

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLTERRAIN PAVING AND CONSTRUCTION,)	
LLC)	
_____)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND)	2022-00383
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.)

Allterrain Paving and Construction, LLC (Allterrain Paving and Construction) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹ 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

¹ KRS 367.4901 through KRS 367.4917.

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, 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 Allterrain Paving and Construction 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 Allterrain Paving and Construction 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. Allterrain Paving and Construction shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. Allterrain Paving and Construction 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. Allterrain Paving and Construction 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. Allterrain Paving and Construction shall notify the Commission at least ten days prior to the hearing if Allterrain Paving and Construction 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 53979, 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. 2022-00383 DATED NOV 22 2022

EIGHTY-NINE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53979 **Investigation** 8853
Incident Date 8/11/2021 9:54:00 AM **Report Submitted** 9/7/2021

Operator Information

Operator Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 3117 Osprey Rd **Locate Ticket Number** 2107230602
 Louisville KY 40213

County Jefferson

Excavator Information

Excavator John Ward **Organization ID** 0939257
 Allterrain Paving And Construction LLC
Phone 502-265-4731 **Email**
Address 2235 Corydon Pike **Locate Ticket Number** 2107230602
 New Albany IN 47150

Damage Report Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Not specified	\$586.00	\$0.00

The Operator reports that the Excavator damaged a correctly marked one-inch gas service, with mechanized equipment, installing a water main.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	IncidentDate	# of Days Expired	Within Scope of Excavation
2107230602	Yes	07/23/21	08/13/21	8/11/2021	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 06/23/22 Maria Triplet (502-265-4729) of Allterrain Paving and Construction stated that research was warranted and she would call back.

On 06/30/22 Ms. Triplet provided four photographs of the damage which are inconclusive. Three are of the damage and one is of a yellow mark on pavement. None of the four photographs establish the approximate location/tolerance zone of 18 inches.

The photographs are included as Attachment 3.

On 07/01/22 the Operator, LG&E's Mike Jones, Provided the following documentation:

- Facts-Based Investigation & Incident Field Investigative Report: Which are outlined in the DR Summary and Attachment 1.

PIPELINE DAMAGE INVESTIGATION REPORT

- Photographs 62: Indicating the damage occurred within the approximant location/tolerance zone of 18 inches. See the last 11 photographs.
- Invoice and canceled check: Indicating the Excavator paid the Operator \$1,307.45 for the damage repair.

LG&E's documents are included as Attachment 4.

On 07/19/22 contact was made with Ms. Triplet and she was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS¹

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 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	32699	05/20/20	05/21/21
Warning Letter	53959	08/04/21	N/A

Note: Incident 32699 is a violation of KRS 367.4911(10) and the Warning Letter is for a violation of KRS 367.4911(1)(a).

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

Louisville Gas and Electric Company

Submitted 9/7/2021 Incident ID: 53979

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53979\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 8/11/2021
Time: 9:54 AM

Details:

Reported Date: 9/7/2021 11:53 AM

Incident Location Address:

Location:
Address: 3117 Osprey Rd
City: Louisville
State: KY
County: Jefferson
Zip: 40213
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.: 2107230602

Excavator: Contractor

Excavator Address:

First Name: John

Last Name: Ward

Organization ID:

Company: All Terrain Paving and Construction

Phone: 502-265-4731

Email:

Address: 2235 Corydon Pike

City: New Albany

State: IN

Zip: 47150

Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident Excavator broke service digging mechanically in tolerance zone.

Summary Information

9/7/2021

Full details such as the cause

All Terrain Paving & Construction (APC) was contracted by Louisville Water Company (LWC) to install a new water main on Osprey Rd. While digging on the east side of Osprey Rd, APC damaged an accurately marked 1" plastic gas service. The gas service was damaged on the company side of the line, at an approximate depth of 20". I asked the excavator why he was digging within the tolerance zone of the yellow marks and he stated that the other services were steel so he assumed he could "feel around" for the pipe without damaging it. Area was full of large rocks and tree roots.

Extent of the damage

Broken 1" plastic service

Cost of the damage	\$586.00
Steps taken to prevent re-occurrence	I called the project manager for this particular job, Maria Triplett from APC. Maria stated that APC has safety tailgate meetings on a frequent basis, but above that, they reach out to the field workers quite often to stress the importance of safe digging. Maria suggested that we attend one of their safety meetings in the near future, I agreed and we exchanged emails.
Amount billed to excavator	\$0.00

Attachment 2

NORMAL NOTICE

Ticket : 2107230602 Date: 07/23/2021 Time: 10:05 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address :

Street : OSPREY RD

Cross 1 : ILLINOIS AVE

Location: LOCATE A 250' RADIUS OF THE INTERSECTION OF OSPREY ROD AND ILLINOIS AVE.

:

Boundary: n 38.211479 s 38.210381 w -85.720896 e -85.719504

Work type : WATER MAIN INSTALLATION

Done for : LOUISVILLE WATER COMPANY

Start date: 07/27/2021 Time: 10:15 Hours notice: 96/48 Priority: NORM

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

Duration : N/A Depth: 7 FT

Company : ALL TERRAIN PAVING AND CONSTRUCTION Type: CONT

Co addr : 2235 CORYDON PIKE

City : NEW ALBANY State: IN Zip: 47150

Caller : DEBBIE ALLEN Phone: (502)265-4731

Contact : JOHN WARD - CELL Phone:

Mobile : (502)759-8014

Email : SOAKES@APCPAVING.COM

Submitted date: 07/23/2021 Time: 10:05

Members: 0002 0004 0006 0007 0054 0139 0668 WINKY

* Responses are current as of 06/23/2022 09:13 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	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/ .
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	Clear - No conflict
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	Clear - No conflict
MCI 0054	FIBER OPTIC		
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
CROWN CASTLE FIBER 0668	FIBER OPTIC		
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

Attachment 3

Tout, Eric V (PSC)

From: Maria Triplett <mtriplett@allterrainpaving.com>
Sent: Thursday, June 30, 2022 7:15 AM
To: Tout, Eric V (PSC)
Subject: Utility Damage
Attachments: [APCScan]_2022063007140340.pdf

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

Eric,

Per our conversation this morning, attached is the file information for the damage at 3117 Osprey. Please call me with any further questions.

Thank you!

Maria Triplett

APC Diversified Services. Unvarying Quality.

President/Managing Member

2235 Corydon Pike New Albany, IN 47150

502.265.4729

www.apc-construct.com

An equal opportunity employer



Maria Triplett

From: Debbie Allen
Sent: Wednesday, August 11, 2021 10:08 AM
To: Steven Oakes; Steve Triplett; Maria Triplett
Cc: John Ward
Subject: Osprey Rd

John Ward called to report that a gas line was damaged in front of 3117 Osprey Rd. LG&G was called and they are calling the fire department. 811 was also called and the damage ticket number is 2108110566. John will send Maria pictures.

Thanks and have a great day

Debbie Allen

APC Diversified Services. Unvarying Quality.

Administrative Assistant

2235 Corydon Pike New Albany, IN 47150

502.265.4731

www.apc-construct.com

An equal opportunity employer



*Eric 502-782-2622
eric.v.tout@ky.gov*









Attachment 4

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Friday, July 1, 2022 10:22 AM
To: Tout, Eric V (PSC)
Subject: RE: 53979, 8/11/2021, 3117 Osprey Rd., Louisville, Allterrain Paving And Construction LLC
Attachments: digitix_attachments_1656680652.zip; DigTix_Incident_Report (13).pdf; temp_GC20211232018_33046019.jpg; temp_GC20211232018_33244643.jpg; Yellow Report 3117 Osprey Rd.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: Friday, July 01, 2022 7:14 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 53979, 8/11/2021, 3117 Osprey Rd., Louisville, Allterrain Paving And Construction LLC

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Mike,

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



Facts-Based Investigation

Internal Claim ID: INC-20210811-002 Customer Claim ID: _____
Site Investigator: Steve Delap Notified At: 08/11/21 10:49:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 3117 Osprey Rd Louisville KY 40213
Incident Time: 08/11/21 10:15:00

Original Locate Request: 2108100938 Assigned Locator: ELM Locating
Locate Request Due: 08/12/21 11:03:50 Locate Request Completed: 08/10/21 15:45:11
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 1
Depth: 18" to < 36" (0.5 to < 1m)
Description and Extent of Damage: All Terrain Paving & Construction (APC) was contracted by Louisville Water Company (LWC) to install a new water main on Osprey Rd. While digging on the east side of Osprey Rd, APC damaged an accurately marked 1" plastic gas service. The gas service was damaged on the company side of the line, at an approximate depth of 20". I asked the excavator why he was digging within the tolerance zone of the yellow marks and he stated that the other services were steel so he assumed he could "feel around" for the pipe without damaging it. Area was full of large rocks and tree roots.

Equipment Used: Backhoe/Trackhoe
Excavation Company Name: ALL TERRAIN PAVING AND CONSTRUCTION
Company Address: 2235 Corydon Pike, New Albany, IN 47150
Phone: 5024753277 Contact Name: Maria Triplett
Working For: LOUISVILLE WATER COMPANY
Repair Company: LG&E
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____
Was Locate requested?: Y Locate Request Completed?: Y
Locate Accurate (Within Tolerance Zone): Y If No, Distance Markings Off: N/A
Marks Visible at Time of Damage: Y Damage Within Scope of Ticket: Y



Facts-Based Investigation

Repair Contact Name: Brandon Dunaway **Phone:** 5015891444

Repair Comments: Electrical fusion connectors

Witness: _____ **Phone:** _____

Comments: _____

Witness: _____ **Phone:** _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: All Terrain Construction & Paving

Responsible Party Comments: John Ward was the operator for All Terrain who damaged the line. Spoke w/Maria Triplett(502-265-4729)directly following the damage via phone.

Date of Investigation: 08/11/21 **Investigation Time (Hours):** _____

Site Investigator's Name: Steve Delap **Phone:** 5029911135

Site Investigator's Signature: Steve Delap **Date:** 08/11/2021

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

Damage Claims Manager: _____





NOTE: Only 12 most recent photos shown. To view all 62 attachments, please view the ticket within DigTix.

Incident Field Investigation Report — Gas

\$585.50



Damage report # 2021081207

Is this related to a capital project? Yes No

Project/task OTPD 419/MAINT

G# 001034956

Resp. ctr. _____

Damage to company facilities

Date of incident 8-11-21 Time 9:57 a.m. p.m. Police report # _____

Address/location of damage 3117 Osprey Rd ZIP code 40213

Subdivision name _____

Time dispatched 9:57 a.m. p.m. Time of completion _____ a.m. p.m.

Who caused damage? All Terrain Paving Construction
(Name of contractor, utility, individual, etc.)

Address of party causing damage 2235 Corydon Pike Rd New Albany IN 47150
(Street) (City) (State) (ZIP)

Phone number of party causing damage (502) 265-4731
(Area code) (Number)

Was party causing damage still on the job? Yes No If yes, who was in charge? John Ward

If no, how did you obtain name of party causing damage? _____

What was damaged? Company main Customer service Company service Other _____

What type of work was being performed? Installing Water Main

Party's explanation for damage Digging through roots and rocks over shallow service.

What repairs were made? Fused New 2" plastic in.

Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 1

Possible damage to others

Date of incident _____ Time _____ a.m. p.m.

What was damaged? _____

What was LG&E doing at this location? _____

Description of damage _____

Owner of property _____ Phone (_____) _____
(Area code) (Number)

Owner's address _____
(Street) (City) (State) (ZIP)

To whom was damage reported? _____

Was an LG&E contractor notified? Yes No If yes, name of contractor _____

Is the LG&E contractor responsible for the damage? Yes No

Were photos taken? Yes No If yes, from whom can the photos be obtained? _____

Were there any injuries? Yes No If yes, name of injured party _____

Were there any witnesses to the incident? Yes No

Name	Address	Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name 2107230602

Were facilities marked? Yes No Dial excavator agree? Yes No

If yes, were facilities properly marked? Yes No Did excavator agree? Yes No

If no, how were they mismarked? (be specific) _____

Was line locating contractor on the job? Yes No

8-11-21
(Date of report)

Brandon Dunning
(Signature of employee)

28374
(Employee number)

Approved _____

Date 8-12-21

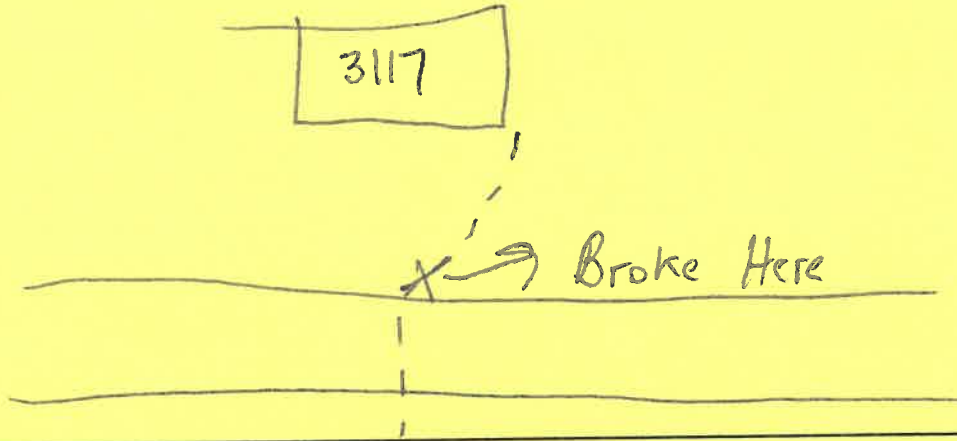
Put any additional comments on back

Comments

Repaired 1" service with 2 Ft. of pipe. Electrofused together. Soaped & Tested good. No other work to be performed.

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Charlie Baribeau	26553	1.5			8374	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Brandon Dunaway	28374	3			4871	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Daniel Dunaway	29539	3			4871	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
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						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.



Material Used

Qty.	Material	IIN#
	ft. Pipe PE 2406: 1/2" IPS	1170051
2	ft. Pipe PE 2406: 1" CTS	1170078
	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
ea.	1/2" IPS Permasert coupling	0394943
ea.	1" CTS Permasert coupling	0394935
ea.	2" IPS Electrofusion CPL	0394894
ea.	4" IPS Electrofusion CPL	0394901
ea.	1" Prefab Meterloop w/reg.	0532951
ea.	Flex Riser 1" male by 1/2" IPS	0530927
ea.	Flex Riser 1" male by 1" CTS	0530935
ea.	Farm tap (w/o regulator)	ARM WR 5695012
ea.	Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
2	1" CTS Electrofusion Couplings	



2021-08-11 10:53:17
38.2102587,-85.7196630



2021-08-11 10:53:18
38.2102587,-85.7196630





2021-08-11 10:53:27
38.2101939,-85.7191863



2021-08-11 16:53:27
38.2161939,-85.7191863



2021-08-11 10:53:43
38.2104291,-85.7191402



2021-08-11 10:53:44
38.2104291,-85.7191402





2021-08-11 10:53:46
38.2102437,-85.7192507



2021-08-11 10:53:47
38.2102437,-85.7192507



2021-08-11 10:53:47
38.2102437,-85.7192507





D
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M
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DAMAGER





D
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M
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2021-08-11 10:53:54
38.2103706,-85.7194495



2021-08-11 10:53:54
38.2185736,-85.7194497



D
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M
A
G
E

2021-08-11 18:53:55
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2021-08-11 10:53:55
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2021-08-11 10:54:18
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2021-08-11 10:54:19
88.2185663,-85.7194543



2021-08-11 10:54:22
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2021-08-11 10:54:22
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2021-08-11 10:54:36
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2021-08-11 10:54:43
38.2104371,-85.7196996



2021-08-11 10:54:47
38.2104112, -85.7195466



2021-08-11 10:54:48
38.2104112,-85.7195466





2021-08-11 10:54:54
38.2105319,-65.7195989



2021-08-11 10:54:55
38.2105319,-85.7195989



2021-08-11 10:54:56
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2021-08-11 10:54:59
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2021-08-11 10:55:00
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2021-08-11 10:55:03
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2021-08-11 10:55:07
38.2106337,-85.7192872



2021-08-11 10:55:13
38.2182874,-85.7199488



2021-06-11 16:55:16
38.5149674, -85.7196488



2021-08-11 10:55:19
38.2192674,-85.7196488



2021-08-11 10:55:19
38.2102074,-89.7406408



2021-08-11 10:55:23
38.2183175, -85.7195403



2021-06-11 10:55:24
98.2103175,-85.7195403



2021-08-11 10:55:26
38.2183175, -85.7195403



2021-09-11 10:55:28
38.2185175,-85.7195483



2021-08-11 10:55:28
38.2183175,-85.7195403



2021-06-11 11:07:30
38.2104407,-89.181158



2021-08-11 11:07:31
38.2161407,-85.7191250



2021-06-11 11:07:50
38.2183701,-85.7193344



2021-08-11 11:07:52
38.2103701,-85.7193344



2021-08-11 11:07:53
36.2183701,-85.7193344



2021-08-11 11:07:55
88.2183701,-85.7193344



2021-08-11 11:07:56
38.2103701,-85.7193344



2021-08-11 11:07:59
38.2104996,-85.7193572



2021-08-11 11:08:00
88.2104996,-85.7193572



2021-08-11 11:08:02
88.2104996, +85.7183572



2021-08-11 11:08:04
38.2102510,-85.7194512



Invoice
Louisville Gas and Electric Company
820 West Broadway
Louisville, KY 40202
Attn: Remittance and Collection
800-928-1340

INVOICE DATE: 08/24/2021

REFERENCE: OTPD419
NO:
DTS INVOICE: 2021081207
NO:

AMOUNT DUE: **\$585.80**
DUE DATE: **09/23/2021**

ALL TERRAIN PAVING & CONST
2235 CORYDON PIKE
NEW ALBANY IN 47150

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR: Damaged Company Gas Service
DAMAGE DATE: 08/11/2021
DAMAGE LOCATION: 3117 Osprey Rd
Louisville, KY 40213

LABOR HOURS: 7.50

LABOR COST:

\$471.64

MATERIAL COST:

\$65.48

TRANSPORTATION/EQUIPMENT COST:

\$48.68

CONTRACTOR COST:

\$0.00

OTHER DAMAGE COSTS:

\$0.00

TOTAL DUE: \$585.80

Louisville Gas and Electric Company - Remittance and Collection - 820 West Broadway - Louisville, KY 40202

ALLTERRAIN PAVING AND CONSTRUCTION

020159

LG&E ATTN Cash Remittance
820 West Broadway
Louisville, KY 40202

Check: 20159
Date: 10/22/2021
Vendor: LG&E

Invoice
2021080911
2021081207

P.O. Num.
186
186

Invoice Amt
721.65
585.80
1,307.45

Prior
Balance
721.65
585.80
1,307.45

Retention
0.00
0.00
0.00

Discount
0.00
0.00
0.00

Amt. Paid
721.65
585.80
1,307.45

020159

ALLTERRAIN PAVING AND CONSTRUCTION
PO BOX 1248
NEW ALBANY, IN 47151

**Stock
Yards**
Bank & Trust
21-56/830

20159

DATE

AMOUNT

10/22/2021

*****1,307.45

THE SUM OF ONE THOUSAND THREE HUNDRED SEVEN DOLLARS AND 45 CENTS *****

PAY
TO THE
ORDER
OF

LG&E ATTN Cash Remittance
820 West Broadway
Louisville, KY 40202

Maria Luplett
AUTHORIZED SIGNATURE

Don't do bank work. Check this out first.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00383 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. 2022-00383 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

ALLTERRAIN PAVING AND CONSTRUCTION,) LLC) _____)))))	CASO NO. 2022-00383
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

Allterrain Paving and Construction, LLC (Allterrain Paving and Construction) 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

¹ KRS 367.4901 a KRS 367.4917.

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 Allterrain Paving and Construction por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Allterrain Paving and Construction 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. Allterrain Paving and Construction 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. Allterrain Paving and Construction 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. Allterrain Paving and Construction 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. Allterrain Paving and Construction notificará a la Comisión, al menos diez días antes de la audiencia, si Allterrain Paving and Construction 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 53979, 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. 2022-00383 FECHADO

OCHENTA Y NUEVE PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2022-00383 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. 2022-00383 FECHADO

DIEZ PÁGINAS PARA SEGUIR

*Maria T. Triplett
901 E Liberty St
Louisville, KENTUCKY 40204

*ALLTERRAIN PAVING AND CONSTRUCTION,
2235 Corydon Pike
New Albany, INDIANA 47150