal en un plazo de 20 días a partir de la recepción de esta Orden a través de un correo electrónico enviado a PSCED@ky.gov con el número de caso de este procedimiento en el asunto del mensaje

2. Patton Contracting comparecerá el January 27, 2023, a las 9 a.m. Eastern Standard Time en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia January 27, 2023, se llevará a cabo por videoconferencia.

4. Patton Contracting deberá asistir a la audiencia utilizando el siguiente enlace: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; la información y las instrucciones se adjuntan a esta Orden como Apéndice B.

5. Patton Contracting notificará a la Comisión, al menos diez días antes de la audiencia, si Patton Contracting no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

6. **Cualquier sociedad, corporación o entidad comercial (incluyendo una sociedad de responsabilidad limitada) debe ser representada por un abogado con licencia para ejercer la abogacía en Kentucky y dicha representación incluye la presentación de documentos y las comparecencias en las audiencias ante la Comisión.**

7. Un individuo puede presentar una respuesta a las alegaciones contenidas en el Informe de Incidentes del Personal sin la representación de un abogado.

8. El Informe de Incidentes del Personal 53758, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 27, 2023, se grabará únicamente por vídeo.

10. **Tenga en cuenta que las partes que no comparezcan después de la notificación estarán sujetas a que se asiente una sentencia en rebeldía contra ellos.**

COMISIÓN DE SERVICIOS PÚBLICOS

Presidente

Vicepresidente

Comisionado/a

HACE CONSTAR:

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO NO. 2022-00374 FECHADO

VEINTICINCO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO NO. 2022-00374 FECHADO

DOS PÁGINAS PARA SEGUIR

Información e instrucciones para la audiencia

Se le obliga a asistir a una audiencia formal con la Comisión de Servicios Públicos de Kentucky. Tenga en cuenta que la audiencia está programada en la **huso horario del este**, y que la fecha y la hora de la audiencia figuran en la Orden que acompaña a estas instrucciones.

Se le recomienda encarecidamente que descargue la aplicación GoToMeeting ahora y esté preparado para su audiencia. Si no puede comparecer por vídeo utilizando esta aplicación, debe llamar a las oficinas de la Comisión al número que se indica a continuación al menos diez días antes de la audiencia programada. Recibirá instrucciones para presentarse en persona en la sala de audiencias Richard Raff de las oficinas de la Comisión en el 211 Sower Boulevard en Frankfort, Kentucky, a la hora y fecha de su audiencia programada.

Sírvase dirigir cualquier pregunta a Andrea Wise, División de Inspecciones de la Comisión. Andrea.Wise@ky.gov o 502-782-2656.

Para descargar la aplicación GoToMeeting vaya a:

<https://global.gotomeeting.com/install/258846301>

El día de su audiencia utilizando su computadora, tableta o teléfono inteligente con capacidad de vídeo. **Acceda al procedimiento en:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

Puede encontrar más información sobre el uso de GoToMeeting en
GoToMeeting - Inicio rápido del asistente

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - Cómo unirse a una reunión

https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Requisitos técnicos para utilizar GoToMeeting

Sistema operativo:

Windows 7 – Windows 10
Mac OS X 10.9 (Mavericks) – Mac OS Big Sur (11)
Linux/Ubuntu (sólo aplicación web)
Google Chrome OS (sólo aplicación web)
iOS 11 - iOS 13
Android OS 5 (Lollipop) - Android 10

Navegador web: (Sólo se aplica a la aplicación web)

Google Chrome v72 o más reciente
Microsoft Edge v77 o más reciente

Conexión a Internet:

Computadora: 1 Mbps o superior (se recomienda la banda ancha)
Dispositivo móvil y Chromebook: 3G o superior (se recomienda WiFi para VoIP)

Software:

Aplicación de escritorio de GoToMeeting (con JavaScript activado)
La aplicación GoToMeeting de Apple Store, Google Play Store o Windows Store

Hardware:

2 GB de RAM (mínimo), 4 GB o más de RAM (recomendado)
Dispositivo de cámara web*
Micrófono y altavoces** (se recomiendan auriculares USB)

Dispositivo móvil:

iPhone 5 o más reciente
iPad de 3ª generación o más reciente

Nota: * Para comparecer en la audiencia, ES PRECISO tener una cámara en su dispositivo o conectada a él.

** La mayoría de los dispositivos tienen altavoces incorporados, pero obtendrás una mejor calidad de audio mientras estás conectado por VoIP si utilizas unos auriculares.

APÉNDICE C

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO NO. 2022-00374 FECHADO

CINCO PÁGINAS PARA SEGUIR

Patton Contracting and Directional Drilling, LLC
400 Church St. Locate
Centertown, KENTUCKY 42328

Patton Contracting and Directional Drilling, LLC
4040 S US Highway 231
Beaver Dam, KENTUCKY 42320

Patton Contracting and Directional Drilling, LLC
9900 Corprt Campus Dr Ste 3000
Louisville, KENTUCKY 40223