COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALL PRO DRILLING, LLC	)	
	)	
_____	)	CASE NO.
	)	2023-00173
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.)

All Pro Drilling, LLC (All Pro Drilling) 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 All Pro Drilling 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 All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling shall notify the Commission at least ten days prior to the hearing if All Pro Drilling 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 53991, 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 07 2023

bsb

KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

For

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00173 DATED JUN 07 2023

SEVENTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator	Eric Tout	**Incident ID** 53991	**Investigation** 9533
Incident Date	9/8/2021 2:30:00 PM	**Report Submitted**	10/1/2021

Operator Information

Operator	Atmos Energy Corporation	**Reported By**	Jonathon Bledsoe
Phone	(270) 925-6312	**Email**	jonathon.bledsoe@atmosenergy.com

Incident Location	1971 Cave Mill Rd Bowling Green KY 42104 1971 Cave Mill Rd. Bowling Green	**Locate Ticket Number**	2109021742
County	Warren		

Excavator Information

Excavator	Chad Boone All Pro Drilling, L.L.C.	**Organization ID**	1148860
Phone	270-993-3899	**Email**	chadboone4@yahoo.com
Address	5227 Trifecta Pl Owensboro KY 42301	**Locate Ticket Number**	2109021742

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	Yes	Yes	Mechanized/Mini-excavator	$524.00	$524.00

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

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**
2109021742	Yes	09/02/21	09/23/21	9/8/2021	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 02/22/23, the Excavator, All Pro Drilling's Chad Boone, stated that the markings were off by approximately four-feet. Mr. Boone provided two photographs, which fail to establish a tolerance zone (TZ), no measurements.

Mr. Boone's photographs are included as Attachment 3.

On 03/003/23, the Operator, Atmos's Jonathon Bledsoe, provided the following:

- Leak Found Report & Third Party Damage Form: Outlined in the DR summary and Attachment 1.
- Forty-Five Photographs: Several indicating the damage occurred within the TZ of 18-inches.
- Invoices: Indicating the Excavator has not paid the Operator $523.94 for the damage repair.

Atmos's documents are included as Attachment 4.

PIPELINE DAMAGE INVESTIGATION REPORT

On 03/14/23, Mr. Boone stated that the photographs he provided (See Attach. 3) indicates the damage occurred outside the TZ. Mr. Boone stated that he derived his conclusion from the individual in the ditch; via the bent over torso being approximately four-feet. From the yellow mark to where the individual is working on the damage service this would indicate this damage occurred outside the TZ. Due to Mr. Boone's perspective of this incident, he reluctantly agreed to attend the Damage Prevention Course and pay the reduced penalty.

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	09/08/21	09/09/22

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

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 10/1/2021 Incident ID: 53991

Set back to Edit | Staff Edit

Print (PDFForm.aspx?Rpt=GasInvestigation&IG=53991)

Reported By:

Name:	Jonathon Bledsoe
Phone:	(270) 925-6312
Email:	jonathon.bledsoe@atmosenergy.com

Gas Line Incident Occured:

Date:	9/8/2021
Time:	2:30 PM

Details:

Reported Date:	9/9/2021 10:21 AM

Incident Location Address:

Location:	1971 Cave Mill Rd. Bowling Green
Address:	1971 Cave Mill Rd
City:	Bowling Green
State:	KY
County:	Warren
Zip:	42104
Confirm Code:	D

** 3/2020*

Number of Customers out:	5
Was gas or hazardous liquids contained in the underground facility?	☑
Was gas or hazardous liquids released into the atmosphere?	☑
Locate Request Ticket No.:	2109021742
Excavator:	Contractor

Excavator Address:

First Name:	Chad
Last Name:	Boone
Organization ID:	1148860
Company:	All Pro Drilling
Phone:	270-993-3899
Email:	chadboone4@yahoo.com
Address:	5227 Trifecta Pl
City:	Owensboro
State:	KY
Zip:	42301
Confirm Code:	Y

Excavation Damage: Failure to use hand tools where required

Description of Incident All Pro Drilling damaged a 1" PE Service with mechanized equipment within the tolerance zone. Locate valid and marked. No Injuries.

Summary Information

10/1/2021

Full details such as the cause All Pro Drilling damaged a 1" service with an mini excavator while installing a cable line. Locate 2109021742 was valid and marked correctly. All Pro Drilling operated within the tolerance zone of the marks.

Extent of the damage	1" PE service repaired. 5 customers off
Cost of the damage	$524.00
Steps taken to prevent re-occurance	All Pro Drilling was educated on using hand tools within the tolerance zone. All Pro was billed for the repairs.
Amount billed to excavator	$524.00

Attachment 2

Kentucky 811

Ticket no	2109021742	**Type**	NORMAL CALL
Request date	09/02/21 05:48 pm		
Start date	09/07/21 06:00 pm		
Expiration date	09/23/21 05:00 pm		

Excavator information

Excavator name	ALL PRO DRILLING		
Address	5227 TRIFECTA PL OWENSBORO, KY 42301		
Company phone	270-993-3899		
Requested by	CHAD BOONE	**Phone**	270-993-3899
On-site name	CHAD BOONE - CELL	**On-site phone**	270-993-3899
Contact email	CHADBOONE4@YAHOO.COM		

Excavation information

Type of work	INSTALL CABLE		
Depth (ft)	4	**Explosives**	N
Area marked	U		
Job name/number			
Work done for	SPECTRUM		

Location information

County	WARREN	**City**	BOWLING GREEN
Address/street	1971 CAVE MILL RD		
Nearest intersecting street	SCOTTSVILLE RD		
Location of work	LOCATE FRONT OF PROPERTY--DIG AREA MARKED WITH WHITE PAINT		
Comments			
Map Coord			

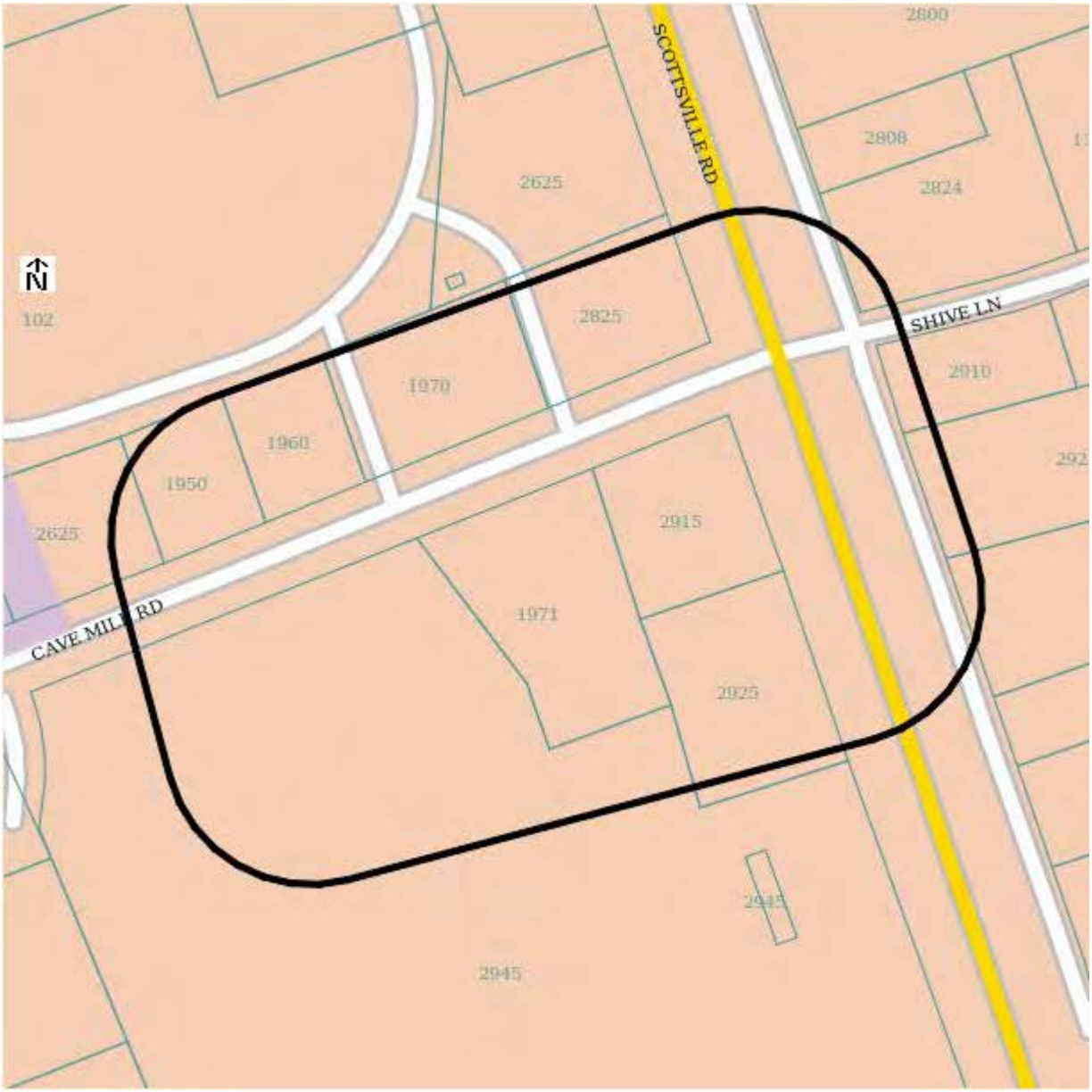
NW Lat 36.9464896 **Lon** -86.4263409 **SE Lat** 36.9439605 **Lon** -86.4222565

Members notified

Company name	District	Type	Status
BOWLING GREEN MUNICIPAL UTIL	0115	E,W,S,FO	
INSIGHT COMMUNICATIONS	0125	COMMUNICATIONS	Marked - Underground facilities are in conflict (2021/09/03 10:53 CALLED CONTRACTOR AND LEFT MESSAGE INFORMING CONTRACTOR THAT WE NEED A EXTENTION UNTILL THE 9TH, NOW WAITING TO HEAR BACK FROM

			CONTRACTOR. 2021/09/03 10:53 RESCHEDULE APPROVED BY: CHAD BOONE - CELL)
ATMOS ENERGY	0136	PIPELINE	Marked - Underground facilities are in conflict (MARKED PE ICHIBAN SERVICE ON RIGHT SIDE OF PROPERTY)
AT&T DISTRIBUTION	0139	COMMUNICATIONS	
KENTUCKY WIRED	0687	FO	

Map



Attachment 3

Tout, Eric V (PSC)

From: Chad Boone <chadboone4@yahoo.com>
Sent: Wednesday, February 22, 2023 4:39 PM
To: Tout, Eric V (PSC)
Subject: Re: 53991, 9/8/2021, 1971 Cave Mill Rd., Bowling Green, Atmos Energy Corporation

This Message Originated from Outside the Organization

You have not previously corresponded with this sender.

Report Suspicious

10:22 ring The Weather Channel • 5G 82%

RE: [EXT] Damaged gas line

10:22 ring The Weather Channel • 5G 82%

RE: [EXT] Damaged gas line

me

to Douglas.Bower@atmosenergy.com

10/25/2021, 2:34 PM

2:33 66° 4G LTE 83%

Sent from Yahoo Mail on Android

On Wed, Feb 22, 2023 at 10:31 AM, Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Mr. Boone,

Per our conversation today Atmos reports (See Attach-1) that All Pro Drilling damaged a correctly marked one-inch gas service with a mini-excavator.

A violation of:

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.

This being the company's first offence within 365 days of any previous violation there are three options to resolve this incident:

1. If you are in agreement with the information provided pay the reduce penalty of $250.00, first offence and have a representative attend the Damage Prevention Course held on line typically the first Monday of each month from 9-10 a.m. EST.

2. If you are in agreement with the information provided pay the full penalty of $1,250.00.

3. If you disagree please provide evidence indicating otherwise. (If a hearing is required before the Commission any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

If you chose option one or two I will draft a letter outlining the details of how to register for the course and /or make the penalty payment. (Please provided a mailing address and to whom the letter should be addressed).

If you chose option three email, ericv.tout@ky.gov, or mail to my attention, 211 Sower Blvd. P.O. Box 615, Frankfort, KY 4060, this 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

Attachment 4

Tout, Eric V (PSC)

From: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>
Sent: Friday, March 3, 2023 8:03 AM
To: Tout, Eric V (PSC)
Subject: RE: 53991, 9/8/2021, 1971 Cave Mill Rd., Bowling Green, All Pro Drilling

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

Thank you for the reminder.

Please follow the link below for the information on this damage.

https://ae.watchdox.com/ngdox/workspaces/451168/53991%2C%209.8.2021%2C%201971%20Cave%20Mill%20Rd.%2C%20Bowling%20Green%2C%20All%20Pro%20Drilling

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 | Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, March 2, 2023 5:28 AM
To: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>
Subject: [EXT] FW: 53991, 9/8/2021, 1971 Cave Mill Rd., Bowling Green, All Pro Drilling

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

Hello Jonathan,

Doing follow up, see below.

From: Tout, Eric V (PSC)
Sent: Wednesday, February 22, 2023 11:32 AM
To: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>
Subject: 53991, 9/8/2021, 1971 Cave Mill Rd., Bowling Green, All Pro Drilling

Hello Jonathon,

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

ATMOS energy

LEAK FOUND REPORT

eAM WO#: 22012081

Construction Order Number: C 038005

Leak Asset #: 710604

Project Number: 050 • 23949

Division: 089

District / Cost Center: 2734

County / Parish: Warren

Town: Bowling Green

State: KY

Tax District: 93601

☐ ICL ☐ OCL

Map Sheet #: F39-20A

Address / Location: 1971 cave mill rd

Cross Street: scottsville rd

Asset Description: Dirt

Land Description: Dirt

GPS Coordinates: Latitude 36.94499366 Longitude -86.42427359

Leak Survey Area:

Class Location: ☐ 1 ☐ 2 ☑ 3 ☐ 4

Facilities Class: ☑ Distribution ☐ Transmission ☐ Gathering ☐ Storage ☐ Production

Date Leak Found: 09 / 08 / 2021 (MM/DD/YYYY)

Time Leak Found: 02 : 30 ☐ AM ☐ PM

Time Leak Classified: 02 : 35 ☐ AM ☐ PM

Leak Grade: ☑ 1 ☐ 2 (5 day) ☐ 3 ☐ 2 (30 day) ☐ 4 ☐ 2 (180 day)

(M15) Leak Graded By: Austin Ramey

(M1) Surveying Leaks ID#:

Suspected Facility: ☐ Main ☑ Service ☐ Riser ☐ Yardline ☐ Meter Loop ☐ Other

Feet to Building:

CGI Reading: 99% Gas ____ % LEL

Surface Type: ☑ Dirt ☐ Brick ☐ Concrete ☐ Asphalt ☐ Rock ☐ Liquid ☐ Other

Leak Found: ☑ Yes ☐ No

Third Party Damage: ☑ Yes ☐ No (If Yes, complete Third Party Damage Form)

Leak Located: ☐ Above Ground ☑ Below Ground

Residual Gas: ☐ Yes ☑ No

Reason Not Repaired:
- ☐ Duplicate Order
- ☐ Customer Line
- ☐ Not Natural Gas
- ☐ Other Company
- ☐ No Leak Found

Notes:

Initial Leak Cause:

- ☐ Corrosion Group
  - ☐ Corrosion
- ☑ Excavation Group
  - ☐ Operator Personnel / Contractors Excavating
  - ☑ Other Third Party Excavators
  - ☐ Locator
  - ☐ Vehicle (Auto / Truck / Etc.)
- ☐ Natural Forces Group
  - ☐ Lightning
  - ☐ Washout
  - ☐ Ground Movement
  - ☐ Ice
  - ☐ Static Electricity
- ☐ Other Outside Forces Group
  - ☐ Vandalism
  - ☐ Fire / Explosion First
  - ☐ Excessive Strain
- ☐ N/A
- ☐ Materials & Welds Group
  - ☐ Dent
  - ☐ Gouge
  - ☐ Factory Defect
  - ☐ Wrinkle / Bend
  - ☐ Weld (Steel)
  - ☐ Fusion Defect (Plastic)
- ☐ Equipment Group
  - ☐ Equipment Malfunction
  - ☐ Gasket / O-Ring
  - ☐ Packing
- ☐ Operations Group
  - ☐ Inadequate / Failure to Follow Procedures
  - ☐ Stripped Threads
  - ☐ Backfill
- ☐ Other
  - ☐ Not Excavation
  - ☐ Other Explanation

Form UOC-48 Rev. 7-2015

ATMOS energy

THIRD PARTY DAMAGE FORM

eAM WO#: 2 2 0 1 2 0 8 1

Construction Order Number: C 0 3 8 0 0 0 5

Leak Asset #: 7 1 0 6 0 4

Project Number: 0 5 0 - 2 3 9 4 9

Rate Division: 0 0 9

INCIDENT DETAILS

Date of Damage: 0 9 / 0 8 / 2 0 2 1 (MM/DD/YYYY)

Time of Damage: 0 2 : 3 0 ☐ AM ☒ PM

Was the Regulatory Commission called? ☐ Yes ☒ No Incident Number: _____

Address/Location: 1871 cove Mill rd Cross Street: Scottsville rd

City: Bowling Green County/Parish: Warren State: KY 42104

ROW: ☒ Public-City Street ☐ Private Business ☐ Dedicated Public Utility Easement
☐ Public-State Hwy ☐ Private-Land Owner ☐ Federal Land
☐ Public-County Road ☐ Private-Easement ☐ Railroad
☐ Public-Interstate Hwy ☐ Pipeline ☐ Unknown/Other
☐ Public-Other ☐ Power/Transmission Line

210 902 1742

EXCAVATOR DETAILS

Company Name: All Pro Drilling

Address: 5227 trifecta Place

City: Owensboro State: KY Zip: 42301

Contact Name: Chad Lowe Phone: 270 993 3899

Excavator Type: ☒ Contractor ☐ County ☐ Farmer ☐ Municipality ☐ Occupant ☐ Railroad ☐ State ☐ Utility ☐ Developer
☐ Home Owner ☐ Unknown/Other

Pipeline Damage With:

☐ Auger ☐ Drilling ☐ Grader/Scraper ☐ Probing Device ☐ Milling Equipment
☒ Backhoe/Trackhoe ☐ Directional Drilling ☐ Hand Tools ☐ Trencher ☐ Unknown/Other
☐ Boring ☐ Explosives ☐ Vacuum Equipment ☐ Farm Equipment

Work Performed:

☐ Agriculture ☐ Engineering/Survey ☐ Road Work ☐ Traffic Sign
☐ Bldg Construction ☐ Fencing ☐ Sewer (Sanitary/Storm) ☐ Water
☐ Bldg Demolition ☐ Irrigation ☐ Site Development ☐ Water Improvement
☒ Cable TV ☐ Landscaping ☐ Steam ☐ Liquid Pipeline
☐ Curb/Sidewalk ☐ Grading ☐ Storm Drain/Culvert ☐ Milling
☐ Drainage ☐ Pole ☐ Street Light ☐ Unknown/Other
☐ Driveway ☐ Public Transit Authority ☐ Telecommunications
☐ Electric ☐ Railroad Maintenance ☐ Traffic Signal

Excavator Incur Downtime: ☒ Yes ☐ No ☐ Unknown How much Downtime? _____ Downtime Cost Incurred? _____

AFFECTED FACILITY DETAILS

Was any Facility Damaged? ☒ Yes ☐ No Release of Product? ☒ Yes ☐ No ☐ Unknown Location: ☐ Above Ground ☒ Below Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center? ☐ Yes ☐ No ☒ Unknown

Center Name: _____ Locate Ticket Number: _____

Did Excavator Notify Atmos Energy Directly? ☐ Yes ☐ No ☒ Unknown

Excavator Notified 911? ☒ Yes ☐ No ☐ Unknown Name: _____

Facility Type: ☒ Distribution ☐ Gathering ☐ Service/Stub ☐ Transmission ☐ Unknown/Other

Pipeline Material: ☐ Bare Steel ☐ Coated Steel ☐ Cast Iron ☒ PE ☐ PVC ☐ Other

Facility Damaged On: ☒ Body of Pipe ☐ Coating ☐ Housing ☐ Other Protective Device

Type of Pipeline Damaged: ☒ Intrastate ☐ Interstate ☐ Unknown

Pipeline Status: ☒ Active ☐ Idle ☐ New Pipe (no product) ☐ Abandoned (no product)

Damaged Pipe Diameter: 1 inch inches Depth of Facility: 3 feet 0 inches

Joint Trench: ☐ Yes ☒ No ☐ Unknown

DAMAGE & IMPACT DETAILS

Damaged by: ☒ Third Party ☐ Operator ☐ Operator's Contractor

Requires Regulatory Notification: ☐ Yes ☐ No

☐ Death/Hospitilization

☐ Property Damage ≥ $50,000

☐ Estimated gas loss ≥ 3 million cubic feet

Caused Service Interruption: ☐ Yes ☐ No

Customer Affected: _____

Number of Injuries: _____

Type of Injuries: _____

Number of Fatalities: _____

Outage Hours: _____

Restoration Cost: _____

DAMAGE & IMPACT DETAILS CONT'D

Root Cause of Damage:
- ☐ No notification made to the OneCall Center
- ☐ Notification to OneCall Center made, but not sufficient
- ☐ Wrong information provided to OneCall Center
- ☐ Facility could not be found or located
- ☐ Facility marking or location not sufficient
- ☐ Facility was not located or marked
- ☐ Incorrect facility maps
- ☐ Failure to maintain marks
- ☐ Failure to support exposed facilities
- ☑ Failure to use hand tools where required
- ☐ Failure to test-hole (pot hole)
- ☐ Improper backfilling practices
- ☐ Failure to maintain clearance
- ☐ Other insufficient excavation practices
- ☐ OneCall Center error
- ☐ Abandoned facility
- ☐ Deteriorated facility
- ☐ Previous damage
- ☐ Data not collected
- ☐ Other

Impact: ☐ Fire/Ignition occur ☐ Any evacuation (Number of people: _____) ☐ Any media coverage ☐ Any explosions
☐ Any street blocked ☐ Any other impact Comments: _____

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: ☐ Yes ☐ No

Center Name: _____ OneCall Ticket Number: _____

Date of Notification: __ / __ / ____

Original Locator: ☐ Pipeline Operator ☐ Utility Owner ☐ Data Not Collected ☐ Unknown/Other
☐ Contract Locator Locator Name: _____

Marked by White Lining: ☐ Yes ☐ No ☐ Unknown
Atmos Energy Rep Onsite: ☐ Yes ☐ No ☐ Unknown
Any Special Instructions: ☐ Yes ☐ No ☐ Unknown
Locator met with Excavator: ☐ Yes ☐ No ☐ Unknown
Facility Gave Positive Response: ☐ Yes ☐ No ☐ Unknown
Marked using Maps: ☐ Yes ☐ No ☐ Unknown
Excavator Gave Proper Notice: ☐ Yes ☐ No ☐ Unknown
Locate Procedures Followed: ☐ Yes ☐ No ☐ Unknown

Date of Positive: __ / __ / ____ Time of Positive: __ : __ ☐ AM ☐ PM

Excavator made 2nd call to OneCall: ☐ Yes ☐ No ☐ Unknown
Reason: ☐ No positive response to first call ☐ Positive response is unclear or incorrect ☐ All clear appears questionable ☐ Other

2nd Notice Ticket Number: _____ Date of 2nd Notice: __ / __ / ____

Facility gave positive response to 2nd notice: ☐ Yes ☐ No ☐ Unknown

Date of Positive: __ / __ / ____ Time of Positive: __ : __ ☐ AM ☐ PM

Facility Marks Visible: ☑ Yes ☐ No ☐ Unknown
Marked by Paint: ☑ Yes ☐ No ☐ Unknown Marked by Flags: ☑ Yes ☐ No ☐ Unknown
Medthod used to Locate: ☑ Conductive ☐ Inductive ☐ Unknown ☐ Other: _____
Another type of Marking Use: ☐ Yes ☐ No ☐ Unknown: _____
Facility Marked Correctly: ☑ Yes ☐ No ☐ Unknown/Other: _____
Reason Not Marked: ☐ Pipeline was not marked ☐ Portion of pipeline was not marked ☐ Pipeline was not marked accurately
☐ Improper type of marking ☐ Other: _____
Distance of Inaccurate Marks from Pipeline: _____ feet _____ inches

OTHER INFORMATION

Line Pressure: 45 psig Pipe Damage: (Length) 1" inches (Width) _____ inches Circular 145' to main
Leak Duration: 30 minutes Locate Priority: _____ FERC Account: _____
Insurance Company: _____ Agent Name: _____ Phone #: _____
Locate Mark within State Law: ☐ Yes ☐ No Police Report Number: _____
Pre-Damage Photos: ☐ Yes ☐ No Post-Damage Photos: ☐ Yes ☐ No Billing Required: ☐ Yes ☐ No

LABOR

Name	Title	Reg Time	Overtime	Drive Time
Austin Ramey	Service Tech 2	1 ✓		
Kenny Basham	Crew Leader	1 ✓		
Chad Flora	Sr Const. Op	1 ✓		

EQUIPMENT

	Quantity	Time		Quantity	Time
1/2 Ton Truck	2	1	Trencher		
1 Ton Truck			Backhoe		
2 Ton Truck	1	1	Compressor		
Dump Truck			Boring Machine		
Welder			Other		

Comments: _____

Completed By: _____ Date: _____

ATMOS ENERGY CORPORATION
KENTUCKY / MID-STATES DIVISION
KENTUCKY OPERATIONS
3RD PARTY DAMAGE BILLING

NAME:	All Pro Drilling
BILLING ADDRESS:	5227 Trifecta Place
CITY, STATE, & ZIP CODE:	Owensboro, KY 42301
PHONE #:	Chad Boone (270) 993-3899
EMAIL ADDRESS:	
INSURANCE PROVIDER:	
INSURANCE POLICY #:	
ATMOS WORK CENTER:	2734 - Bowling Green
DATE OF DAMAGE:	September 8, 2021
DAMAGE LOCATION:	1971 Cave Mill Rd., Bowling Green, KY 42104
ASSET #:	710604
eAM #:	22012081
SAP INVOICE #:	

LINE NO.	CHARGE TYPE:	Enter PGA Rate (per MCF)	Volume (MCF)	
1	LABOR			$ 302.46
2	MATERIALS			$ 114.70
3	EQUIPMENT			$ 62.00
4	GAS LOSS COSTS	$ 4.9761	9	$ 44.78
5	OUTSIDE SERVICES			$ -
6	MISCELLANEOUS COSTS			$ -
7	TOTAL 3RD PARTY DAMAGE BILLING			$ 523.94

Pipe Size	1
Material Type	PE
Pressure (PSIG)	45
Duration (Minutes)	30
Distance to Feeder Main or Regulator Station (Feet)	165
Main or Service	Service

1) Fill out all Information in Rows 1-6
2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
3) Click Circular Hole if damage is circular. Enter dimensions
4) Click Calculate Gas Loss

Calculator uses IGT Flow Formula

Gas Loss Flow Rate	299	Cubic Feet/Min.
Gas Loss in Cubic Feet	8,975	Cubic Feet
Gas Loss in Pounds	410	Pounds
Gas Loss in CCF	90	CCF
Gas Loss in MCF	9	MCF

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

ICHIBAN
DAMAGE
MARK

DAMAGE
STC
MARK
MARK

Vanna NAIL SPA
ICHIBAN
ATMOS energy
ATMOS energy

ATMOS energy
ATMOS energy
OPEN
UNAC
ROAD RUBBER

PELICAN
1520 CASE
PELICAN PRODUCTS, TORRANCE, CA USA
MARK
HUSKY
1
18
2
30
3

us bank
ATM
STOP

us bank
ATM
STC

Qdoba
MEXICAN GRILL
GOLDSMITH
Vanna NAIL SPA
ICHIBAN
ATMOS energy

DAMAGE
9

ATMOS energy
usbank
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ATMOS
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ATM

us bank
ATM
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us bank
STC

HUSKY
ATMOS energy

HUSKY
MARK
PELICAN

GOLDSMITH
Vanna NAIL SPA
DEERE
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GOLDSMITH
DEERE
ATMOS energy

DEERE
35G
ATMOS energy
UMAC

Qdoba
MEXICAN GRILL
ICHIBAN
JAPANESE RESTAURANT
tropical CAFE
Vanna
NAIL SALON SPA
GOLDSMITH
JEWELRY REPAIR & DESIGN
cricket
STC

Qdoba
MEXICAN GRILL
ICHIBAN
JAPANESE RESTAURANT
tropical CAFE
Vanna
NAIL SALON SPA
DEERE
35G
Qdoba

Qdoba
MEXICAN GRILL
ICHIBAN
JAPANESE RESTAURANT
tropical CAFE
Vanna
NAIL SALON SPA
GOLDSMITH
JEWELRY REPAIR & DESIGN
HUSKY
35G

Qdoba
MEXICAN GRILL
ICHIBAN
JAPANESE RESTAURANT
tropical CAFE
Vanna
NAIL
DEERE

ATM
us bank
BLAZE PIZZA
FAST FIRED

us bank
ATM

Kroger
HOBBY LOBBY
FRAMES

DEERE
35G
Dillard

DEERE
35G
STC
Bowling Green

DAMAGE
STC
MARK
MARK

DAMAGE
STC
MARK
MARK

STC
DAMAGE

DAMAGE
MARK
UMAC

DAMAGE
MARK
HUSKY

NAIL SPA
ICHIBAN
DAMAGE
MARK

DAMAGE
DAMAGE
MARK
HUSKY

ATMOS energy
DAMAGED
DAMAGED
B.O.S.S.III

DESAO

Re: 53991, 9/8/2021, 1971 Cave Mill Rd., Bowling Green, All Pro Drilling

Kirkham, Nicole
To: Bledsoe, Jonathon

Invoice No	Inv Amt	Inv.Status	Cncl Reas	Claim Res.	Outst Bal	Claim Di...
314205	523.94	Closed	UNCOLLECTIBL...	Uncollectible	.00	

Payment History

Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Invoice Activity	Inv Act Reason
1	314205		314905	523.94	11/03/2021	11/03/2021	CREDIT MEMO	UNCOLLECTIBL...

This one was uncollectible. Adding everything to Workspace now.

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

ATMOS energy

INVOICE

Page:	1
Claim Number	000200055054
Invoice No:	314205
Invoice Date:	14-OCT-21
Customer No:	174631
Credits and Payments:	0.00
Amount Due Remaining:	523.94
Amount Due Original:	523.94
Sales Rep:	Douglas L.Bower
Payment Terms:	NET10
Due date:	24-OCT-21

ALL PRO DRILLING
5227 TRIFECTA PLACE
OWENSBORO KY 42301

For billing questions, please call: **270-901-1704**

Total Amount Due 523.94 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	114.70	114.70
2	Tools and Equipment	1	Job	62.00	62.00
3	Labor	1	Job	302.46	302.46
4	Gas Loss	9	mcf	4.9761	44.78

PAGE TOTAL **523.94**

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ATMOS ENERGY CORP
P. O. BOX 841425
Dallas TX 75284-1425

ELECTRONIC REMITTANCE TO:

ATMOS ENERGY CORP
Bank of America
ACH Routing# 111000012
Bank Wire Routing# 026009593
Acct# 3756617812
Ref: 314205

Customer No:	**174631**
Invoice No:	**314205**
Total Amount Due:	**523.94 USD**

BILL TO:

ALL PRO DRILLING
5227 TRIFECTA PLACE
OWENSBORO KY 42301

Third Party Damage Claims Recovery

ALL PRO DRILLING
5227 TRIFECTA PLACE
OWENSBORO KY 42301

Date of Loss:	08-SEP-21	**Invoice#**	314205
Damages:	$523.94		
Location of Damage:	1971 Cave Mill Rd Bowling Green Ky		
Description of Damage:	Contractor Hit 1" Service With Backhoe Working On Cable Tv. Failed To Use Hand Tools Where Required.		
Claim #:	000200055054		

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below**.

Sincerely,

Douglas L.Bower
Phone :270-901-1704
Fax :N/A
Douglas.Bower@atmosenergy.com
Para informacion en espanol, por favor llamar al 270-901-1704

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

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00173 DATED JUN 07 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. 2023-00173 DATED JUN 07 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY

ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

ALL PRO DRILLING, LLC	)	
	)	
_____	)	CASO NO.
	)	2023-00173
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

All Pro Drilling, LLC (All Pro Drilling) 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 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 All Pro Drilling 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 All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling 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. All Pro Drilling notificará a la Comisión, al menos diez días antes de la audiencia, si All Pro Drilling 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 53991, 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. 2023-00173

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00173 FECHADO

SETENTA Y TRES PÁGINA(S) A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00173 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.

*All Pro Drilling, LLC
5227 Trifecta Place
Owensboro, KENTUCKY 42301