

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J & S CONSTRUCTION, LLC	)	
	)	
_____	)	CASE NO.
	)	2023-00174
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.)

J & S Construction, LLC (J & S 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).<sup>1</sup> The Commission, on its own motion, finds that the hearing in this matter previously scheduled for July 28, 2023, should be rescheduled to October 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

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<sup>1</sup> 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, Commission Staff cites J & S 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 J & S 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. J & S Construction shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. The July 28, 2023 hearing is rescheduled.

3. J & S Construction shall appear on October 27, 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.

4. The October 27, 2023 hearing shall be conducted via video conferencing.

5. J & S 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.

6. J & S Construction shall notify the Commission at least ten days prior to the hearing if J & S Construction is unable to appear by video conferencing and will therefore appear in person.

**7. 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.**

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

9. The Staff Incident Report 53852, attached to this Order as Appendix A, is made a part of the record in this case.

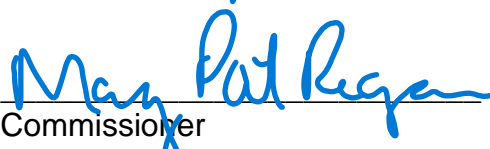
10. The October 27, 2023 hearing shall be recorded by video only.

**11. 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  
JUL 25 2023 bsb  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00174 DATED JUL 25 2023

TWENTY-FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53852 **Investigation** 9016  
**Incident Date** 7/22/2021 10:45:00 AM **Report Submitted** 8/9/2021

## Operator Information

**Operator** Delta Natural Gas Company, Inc. **Reported By** Craig Mitchell  
**Phone** 859-744-6171 Ext. 1124 **Email** cmitchell@deltagas.com

**Incident Location** 112 Blackthorn Dr **Locate Ticket Number** 2107201415  
 Nicholasville KY 40356  
 112 Blackthorn Dr.  
**County** Jessamine

## Excavator Information

**Excavator** Bryce Lawson **Organization ID** 1047581  
 J & S Construction LLC  
**Phone** 502-316-5318 **Email**  
**Address** 106 Lewis Ct **Locate Ticket Number** 2107201415  
 Georgetown KY 40324

## 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	Mechanized/Excavator Bucket	\$76.00	\$76.00

The Operator reports that the Excavator damaged an accurately marked 3/4-inch gas service with the excavator bucket installing an electric service.

**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
2107201415	Yes	07/20/21	08/10/21	7/22/2021	N/A	Yes

**The LT is included as Attachment 2.**

## INVESTIGATION

On 08/16/22, the Operator, Delta's Craig Mitchell, provided the following documents:

- Invoice and email from Delta's Accounting Dept.: Indicating the Excavator was bill \$75.68 for the damage, which is not paid.
- LT...1415 and Utilisphere: The LT is outlined in the LT Summary and Attachment 2. The Utilisphere outlines positive response indicating on 07/21/21 at 09:34:52 the Excavator was notified the area was marked.
- Photographs - 3: Indicating the area was marked.
- Third Party Damage & Leak Reports: Which are outlined in the DR summary and Attachment 1.
- Photographs - 7: Indicating the damage occurred within the tolerance zone of 18 inches.

**Delta's documents are included as Attachment 3.**

## PIPELINE DAMAGE INVESTIGATION REPORT

On 08/26/22, an attempt to contact the Excavator resulted in a message stating you have reached 859-699-8868 wherein a message was left, the call was returned by Melissa Jones with no voice message and this call was returned with a voice message being left. An attempt to contact the Excavator at 502-542-4297 resulted in a message stating no voice mailbox is set up. An attempt to contact the Excavator resulted in a message stating you have reached 502-316-5318 wherein a message was left. An attempt to contact the Excavator at 859-351-7025 resulted in Melissa Jones answering, Ms. Jones stated research was warranted and requested a copy of the DR be email to, [jsconstruct.llc@gmail.com](mailto:jsconstruct.llc@gmail.com). Ms. Jones stated that **859-351-7025** is the best number for contact.

On 09/08/22, Ms. Jones stated due to an illness in the family she has not had time to research. Contact will be reinitiated the week of 09/26/22.

On 09/26/22, Ms. Jones stated due to an illness in the family (father end stage liver failure) she has not had time to research. Ms. Jones stated she would try to review this week.

On 10/04/22, Ms. Jones stated that her father is hospitalized and she will attempt to do the research sometime this week.

On 10/10/22, Ms. Jones stated that she was currently in the hospital with her father and would send the information as soon as possible.

On 11/01/22 a follow up call to Ms. Jones resulted in a voice message being left.

On 11/14/22 a follow up call to Ms. Jones resulted in a voice message being left that a Demand Letter was forthcoming.

### VIOLATIONS<sup>1</sup>

**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)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
3 <sup>rd</sup>	53852	07/22/21	07/23/22
2 <sup>nd</sup>	43343	01/11/21	01/12/22
Resolved Incidents			
1 <sup>st</sup>	32507	03/07/20	03/08/21

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<sup>1</sup> 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

## Delta Natural Gas Company, Inc.

Submitted 8/9/2021 Incident ID: 53852

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53852\)](#)

### Reported By:

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**Name:** Craig Mitchell  
**Phone:** 859-744-6171 Ext. 1124  
**Email:** cmitchell@deltagas.com

### Gas Line Incident Occured:

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**Date:** 7/22/2021  
**Time:** 10:45 AM

### Details:

---

**Reported Date:** 8/5/2021 2:38 PM

#### Incident Location Address:

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**Location:** 112 Blackthorn Dr.  
**Address:** 112 Blackthorn Dr  
**City:** Nicholasville  
**State:** KY  
**County:** Jessamine  
**Zip:** 40356  
**Confirm Code:** Y

**Number of Customers out:** 0

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.: 2107201415

Excavator: Contractor

## Excavator Address:

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**First Name:** Bryce  
**Last Name:** Lawson  
**Organization ID:**  
**Company:** J and S Construction LLC  
**Phone:** 502-316-5318  
**Email:**  
**Address:** 106 Lewis Ct  
**City:** Georgetown  
**State:** KY  
**Zip:** 40324  
**Confirm Code:** Y

**Excavation Damage:** Failure to use hand tools where required

**Description of Incident** Mr. Bryce Lawson with J and S Construction LLC was digging with an excavator in order to install a buried electric service line when he inadvertently hit and punctured an existing 3/4" plastic EFV natural gas service line.

## Summary Information

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8/9/2021

**Full details such as the cause** Ms. Melissa Jones with J and S Construction did contact KY-811 and request a line locate prior to the commencement of any excavation activities to install a buried electric service line. A Delta operator qualified service man reported to the site and accurately located and marked the existing 3/4" plastic EFV natural gas service line with flags and paint. However, during the installation of the electric service line, Bryce Lawson (J and S Construction) did not hand dig within the 18" tolerance zone of the marked natural gas line which ultimately resulted in Mr. Lawson hitting and puncturing the existing natural gas line with the bucket of the excavator as he dug, thus resulting in a small amount of natural gas being released from the pipeline.

**Extent of the damage** There were no injuries or property damage attributed to this incident. Delta employees replaced 2 feet of 3/4" plastic natural gas service line and installed (2) 3/4" plastic couplings in order to reconnect the service line before re-energizing it and returning it to operation. The existing service line was equipped with an excess flow valve (EFV) and therefore there was only a minimal volume of natural gas released into the atmosphere.

**Cost of the damage** \$76.00

**Steps taken to prevent re-occurrence** Bryce Lawson with J and S Construction was informed that whenever excavation is necessary within the tolerance zone of a marked natural gas line (18" on either side), the law requires hand digging or the use of some other non-intrusive method in order to completely expose the pipe and thus avoid damage to the pipeline.

**Amount billed to excavator** \$76.00

# Attachment 2

## NORMAL NOTICE

Ticket : 2107201415 Date: 07/20/2021 Time: 13:54 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JESSAMINE City: NICHOLASVILLE  
Subdivision: BRANNON OAKS Lot: 151BB

Address : 112

Street : BLACKTHORN DR

Location: LOCATE ENTIRE PROPERTY

:

Boundary: n 37.951324 s 37.944355 w -84.520523 e -84.512670

Work type : ELECTRIC LINES

Done for : BALL HOMES

Start date: 07/22/2021 Time: 14:15 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 4 FT

Company : J AND S CONSTRUCTION LLC Type: CONT

Co addr : 106 S LEWIS CT

City : GEORGETOWN State: KY Zip: 40324

Caller : MELISSA JONES Phone: (859)699-8868

Contact : BRYCE LAWSON - CELL Phone:

Mobile : (502)316-5318

Email : JSCONSTRUCT.LLC@GMAIL.COM

Submitted date: 07/20/2021 Time: 13:54

Members: 0005 0237 0278 0326 0370 0387 0700 0715 WINKY

\* Responses are current as of 08/15/2022 12:51 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
MARATHON PIPELINE LLC 0005	OIL AND GAS		
INSIGHT COMMUNICATIONS 0237	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	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 <a href="https://kentucky811.org/homeowners/5-steps-to-safe-digging/">https://kentucky811.org/homeowners/5-steps-to-safe-digging/</a> .
DELTA NATURAL GAS COMPANY 0278	PIPELINE		
KENTUCKY UTILITIES (ONLY ADD IF IN THIS COUNTY) 0326	ELECTRIC	KENTUCKY UTILITIES CUSTOMER SERVICE (800) 981-0600	Clear - No conflict
KENTUCKY AMERICAN WATER COMPANY 0370	WATER		Clear - No conflict AREA SHOULD BE CLEAR OF KAW LINES.
BLUE GRASS ENERGY 0387	ELECTRIC		
METRONET FIBER NETWORK 0700	COMMUNICATIONS		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 <a href="https://kentucky811.org/homeowners/5-steps-to-safe-digging/">https://kentucky811.org/homeowners/5-steps-to-safe-digging/</a> .
JESSAMINE COUNTY WATER DISTRICT 1 0715	WATER		
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Craig Mitchell <CMITCHELL@DeltaGas.com>  
**Sent:** Tuesday, August 16, 2022 3:22 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 53852, 7/22/2021, 112 Blackthorn Dr. Nicholasville, J & S Construction  
**Attachments:** 0587\_001.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Hey Eric,

In response to your email request below, I have attached the following:

1. The invoice to J&S Construction in the amount of \$75.68 for the damages
2. Confirmation from Delta's Accounting Dept. that the invoice has not been paid
3. Copy of the KY-811 dig ticket and Utilisphere audit class
4. Three photographs of line locate marking
5. Copy of Delta Third Party Damage Report
6. Seven photographs of damage investigation
7. Copy of Delta Leak Report

Hope this helps.

Craig

**From:** Tout, Eric V (PSC) [mailto:ericv.tout@ky.gov]  
**Sent:** Monday, August 15, 2022 12:15 PM  
**To:** Craig Mitchell  
**Subject:** 53852, 7/22/2021, 112 Blackthorn Dr. Nicholasville, J & S Construction

**This Message Is From an External Sender**

This message came from outside your organization.



Hello Craig,

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*

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DELTA NATURAL GAS COMPANY INC  
3617 LEXINGTON ROAD  
WINCHESTER, KY 40391

# INVOICE

**Bill To:**  
**Customer Number: 600005831**  
J & S CONSTRUCTION  
106 LEWIS CT  
GEORGETOWN KY 40324

Company Use Only	
Customer Number	600005831
Reference Number	MISCDM5831
SAP Doc. No.	6800000008
Date of Invoice	08/31/2021
Invoice Amount	75.68

TO BILL FOR DAMAGES TO OUR FACILITY LOCATED AT:

112 Blackthorne Dr, Nicholasville, KY

ASSIGNMENT: D4400.NICH

DAMAGE DATE: Thursday, July 22, 2021

TOTAL DAMAGE AMOUNT: 75.68

PROJECT LINE ITEM DETAIL ATTACHED.  
BILLING INQUIRIES CAN BE DIRECTED TO: [KEstes@DeltaGas.com](mailto:KEstes@DeltaGas.com) or calling 859-744-6171

Please detach and return payment coupon with your check including your account number made payable to: Delta Natural Gas Company

### Miscellaneous Invoice Payment Coupon

<u>Amount Due</u>  75.68	<u>Due Date</u>  09/30/2021	<u>Amount Enclosed</u>
--------------------------------	-----------------------------------	------------------------

**Customer Number: 600005831**

REFERENCE NUMBER: MISCDM5831

J & S CONSTRUCTION  
106 LEWIS CT  
GEORGETOWN KY 40324

**Please Refer your Customer number and Remit to:**

Checks Payable:  
DELTA NATURAL GAS COMPANY INC  
3617 LEXINGTON ROAD  
WINCHESTER, KY 40391

Wire Instructions:  
BANK NAME: JPMORGAN CHASE BANK, N.A.  
ABA: 021000021  
ACCOUNT NUMBER: 232187028

## Craig Mitchell

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**From:** Allison Cascio  
**Sent:** Tuesday, August 16, 2022 8:09 AM  
**To:** Craig Mitchell  
**Subject:** RE: 53852, 7/22/2021, 112 Blackthorn Dr. Nicholasville, J & S Construction

Craig,

This invoice has not been paid.

Thanks,

*Alli Cascio*

Accountant  
Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, Ky. 40391

Office: (859) 744-6171 Ext: 1171  
[acascio@deltagas.com](mailto:acascio@deltagas.com)

**From:** Craig Mitchell <[CMITCHELL@DeltaGas.com](mailto:CMITCHELL@DeltaGas.com)>  
**Sent:** Monday, August 15, 2022 1:28 PM  
**To:** Allison Cascio <[acascio@DeltaGas.com](mailto:acascio@DeltaGas.com)>  
**Subject:** FW: 53852, 7/22/2021, 112 Blackthorn Dr. Nicholasville, J & S Construction

Hi Alli,

At the request of the PSC Damage Investigator, could you check and see if the invoice as attached above has been paid, and if so, please forward a scanned copy of the check to me if available.

Thanks Alli

Craig

**From:** Tout, Eric V (PSC) [<mailto:ericv.tout@ky.gov>]  
**Sent:** Monday, August 15, 2022 12:15 PM  
**To:** Craig Mitchell  
**Subject:** 53852, 7/22/2021, 112 Blackthorn Dr. Nicholasville, J & S Construction

**This Message Is From an External Sender**

This message came from outside your organization.

Hello Craig,

0278 00017 KUPIa 07/20/2021 13:55:17 2107201415-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 2107201415 Date: 07/20/2021 Time: 13:54 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JESSAMINE City: NICHOLASVILLE  
Subdivision: BRANNON OAKS Lot: 151BB

Address : 112  
Street : BLACKTHORN DR  
Location: LOCATE ENTIRE PROPERTY  
:  
Boundary: n 37.951324 s 37.944355 w -84.520523 e -84.512670

Work type : ELECTRIC LINES  
Done for : BALL HOMES  
Start date: 07/22/2021 Time: 14:15 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 4 FT

Company : J AND S CONSTRUCTION LLC Type: CONT  
Co addr : 106 S LEWIS CT  
City : GEORGETOWN State: KY Zip: 40324  
Caller : MELISSA JONES Phone: (859)699-8868  
Contact : BRYCE LAWSON - CELL Phone:  
Mobile : (502)316-5318  
Email : JSCONSTRUCT.LLC@GMAIL.COM

Submitted date: 07/20/2021 Time: 13:54  
Members: 0005 0237 0278 0326 0370 0387 0700 0715 WINKY

**Audit History:**

**7/20/2021 1:55:18 PM:** Received

*DETAILS:* Ticket received for registration code 0278

**7/20/2021 1:55:18 PM:** Put in Folder

*DETAILS:* Put in Nicholasville by auto process

*NOTE:* Auto Processed per All Tickets

**7/21/2021 9:32:42 AM:** Note Added

*DETAILS:* Note added by Ross Tanner

*NOTE:* Compass Heading: 58.2606201171875

**7/21/2021 9:32:42 AM:** Note Added

*DETAILS:* Note added by Ross Tanner

*NOTE:* Compass Heading: 315.268981933594

**7/21/2021 9:32:42 AM:** Note Added

*DETAILS:* Note added by Ross Tanner

*NOTE:* Compass Heading: 46.0458374023438

**7/21/2021 9:32:42 AM:** Assigned

*DETAILS:* Assigned to Ross Tanner by Ross Tanner

**7/21/2021 9:32:42 AM:** Responded

*DETAILS:* Marked with flags and paint: added by Ross Tanner, Locate Time: 7/21/2021 9:32:00 AM, Units of Work: 0.01

**7/21/2021 9:32:47 AM:** Ticket Queued

*DETAILS:* Ticket queued for delivery

**7/21/2021 9:32:47 AM:** Positive Response to Excavator Queued

*DETAILS:* Positive Response to Excavator queued for delivery

**7/21/2021 9:32:48 AM:** Ticket Delivered

*DETAILS:* Ticket successfully sent to rtanner@deltagas.com

**7/21/2021 9:34:52 AM:** Positive Response to Excavator Delivered

*DETAILS:* Positive Response to Excavator successfully sent to JSCONSTRUCT.LLC@GMAIL.COM

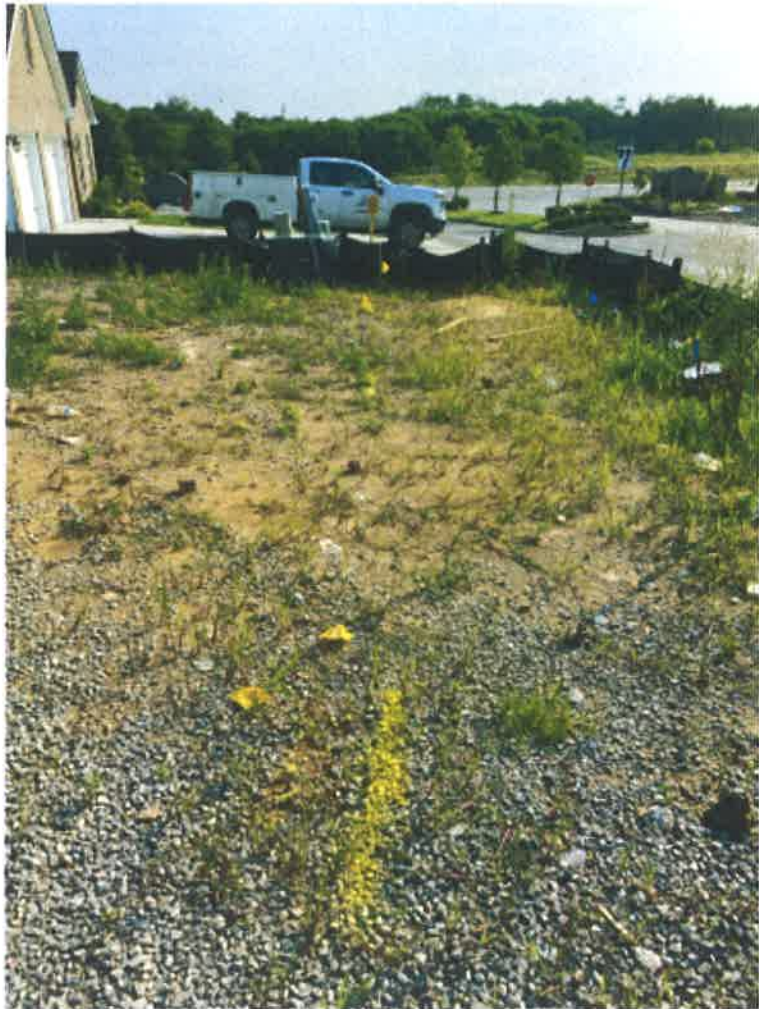
Download Zipped

- 7/21/2021

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IMG\_2021-7-21-09-31-39.jpg

IMG\_2021-7-21-09-29-58.jpg



[Download Zipped](#)

- 7/21/2021

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[IMG\\_2021-7-21-09-31-39.jpg](#)

[IMG\\_2021-7-21-09-29-58.jpg](#)





[Download Zipped](#)

- 7/21/2021

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IMG\_2021-7-21-09-31-39.jpg

IMG\_2021-7-21-09-29-58.jpg



### THIRD PARTY DAMAGE REPORT

Date of Damage: 07 22 2021 Time of Damage: 10 45  AM  PM  
M M / D D / Y Y Y Y 0 0 : 0 0

Address/Location of Damage: 112 Blackthorne Dr

City: Alibonville County: Jessamine

- Excavator Type:  Home Owner  
 Contractor  
 Utility  
 State Agency  
 Municipality

Excavator Name: Bryce Lawson Phone Number: 502-316-5318

Company Name (if applicable): J+S Construction LLC

Address: 106 S Lewis Et E-mail Address: \_\_\_\_\_

City: Georgetown State: KY Zip: 40324

Company Contact: Bryce Lawson Company Phone Number: 502-316-5318

Did Excavator Call 811?  Yes  No Did Excavator Contact Delta Directly?  Yes  No

811 Ticket Number: 2107201415 Delta Ticket Number: \_\_\_\_\_

Attach a copy of the 811 Locate Request and a copy of Delta's Locate Request, if applicable

Details, Excavation Equipment Used and Cause of Damage: Contractor was Digging Electric Service with excavator

Number of Customers Affected: - 0 -

Extent of Injuries and Property Damage: None

Steps Taken to Prevent Reoccurrence: Told to use hand Tools to find Before using excavator



- Reason for Damage:
- One-Call Notification Practices Not Sufficient
  - Facility Marking or Location Not Sufficient
  - Other Insufficient Excavation Practices
  - No Notification Made to One-Call Center
  - Wrong Information Provided to One-Call Center
  - Facility Could Not Be Found or Located
  - 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
  - One-Call Center Error
  - Abandoned Facility
  - Deteriorated Facility
  - Previous Damage
  - Data Not Collected
  - Other (Explain): \_\_\_\_\_

Damaged Pipeline:  Punctured  Completely Severed Leak Report Number: 03-2962

Pipe Size: 3/4 Pipe Type:  Plastic  Steel Map Sheet Number: 230-998

Facility Type:  Transmission  Distribution  Service Line  Main

If service line, was an excess flow valve installed on the line?  Yes  No

Operating Pressure at Time of Damage: 26 psig Type Feed:  One-Way  Two-Way

Duration from time of notification until flow stopped (not necessarily repaired): 15 min

Total Labor Required to Make Repairs: 2 Hours

Materials Used to Make Repairs: Used 2-3/4 Couplings & 2 Foot 3/4 Plastic Pipe

Do you want to bill for this incident?  Yes  No

  
District Manager

7-23-2021  
Date

## Brad Bowman

---

**From:** Brad Bowman <wickedb1969@gmail.com>  
**Sent:** Thursday, July 22, 2021 12:30 PM  
**To:** Brad Bowman

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*











### LEAK REPORT

White/System/LOS  
Yellow/Central/NR  
Pink/Pending/Until Repaired

Uprating  
Copy/Work Order File/LOS

Date Discovered: 7-22-21 Resurvey Date(s): 7-22-21 Checked w/ CBI 0% Gas

Leak Class:  1  2  3 Facility Classification:  Distribution Main  Gathering Line  
 Service Line  Transmission Line  
 Meter Installation  Regulator Station

Submitted By: Ross Tanner

Leak Location: 112 Blackthorn Dr

Map Sheet Number: 230-998 GPS Latitude: 37°56.673' N  
 VIP Pipeline Designation: \_\_\_\_\_ Longitude: -84° 30.744' W

How Discovered:  Leak Survey  Patrol  Other - Explain: Excavation

Date Repaired: 7-22-21 Repaired By: RT JA

Cause of Leak: **Corrosion**  Atmospheric  External  Internal  
 (Send Pipe Sample to Director-Technical Services)

**Incorrect Operations**  Human Error  Ineffective Procedures

**Other Outside Force**  External Loading  Fire/Explosion  Vandalism  Vehicle  Other - Explain: \_\_\_\_\_

**Natural Forces**  Earthquake  Earth/Rock Movement  Flood  Frost Heave  Landslide  Lightning  Subsidence  Tornado  Washout  Other \_\_\_\_\_

**Equipment**  Excess Flow Valve  Filter  Flow/Pressure Controller  Heater  Meter Casing  Odorizer  Regulator/Relief Valve  Thread  Valve  Other - Explain: \_\_\_\_\_

**Material and Welds**  Directional Fitting  Flange  Mechanical Fitting  Pipe  Plastic Fusion Coupling  Plastic to Plastic Compression Coupling  Plastic to Steel Transition  Screw Fitting  Tap Tee  Workmanship Defect  Other - Explain: \_\_\_\_\_

**Brittleness - Crack/Split** (Send Pipe Sample to Manager-Construction)

**Excavation** Name of Excavator: J+S Construction  
 Result of Previous Damage:  Yes  No

**Other - Explain:** \_\_\_\_\_

Pipe Size: 3/4" Pipe Condition:  Good  Fair  Poor

Pipe Type: Plastic:  Aldyl A  Plexco  PE 2406  Other Steel:  Threaded  Welded

Cathodically Protected:  Yes  No Cathodic Protection P/S Reading: \_\_\_\_\_

Type of Coating:  Bare  Millwrap  Plastic X-Tru Coat  Thin Film  
 (Steel Only)  Other - Explain: \_\_\_\_\_

Coating Condition:  Satisfactory  Unsatisfactory Year Pipe Installed: 2021

Steel Pipe Condition Report Number: \_\_\_\_\_ Original Work Order Number: 10063933

Repair Method:  Replaced  Leak Clamp  Other - Explain: \_\_\_\_\_

Test Method:  Leak (Fittings)  Pressure 90 Psig 10 min Duration  
 (Reinstated Service Lines Only)

## APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00174 DATED JUL 25 2023

### **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](mailto: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](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 3<sup>rd</sup> 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. 2023-00174 DATED JUL 25 2023

FIVE PAGES TO FOLLOW



ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

J & S CONSTRUCTION, LLC	)	
	)	
_____	)	CASO NO.
	)	2023-00174
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

J & S Construction, LLC (J & S 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).<sup>2</sup> La Comisión, de oficio, considera que la audiencia sobre este asunto previamente programada para el 28 de Julio de 2023 debe reprogramarse para el 27 de Octubre de 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

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<sup>2</sup> 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 J & S 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 J & S 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. J & S 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](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje.

2. Se reprograma la audiencia del 28 de Julio de 2023.

3. J & S Construction comparecerá el 27 de Octubre de 2023, a las 9 a.m. hora del este, 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.

4. La audiencia October 27, 2023 se llevará a cabo por videoconferencia.

5. J & S 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.

6. J & S Construction notificará a la Comisión, al menos diez días antes de la audiencia, si J & S Construction no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

7. **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.**

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

9. El Informe de Incidentes del Personal 53852, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

10. La audiencia October 27, 2023 se grabará únicamente por vídeo.

11. **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

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Presidente

---

Vicepresidente

---

Comisionado/a

HACE CONSTAR:

---

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00174 FECHADO

VEINTE-QUATRO PÁGINA(S) A SEGUIR

## APÉNDICE B

### APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00174 FECHADO

#### **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](mailto: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](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.



\*J&S Construction, LLC  
106 Lewis Ct  
Georgetown, KENTUCKY 40324