

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PRECISION EARTH WORX LLC)	
)	
_____)	CASE NO.
)	2022-00379
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.)

Precision Earth Worx LLC (Precision Earth Worx) 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 Precision Earth Worx 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 Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx shall notify the Commission at least ten days prior to the hearing if Precision Earth Worx 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 53887, attached to this Order as Appendix A, is made a part of the record in this case.

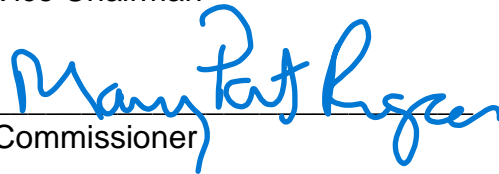
9. The January 27, 2023 hearing shall be recorded by video only.

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. 2022-00379 DATED NOV 22 2022

TWENTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53887 **Investigation** 8809
Incident Date 7/14/2021 2:40:00 PM **Report Submitted** 8/13/2021

Operator Information

Operator Duke Energy Kentucky, Inc. **Reported By** Ronya Nabors
Phone (704) 576-8155 **Email** ronya.nabors@duke-energy.com

Incident Location 11047 Pondwoods Dr **Locate Ticket Number** None
Alexandria KY 41001
11047 Pondwoods Dr - 467775
County Campbell

Excavator Information

Excavator Dan Oglesbee **Organization ID** 1092442
Precision Earth Worx LLC
Phone 513-615-9524 **Email**
Address 9790 Front St **Locate Ticket Number** None
Dillsboro IN 47018

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 KY Contact Center (811)	Yes	Yes	Mechanized/Mini-excavator	\$0.00	\$0.00

The Operator reports that the Excavator damaged a one-inch gas service with a mini-excavator and failed to contact 811.

The DR is included as Attachment 1.

INVESTIGATION

On 06/13/22 811, Carly Dunsmore, searched from 06/01/21 thru 07/17/21 finding no Locate Tickets (LT) for the excavator and incident location.

The Dunsmore email is included as Attachment 2.

On 06/16/22 an attempt to contact the Excavator at 513-615-9524 resulted in a message stating you have reached Garry Wafford wherein a message was left.

On 06/17/22 Mr. Wafford stated that Precision Earth Worx would not dispute the above. Mr. Wafford was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

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.

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

PIPELINE DAMAGE INVESTIGATION REPORT

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	07/14/21	07/15/21

Attachment 1

Gas Excavation Damage Report

Duke Energy Kentucky, Inc.

Submitted 8/13/2021 Incident ID: 53887

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53887\)](#)

Reported By:

Name: Ronya Nabors
Phone: (704) 576-8155
Email: ronya.nabors@duke-energy.com

Gas Line Incident Occured:

Date: 7/14/2021
Time: 2:40 PM

Details:

Reported Date: 8/13/2021 7:39 AM

Incident Location Address:

Location: 11047 Pondwoods Dr - 467775
Address: 11047 Pondwoods Dr
City: Alexandria
State: KY
County: Campbell
Zip: 41001
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.: None

Excavator: Contractor

Excavator Address:

First Name:

Last Name:

Organization ID:

Company: Dan Oglesbee/Precision Earthworx

Phone: 513-615-9524

Email:

Address: 9790 Front St

City: Dillsboro

State: IN

Zip: 47018

Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident Service was hit in front of the residence with a mini excavator

Summary Information

8/13/2021

Full details such as the cause

On July 14, 2021, Precision Earthworx was operating a mini excavator at 11047 Pondwoods Dr., Alexandria, KY 41001. Precision Earthworx failed to properly protect Duke Energy's underground facilities & did not notify the One Call Center. In doing so, they struck a one (1) inch plastic gas service in front of the residence.

Extent of the damage

This was a 1" plastic service hit m-c

Cost of the damage

\$0.00

Steps taken to prevent re-occurrence

**Amount billed to
excavator**

\$0.00

Attachment 2

Tout, Eric V (PSC)

From: Carly Dunsmore <cdunsmore@usa811.org>
Sent: Monday, June 13, 2022 10:01 AM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 53887

Good morning,

We searched between 6/1/2021 - 7/17/2021 but were unable to find any tickets submitted by Dan Oglesbee / Precision Earthworx for address 11047 Pondwoods Dr. in Campbell County. If you have any more information, we would be happy to assist you further.

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 Mon, Jun 13, 2022 at 9:14 AM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket(s) for:

Incident Date: 7/14/2021 (Provided the date range for the search)

Operator: Duke

Incident Location: 11047 Pondwoods Dr, Alexandria
County: Campbell
Excavator: Dan Oglesbee/Precision Earthworx

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

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53887 **Investigation** 8809
Incident Date 7/14/2021 2:40:00 PM **Report Submitted** 8/13/2021

Operator Information

Operator Duke Energy Kentucky, Inc. **Reported By** Ronya Nabors
Phone (704) 576-8155 **Email** ronya.nabors@duke-energy.com

Incident Location 11047 Pondwoods Dr **Locate Ticket Number** None
Alexandria KY 41001
11047 Pondwoods Dr - 467775
County Campbell

Excavator Information

Excavator Dan Oglesbee **Organization ID** 1092442
Precision Earth Worx LLC
Phone 513-615-9524 **Email**
Address 9790 Front St **Locate Ticket Number** None
Dillsboro IN 47018

SUPPLEMENTAL INVESTIGATION

A Demand Letter dated 06/28/22 and a 30 Days Past Due & No Attendance Remedial Measure/Training Letter dated 08/09/22 were mailed to the Excavator.

The letters are included as Attachment 3.

On 08/30/22, the Operator, Duke's Tyler Shelton provided the following documents:

- Damage Investigation Findings: Which is outlined in the DR Summary and Attachment 1.
- Invoice and Transaction Receipt: Indicating the Excavator paid Duke \$1,564.62 for the damage repair.

Duke's documents are included as Attachment 4.

Attachment 1



Andy Beshear
Governor

Kent A. Chandler
Chairman

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

June 28, 2022

Garry Wafford
Precision Earth Worx, LLC
9790 Front St.
Dillsboro, IN 47018

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **53887**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Wafford:

The Kentucky Public Service Commission (Commission) received a report on August 13, 2021, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Duke Energy Kentucky, Inc. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate and assess civil penalties for any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) performed an investigation of the incident and prepared the attached incident report. Based on its investigation of the incident, Staff has determined that Precision Earth Worx committed the following violation(s) 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.

CIVIL PENALTY

Based on its investigation of this matter, Staff has determined that Precision Earth Worx **should be assessed a penalty in the total amount of \$1,250, first offense, but that \$1,000 of the penalty should be suspended contingent upon Precision Earth Worx's completion of Damage Prevention training:**

REMEDIAL MEASURE/TRAINING

A representative of Precision Earth Worx shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number: **53887** and assigned key:

8809 to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

Within **30 days** of the date of this letter the Precision Earth Worx should mail or deliver a cashier's check or money order made payable to the:

“Kentucky State Treasurer”

The check should be in the amount of \$250.00 mailed to: 211 Sower Boulevard, Frankfort, Kentucky 40602.

Please include the Incident Number 53887 on the cashier's check or money order submitted for payment.

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation within one year, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation.

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Precision Earth Worx for any violation of the Act arising out of the July 14, 2021 incident. Precision Earth Worx's payment of the proposed civil penalty will not be considered an admission by Precision Earth Worx that it willfully violated any provision of the Act.

If Precision Earth Worx does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Precision Earth Worx and hold a formal hearing during which Precision Earth Worx will have an opportunity to present evidence.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel

Nancy J. Vinsel
General Counsel

Attachment



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Mary Pat Regan
Commissioner

August 9, 2022

Garry Wafford
Precision Earth Worx, LLC
9790 Front St.
Dillsboro, IN 47018

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 53887

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Wafford:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 **has not been paid** and **no representative** has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative of Precision Earth Worx shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **53887** and this key **8809** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel
General Counsel

TEAM
KENTUCKY.

Attachment 2

Tout, Eric V (PSC)

From: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Sent: Tuesday, August 30, 2022 9:57 AM
To: Tout, Eric V (PSC)
Subject: RE: [EXTERNAL] 53887, 7/14/2021, 11047 Pondwoods Dr., Alexandria, Precision Earth Worx
Attachments: 467775 - Claim Support Package.pdf; 467775 - Credit Card Payment Receipt.pdf

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

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, August 25, 2022 12:11 PM
To: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Subject: [EXTERNAL] 53887, 7/14/2021, 11047 Pondwoods Dr., Alexandria, Precision Earth Worx

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Tyler,

Please send all repots, all photos, invoices and payment info (copy of check) if paid. Provide any explanation in advance regarding conflicting information.

*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*



INVOICE



Please Make Check Payable to: Project Resources Group

Remit to: Project Resources Group, Inc. Attn. Damage Claims 5690 DTC Blvd, Suite 650 E Greenwood Village, CO 80111 EIN: 84-1576547	Invoice # DK-467775 Date: August 20, 2021 Terms: Due Upon Receipt Conf. Code # FU8W9
---	---

Responsible for Damages: Dan Oglesbee-Precision Earthworx 9790 Front Dt. Dillsboro, IN 47018
--

Date & Address Where Damage Occurred: 7/14/2021 11047 Pondwoods Dr Alexandria, KY 41001
--

Labor and Materials Costs:			
	Units	Unit Rate	Amount
<i>Internal Labor Costs</i>			
Service Mechanic B	2.00	86.83	\$173.65
Mechanic Operator Iii	2.00	73.44	\$146.88
Mechanic Operator Ii	2.00	89.10	\$178.20
Supervisor	0.80	123.75	\$99.00
Emergency Call Out	1.00	250.00	\$250.00
Srw Utility, Stake, Flat 4X4	2.00	40.10	\$80.20
Utilitytruck / Tandem Axle	2.00	54.30	\$108.60
Damage Investigation/Quality Control	1.00		\$277.00
Sub-Total			\$1,313.53
<i>Material Costs</i>			
Cock, Valve, 1" Cts, Butt Fusion X Electro F	1.00	69.84	\$69.84
Sub-Total			\$69.84
Invoice Total			\$1,383.37

Please Make Check Payable to: Project Resources Group

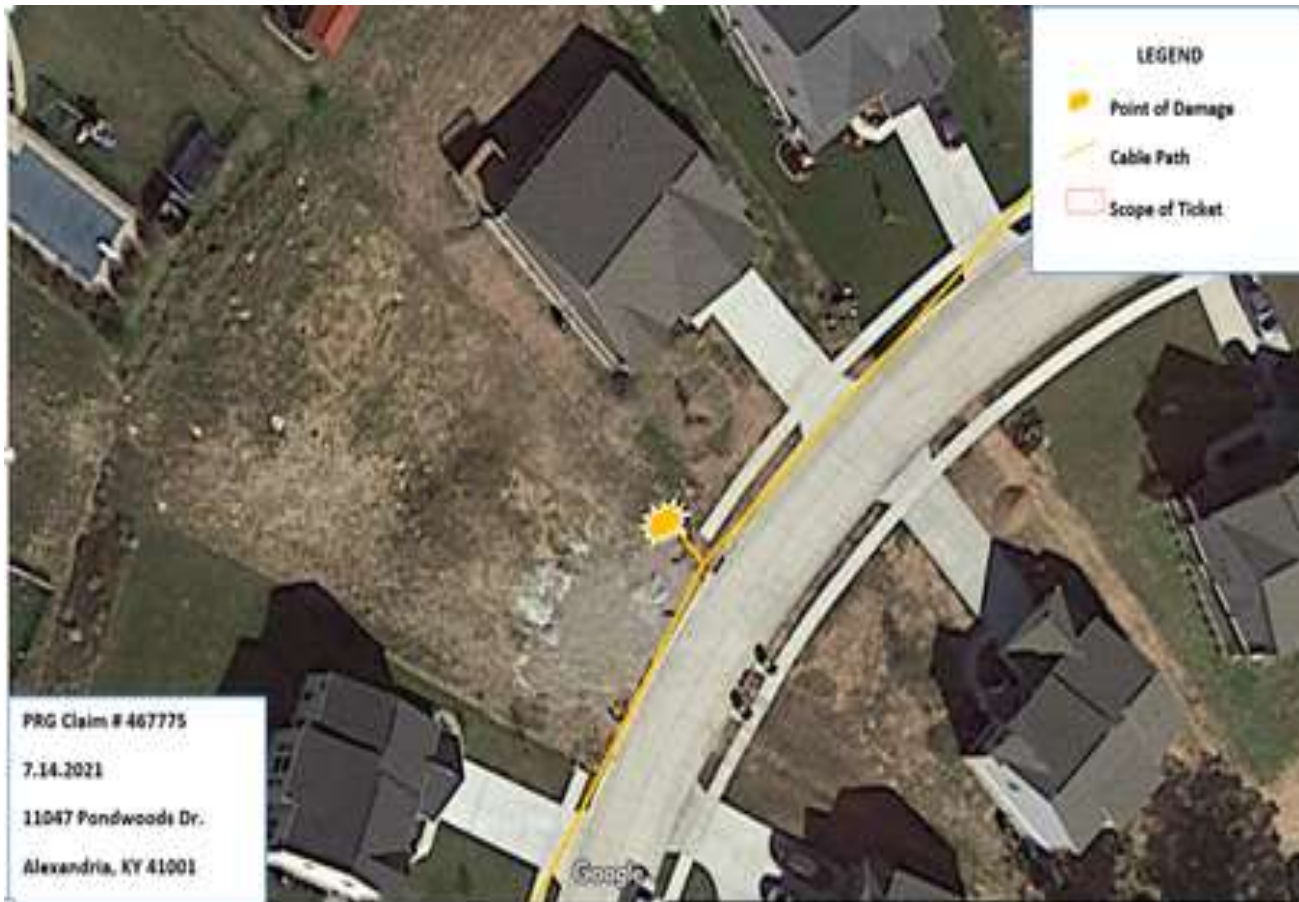
For questions regarding this invoice, please contact: Craig Lewis, (704) 751-9466 or via email clewis@prgconsulting.net

Damage Investigation Findings

PRG CLAIM:	DK-467775	
DATE OF OUTAGE:	07/14/2021	02:40 PM
NOTIFICATION:	07/14/2021	03:00 PM
ARRIVAL:	07/14/2021	04:31 PM
LOCATION:	11047 Pondwoods Dr, Alexandria, KY 41001	
LOCATE TICKET:	None	
INVESTIGATOR:	Mark Connelly	

SUMMARY:

On Wednesday, July 14, 2021, I was notified by Duke Energy about damage at 11047 Pondwoods Dr, Alexandria, KY 41001. Duke Energy's Underground Facilities were damaged at the above stated location by a Backhoe.



STATEMENTS:

Per Dan Oglesbee of Precision Earthworks: I don't need a locate ticket. There was no sand over the gas line. I hit the pigtail, but the curb box was already broken. The remaining was buried, and I didn't see it. I was digging to move the gas line conduit that was too far over.

DETERMINATION:

It has been determined that, on July 14, 2021, Precision Earthworx was operating a mini excavator at 11047 Pondwoods Dr., Alexandria, KY 41001. Precision Earthworx failed to properly protect Duke Energy's underground facilities. In doing so, they struck a one (1) inch plastic gas service in front of the residence.

Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (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. Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator.



ROOT CAUSE:

In closing of this investigation, I have concluded that Precision Earthworx is responsible for all damages that occurred at this location and is liable for any monies owed to Duke Energy, care of PRG for repairs and replacements.



467775 - Investigator1.JPG



467775 - Investigator2.JPG



467775 - Investigator3.JPG



467775 - Investigator4.JPG



467775 - Investigator5.JPG



467775 - Investigator6.JPG



467775 - Investigator7.JPG



467775 - Investigator8.JPG



467775 - Investigator9.JPG



5690 DTC Blvd., Suite 650E
Greenwood Village, CO 80111
Phone: (704) 751-9466
Fax: (303) 379-7284

Outside Plant Damage Recovery

August 20, 2021

Dan Oglesbee-Precision Earthworx
Damage Claims
9790 Front Dt.
Dillsboro, IN 47018

RE: Damaged Facilities: Duke Energy
Site Location: 11047 Pondwoods Dr, Alexandria, KY 41001
Damage Date: July 14, 2021
PRG Claim# DK-467775
Confirmation Code – FU8W9

To Whom It May Concern:

Project Resources Group has been retained by Duke Energy to assist in recovering costs associated with repairing and replacing Duke Energy facilities damaged by third parties. It is our primary responsibility to investigate damages and recover the costs of repairing and replacing the compromised facilities.

It has been determined that **Dan Oglesbee-Precision Earthworx** is responsible for the damage to Duke Energy facilities referenced above that occurred on **July 14, 2021**.

We understand that while **excavating** at the above referenced address, **Dan Oglesbee-Precision Earthworx** hit and damaged facilities owned and operated by Duke Energy. It is our understanding that a locate ticket was not requested.

If you had General Liability or Automobile Insurance at the time of this incident, please submit this claim to them for their handling.

****Payment is due upon receipt.**

You may also make payment via a credit card; please see the attached form for completion. **To make an online payment please visit <https://opdpayments.prgconsulting.net> and use claim number and confirmation code listed above.**

Enclosed is an invoice itemizing the charges incurred for this damage. **Please make your check in the amount of \$1,383.37 payable to Project Resources Group, Inc. and mail it to the attention of:**

Project Resources Group, Inc.
5690 DTC Blvd., Suite 650E
Greenwood Village, CO 80111

If you have questions or require additional information, please contact me at (704) 751-9466. Thank you for your prompt attention to this matter.

Sincerely,

Craig Lewis, Claims Specialist
Project Resources Group Inc. - Outside Plant Damage Recovery Division
Direct: (704) 751-9466
clewis@prgconsulting.net
Encl – Documentation & Available Photos

Merchant: Project Resources Group, Inc.

5690 DTC Blvd. Suite 650E
Greenwood Village, CO 80111
US

7204586806

Order Information

Description: PRG OPD Claim Payment

Order Number:

P.O. Number:

Customer ID: 8QSR3

Invoice Number: 470301

Billing Information

Garry wafford Gary Jenkins
6566 NC 55 Hwy W
Kinston, NC 28504

Shipping Information

Shipping:	0.00
Tax:	0.00
Total:	USD 1,564.62

Payment Information

Date/Time: 27-Sep-2021 12:19:12 PDT
Transaction ID: 42956429533
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Settled Successfully
Authorization Code: 320272
Payment Method: MasterCard XXXX0077

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00379 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 Andrea Wise, Commission Division of Inspections. andrea.wise@ky.gov or 502-782-2656.

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. 2022-00379 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

PRECISION EARTH WORX LLC)	
)	
_____)	CASO NO.
)	2022-00379
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

Precision Earth Worx LLC (Precision Earth Worx) 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 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

¹ KRS 367.4901 a KRS 367.4917.

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 Precision Earth Worx 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 Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx 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. Precision Earth Worx notificará a la Comisión, al menos diez días antes de la audiencia, si Precision Earth Worx 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 53887, 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

Comisionada

HACE CONSTAR:

Directora Ejecutiva

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO No. 2022-00379 FECHADO

VEINTITRÉS PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2022-00379 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 estés 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. 2022-00379 FECHADO

DIEZ PÁGINAS PARA SEGUIR

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