COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SCOTT PFEIFFER AND COMPANY	)	
	)	
_____	)	CASE NO.
	)	2023-00169
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 C.)

Scott Pfeiffer and Company 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 July 28, 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 conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Commission Staff cites Scott Pfeiffer and Company 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 Scott Pfeiffer and Company 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. Scott Pfeiffer and Company 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 Commission Staff Incident Report within 20 days of receipt of this Order.

2. Scott Pfeiffer and Company shall appear on July 28, 2023, at 9 a.m. Eastern Daylight 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 July 28, 2023 hearing shall be conducted via video conferencing.

4. Scott Pfeiffer and Company 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. Scott Pfeiffer and Company shall notify the Commission at least ten days prior to the hearing if Scott Pfeiffer and Company 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 Commission Staff Incident Report without the representation of an attorney.

8. The Commission Staff Incident Report 54015, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 28, 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

ENTERED
JUN 06 2023
bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Nancy J Vinsel for
Executive Director

Case No. 2023-00169

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00169 DATED JUN 06 2023

TWENTY-FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator	Eric Tout	**Incident ID** 54015	**Investigation** 9451
Incident Date	8/26/2021 3:23:00 PM	**Report Submitted**	9/21/2021

Operator Information

Operator	Columbia Gas of Kentucky, Inc.	**Reported By**	James Rice
Phone	(859) 537-2123	**Email**	JamesRice@NiSource.com
Incident Location	213 Chinoe Rd Lexington KY 40502	**Locate Ticket Number**	2108161137
County	Fayette		

Excavator Information

Excavator	Scott Pfeiffer Scott Pfeiffer & Co., LLC	**Organization ID**	0789148
Phone	859-619-6431	**Email**	
Address	510 Henry Clay Blvd Lexington KY 40505	**Locate Ticket Number**	2108161137

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	No	Yes	Mechanized/ Not specified	$1,650.00	$1,650.00

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

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**
2108161137	Yes	08/16/21	09/06/21	8/26/2021	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 02/07/23, the Excavator, Scott Pfeiffer & Company's Scott Pfeiffer, stated that the gas service was marked correctly. Mr. Pfeiffer stated that hand tools were being utilized resulting in the damage.

On 02/10/23, the Operator, Columbia's James Rice, provided the following documents:

- PSC Gas Excavation Damage Report: Outlined in the DR Summary and Attachment 1.
- Five Photographs: Indicating the damage was caused by a small/mini excavator within the tolerance zone of 18-inches.
- Invoice: Indicating the Operator billed the Excavator $2,533.85 for the damage repair.

On 02/13/23, a follow up call to Mr. Pfeiffer resulted in a voice message being left and Mr. Pfeiffer returned the call leaving a voice message.

PIPELINE DAMAGE INVESTIGATION REPORT

On 02/14/23, via telephone, the above noted information indicating mechanized equipment was utilized with in the tolerance zone of 18-inches was conveyed to Mr. Pfeiffer. Mr. Pfeiffer was receptive to attending the Damage Prevention Course and paying the reduced penalty of $250.00.

VIOLATIONS[1]

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)
1st	See above	08/26/21	08/27/22

[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

Columbia Gas of Kentucky, Inc.

Submitted 9/21/2021 Incident ID: 54015

Set back to Edit | Staff Edit

Print (PDFForm.aspx?Rpt=GasInvestigation&IG=54015)

Reported By:

Name: James Rice

Phone: (859) 537-2123

Email: JamesRice@NiSource.com

Gas Line Incident Occured:

Date: 8/26/2021

Time: 3:23 PM

Details:

Reported Date: 9/20/2021 4:15 PM

Incident Location Address:

Location:

Address: 213 Chinoe Rd

City: Lexington

State: KY

County: Fayette

Zip: 40502

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.:	2108161137	
Excavator:	Contractor	

Excavator Address:

First Name:	Scott
Last Name:	Pfeiffer
Organization ID:	
Company:	Scott Pfeiffer and Company
Phone:	859-619-6431
Email:	
Address:	510 Henry Clay Blvd
City:	Lexington
State:	KY
Zip:	40505
Confirm Code:	Y

Excavation Damage: Failure to use hand tools where required

Description of Incident Scott Pfeiffer and Company damaged a plastic one inch natural gas service line with mechanized equipment.

Summary Information

9/21/2021

Full details such as the cause	Scott Pfeiffer and Company was excavating in an area with a locate ticket. Scott Pfeiffer and Company was digging with mechanized equipment within the tolerance zone of a properly marked service line. At the request of Scott Pfeiffer and Company, the gas line was lowered and remarked. While excavating, Scott Pfeiffer and Company struck and damaged a plastic one inch natural gas service line.
Extent of the damage	A plastic one inch natural gas service line was severed, and the service line was repaired.

Cost of the damage	$1,650.00
Steps taken to prevent re-occurance	CKY's damage prevention specialist had a tailgate, advising Scott Pfeiffer and Company of the KY 811 Dig Law, and to always verify the location of the gas facilities.
Amount billed to excavator	$1,650.00

Attachment 2

Kentucky 811

Ticket no	2108161137	**Type**	NORMAL CALL
Request date	08/16/21 11:39 am		
Start date	08/18/21 11:45 am		
Expiration date	09/06/21 05:00 pm		

Excavator information

Excavator name	SCOTT PFEIFFER AND COMPANY		
Address	3416 FARMINGTON ROAD LEXINGTON, KY 40502		
Company phone	859-619-6431		
Requested by	SCOTT PFEIFFER	**Phone**	859-619-6431
On-site name	SCOTT PFEIFFER - CELL	**On-site phone**	859-619-6431
Contact email	SCOTT@SPCLANDSCAPE.COM		

Excavation information

Type of work	LANDSCAPING/YARD WORK		
Depth (ft)	3	**Explosives**	N
Area marked	U		
Job name/number			
Work done for	WILLIAMS		

Location information

County	FAYETTE	**City**	LEXINGTON
Address/street	213 CHINOE RD		
Nearest intersecting street	CLAYS SPRING LN		
Location of work	LOCATE THE FRONT YARD OF THE PROPERTY		
Comments			
Map Coord			

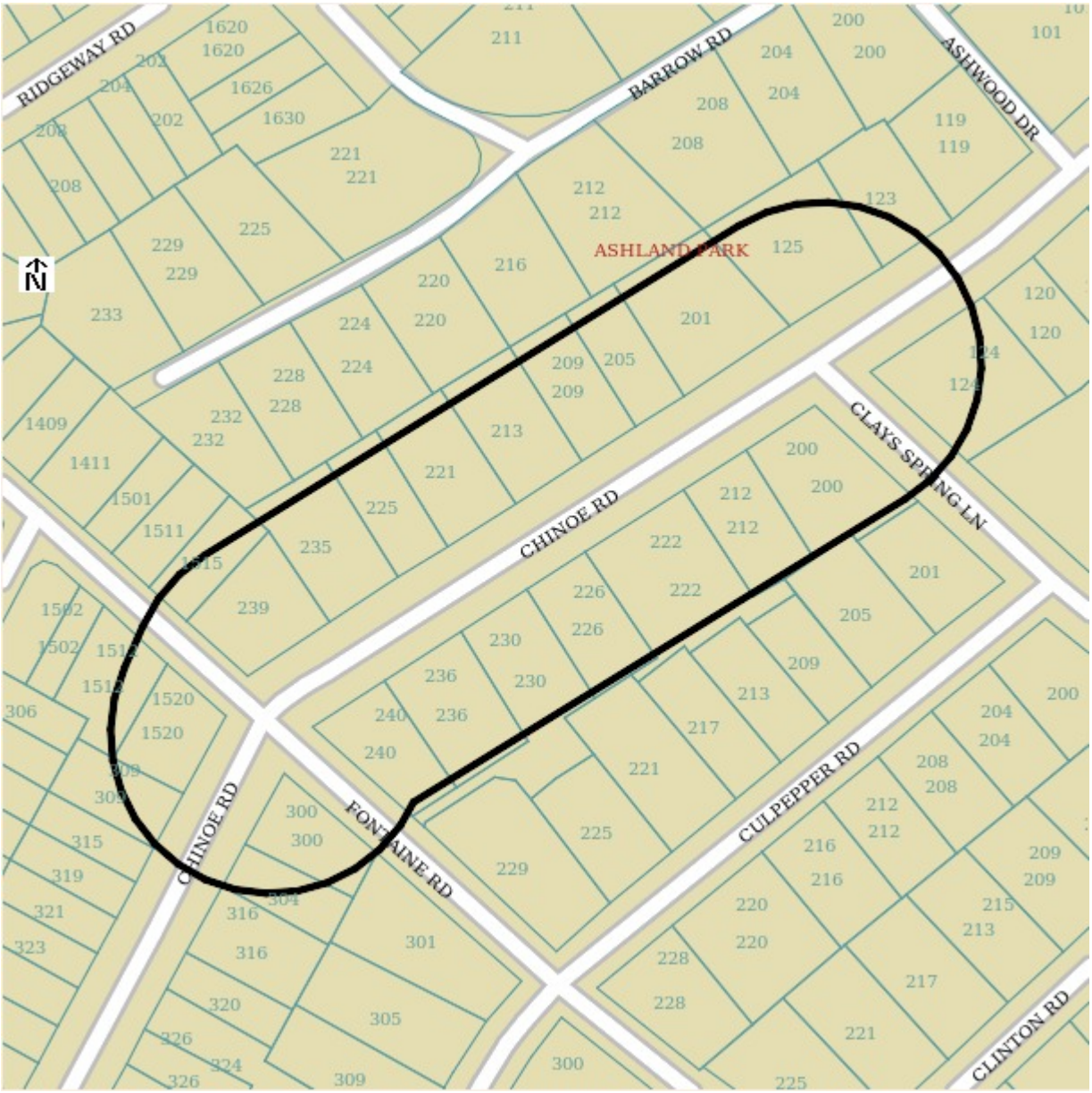
NW Lat 38.0253218 **Lon** -84.4799148 **SE Lat** 38.0229523 **Lon** -84.4761240

Members notified

Company name	District	Type	Status
LEXINGTON URBAN CNTY GOV	0200	S	
CENTURYLINK	0299	FO	No Conflict
KENTUCKY UTILITIES	0326	E	No Conflict (2021/08/17 09:09 KU AND MN CLEAR.)
KENTUCKY AMERICAN WATER CO	0370	W	No Conflict
METRONET FIBER NETWORK	0700	COMMUNICATIONS	No Conflict (2021/08/17 09:09 KU AND MN CLEAR.)
COLUMBIA GAS	2621	PIPELINE	

WINDSTREAM KENTUCKY INC WINKY TEL

Map



Attachment 3

Tout, Eric V (PSC)

From: Rice \ James \ D <jamesrice@nisource.com>
Sent: Friday, February 10, 2023 11:36 AM
To: Tout, Eric V (PSC)
Cc: Austin \ Kimberly \ L
Subject: FW: 54015, 8/26/2021, 213 Chinoe Rd., Lexington, Scott Pfeiffer & Co.
Attachments: 213 Chinoe Pics.pdf

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

This Message Originated from Outside the Organization
This Message Is From an External Sender.
Report Suspicious

And the second email that has pics.

-james

From: Rice \ James \ D
Sent: Friday, February 10, 2023 11:32 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Austin \ Kimberly \ L <klaustin@nisource.com>
Subject: FW: 54015, 8/26/2021, 213 Chinoe Rd., Lexington, Scott Pfeiffer & Co.

Hi Eric,

The files are to big so I'm going to send separate.

-james

From: Rice \ James \ D
Sent: Friday, February 10, 2023 11:28 AM

To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Austin \ Kimberly \ L <klaustin@nisource.com>
Subject: RE: 54015, 8/26/2021, 213 Chinoe Rd., Lexington, Scott Pfeiffer & Co.

Hi Eric,

As requested, see attached. Have a great weekend.

Thanks,

-james

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Tuesday, February 7, 2023 12:18 PM
To: Rice \ James \ D <jamesrice@nisource.com>
Subject: 54015, 8/26/2021, 213 Chinoe Rd., Lexington, Scott Pfeiffer & Co.

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Hello James,

Please send repots, photos pre & post, 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

PSC Gas Excavation Damage Report

Excavation Damage Occurred

Date: 08/26/2021

Time: 3:23 PM

JO #: 21-9358576-00

Incident Location

Address: 213 Chinoe Way

City: Lexington

County: Fayette

Zip: 40502

 # Cust. Lost: 1

Was gas released into the atmosphere? Y

Locate Request Ticket Number: 2108161137

Excavator Information

Excavator Type: Contractor

First Name: Scott

Last Name: Pfeiffer

Company: Scott Pfeiffer and Company

Phone: 859-619-6431

Email: unknown

Address: 510 Henry Clay Blvd

City: Lexington

State: KY

Zip: 40505

Incident Details

KY PSC - Cause of Damage: Failure to use hand tools where required

Columbia DIMP Root Cause: Excavator Error/Failure to respect tolerance zone

Description of Incident: Scott Pfeiffer and Company damaged a plastic one inch natural gas service line with mechanized equipment.

Full details such as the cause: Scott Pfeiffer and Company was excavating in an area with a locate ticket. Scott Pfeiffer and Company was digging with mechanized equipment within the tolerance zone of a properly marked service line. At the request of Scott Pfeiffer and Company, the gas line was lowered and remarked. While excavating, Scott Pfeiffer and Company struck and damaged a plastic one inch natural gas service line.

Extent of the damage: A plastic one inch natural gas service line was severed, and the service line was repaired.

Cost of the damage: $1,650

Steps taken to prevent re-occurrence: CKY's damage prevention specialist had a tailgate, advising Scott Pfeiffer and Company of the KY 811 Dig Law, and to always verify the location of the gas facilities.

Amount billed to excavator: $1,650

2
18
17
16
800-522-4343

213
DAMAGE
30
2
18
1
6

Bobcat
418
81002
DAMAGE
MARK

SLOAN
IMPLEMENT
325G
DEERE
DAMAGE

Columbia Gas of Kentucky
Bobcat
Bobcat
418
DAMAGE
MARK
BURIED GAS LINE

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** August 19, 2022

MRA ACCOUNT NUMBER: 21091574-000-001-1

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Scott Pfeiffer & Company

510 Henry Clay Bv
Lexington, Kentucky 40505

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE
$1,266.92

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 08/26/2021 in the vicinity of 213 Chinoe Rd, Lexington, Kentucky 40502.

ITEMS	AMOUNT
Labor	$1,543.48
Materials	$1.96
Equipment	$988.29
Gas Loss	$0.00
Contracted Fees	$0.00
Taxes	$0.12
Settlement Reduction	$1,266.93
TOTAL EXPENSE	**$1,266.92**

Notes:

If you have any questions regarding this bill, please contact Nicole Gillette, Facility Damage Coordinator, at (440)420-2717.

811
Know what's below.
Call before you dig.

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** August 19, 2022

Columbia Gas of Kentucky, Inc.
Damage Prevention Support

3101 N Ridge Road E
Lorain, Ohio 44055

(440)420-2717

08/19/2022

Scott Pfeiffer & Company
510 Henry Clay Bv
Lexington, Kentucky 40505

Re: Our Claim: KY21-1133

Gentlemen,

To date, your claim in the amount of $2,533.85 has not been paid by you or your insurance carrier. Please be advised this file is now being prepared for litigation with our retained attorneys naming your organization as defendant.

In a final attempt to settle this claim and avoid litigation, I have been authorized to offer a settlement in the amount of $1,266.92, a reduction of 50% off the original invoice.

It is my sincere hope that you accept this offer as litigation is a costly process for your organization and ours.

If an amiable conclusion regarding this matter is desired, please send your payment in the amount of $1,266.92 to this office by 09/16/2022.

This settlement offer will not be honored once litigation commences.

Sincerely,

Nicole Gillette
Facility Damage Coordinator
ngillette@nisource.com

Enclosure

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** October 28, 2021

MRA ACCOUNT NUMBER: 21091574-000-001-1

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Scott Pfeiffer & Company

510 Henry Clay Bv
Lexington, Kentucky 40505

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE
$2,533.85

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 08/26/2021 in the vicinity of 213 Chinoe Rd, Lexington, Kentucky 40502.

ITEMS	AMOUNT
Labor	$1,543.48
Materials	$1.96
Equipment	$988.29
Gas Loss	$0.00
Contracted Fees	$0.00
Taxes	$0.12
TOTAL EXPENSE	**$2,533.85**

Notes:

If you have any questions regarding this bill, please contact Nicole Gillette, Facility Damage Coordinator, at (440)420-2717.

Know what's below.
Call before you dig.

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** October 28, 2021

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** October 28, 2021

MRA ACCOUNT NUMBER: 21091574-000-001-1

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Scott Pfeiffer & Company

510 Henry Clay Bv
Lexington, Kentucky 40505

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE
$2,533.85

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 08/26/2021 in the vicinity of 213 Chinoe Rd, Lexington, Kentucky 40502.

ITEMS	AMOUNT
Labor	$1,543.48
Materials	$1.96
Equipment	$988.29
Gas Loss	$0.00
Contracted Fees	$0.00
Taxes	$0.12
TOTAL EXPENSE	**$2,533.85**

Notes:

If you have any questions regarding this bill, please contact Nicole Gillette, Facility Damage Coordinator, at (440)420-2717.

Know what's below.
Call before you dig.

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1133 **JOB ORDER NO.:** 21-9358576-00 **DATE:** October 28, 2021

Columbia Gas of Kentucky, Inc.
Damage Prevention Support

3101 N Ridge Road E
Lorain, Ohio 44055

(440)420-2717

10/28/2021

Scott Pfeiffer & Company
510 Henry Clay Bv
Lexington, Kentucky 40505

Re: Our Claim: KY21-1133

Gentlemen,

Enclosed is our damage claim invoice in the amount of $2,533.85, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 213 Chinoe Rd, Lexington, Kentucky 40502. Our reports indicate that our facilities were damaged on 08/26/2021, due to failure to respect the tolerance zone.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Nicole Gillette
Facility Damage Coordinator
ngillette@nisource.com

Enclosure

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00169 DATED JUN 06 2023

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/Ubunto (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. 2023-00169 DATED JUN 06 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY

ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

SCOTT PFEIFFER AND COMPANY	)	
	)	
_____	)	CASO NO.
	)	2023-00169
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

Scott Pfeiffer and Company (Scott Pfeiffer and Company) 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 July 28, 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

[1] KRS 367.4901 a KRS 367.4917.

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 Scott Pfeiffer and Company 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 Scott Pfeiffer and Company violo 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. Scott Pfeiffer and Company 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. Scott Pfeiffer and Company comparecerá el July 28, 2023, a las 9 a.m. Eastern Daylight 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 July 28, 2023 se llevará a cabo por videoconferencia.

4. Scott Pfeiffer and Company 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. Scott Pfeiffer and Company notificará a la Comisión, al menos diez días antes de la audiencia, si Scott Pfeiffer and Company 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 54015, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia July 28, 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

Caso No. 2023-00169

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00169 FECHADO

VIENTICUATRO PÁGINA(S) A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00169 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/Ubunto (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

iPadde 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.

*Scott Pfeiffer and Company
510 Henry Clay Boulevard
Lexington, KENTUCKY 40505

*Scott Pfeiffer and Company
3416 FARMINGTON ROAD
Lexington, KENTUCKY 40502