

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|------------|
| S & B CONCRETE, LLC |) | |
| |) | |
| _____ |) | CASE NO. |
| |) | 2019-00393 |
| ALLEGED VIOLATION OF UNDERGROUND |) | |
| FACILITY DAMAGE PREVENTION ACT |) | |

OPENING ORDER

S & B Concrete, LLC (S & B) 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

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 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,

¹ KRS 367.4901 through KRS 367.4917.

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 an Appendix. In its Incident Report, Staff cites S & B for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that S & B violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

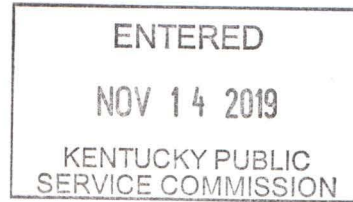
1. S & B shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.
3. The Staff Incident Report 31373 in the Appendix to this Order is made a part of the record in this case.

4. Please note that notice of a hearing to be held in this matter will be mailed to S & B once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00393 DATED **NOV 14 2019**

FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

| | |
|--|--|
| KY PSC Investigator(s) John E. Gowins | Incident ID 31373 |
| Incident Date 2/18/2019 11:25:00 AM | Report Submitted 3/12/2019 8:10:46 AM |

OPERATOR INFORMATION

| | |
|--|-----------------------------------|
| Operator Columbia Gas of Kentucky, Inc. | Reported By Ryan Twait |
| Phone (859) 533-4022 | Email rmtwait@nisource.com |
| Incident Location 242 Ikebana Dr. Georgetown, KY 40324 Scott | Locate Ticket Number |

EXCAVATOR INFORMATION

| | |
|--|-----------------------------|
| Name of Excavator Anness, Blaine | Organization ID |
| Phone 859-402-7820 | Email |
| Excavator Address S & B Concrete LLC 620 Williams Rd Nicholasville, KY 40356 | Locate Ticket Number |

INCIDENT

The operator reports that S & B Concrete LLC was excavating an area without a locate ticket. While digging with mechanized equipment, S & B Concrete LLC struck a plastic one-inch natural gas service line.

INVESTIGATION

S & B Concrete LLC is a Kentucky limited liability company that is inactive and in bad standing with the Secretary of State's office.

The registered agent is:

Charles B Anness
620 Williams Rd
Nicholasville, KY 40356

This company has no prior violations.

The incident report from Columbia indicates that the excavator was billed \$1,817.

August 12, 2019 spoke with Ryan Twait, he will check to see if S & B paid.

Google shows same address and phone number as listed above.

July 26, 2019 called and left a voicemail.

August 2, 2019 called, someone answered, but apparently could not hear me. Immediately called back and it went to voicemail. I left a message.

August 12, 2019 called again, left a voice mail message that a demand letter with a \$1250 civil penalty was coming.

VIOLATION

KRS 367.4911 (1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 3/12/2019 Incident ID: 31373

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[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31373\)](#)

Reported By:

Name: Ryan Twait
Phone: (859) 533-4022
Email: rmtwait@nisource.com

Gas Line Incident Occured:

Date: 2/18/2019
Time: 11:25 AM

Details:

Reported Date: 3/12/2019 8:10 AM

Incident Location Address:

Location:
Address: 242 Ikebana Dr
City: Georgetown
State: KY
County: Scott
Zip: 40324
Confirm Code: Y
Number of Customers out: 1
Locate Request Ticket No.:
Excavator: Contractor

Excavator Address:

First Name: Blaine
Last Name: Anness
Organization ID:
Company: S & B Concrete LLC
Phone: 859-402-7820
Email:
Address: 620 Williams Rd
City: Nicholasville
State: KY
Zip: 40356

Confirm Code: Y

Excavation Damage:

Description of Incident S & B Concrete LLC struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

3/12/2019

| | |
|---|--|
| Full details such as the cause | S & B Concrete LLC was excavating an area without a locate ticket. While digging with mechanized equipment, S & B Concrete LLC struck a plastic one inch natural gas service line. |
| Extent of the damage | A plastic one inch natural gas service line was punctured, and the damaged section was replaced. |
| Cost of the damage | \$1,817.00 |
| Steps taken to prevent re-occurrence | CKY's Damage Prevention Specialist has setup a safety tailgate with S & B Concrete LLC following the damage to educate them on the 811 dig law. The Damage Prevention Specialist will also provide excavator pocket manuals and pocket color code reference cards to S & B Concrete LLC. |
| Amount billed to excavator | \$1,817.00 |

Charles B. Anness
620 Williams Road
Nicholasville, KENTUCKY 40356