

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

C & S POOL SERVICE INC)	
)	
_____)	CASE NO.
)	2021-00074
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

C & S Pool Service Inc (C & S) 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 C & S 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 C & S 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. C & S shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **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 32472 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 C & S 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



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00074 DATED MAR 01 2021

SEVEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32472
Incident Date 2/21/2020 2:25:00 PM	Report Submitted 3/9/2020 12:00:00 AM

OPERATOR INFORMATION

Operator Columbia Gas of Kentucky, Inc.	Reported By Ryan Twait
Phone (859) 533-4022	Email rmtwait@nisource.com
Incident Location 109 Kendall Ln Nicholasville, KY 40356 Jessamine	Locate Ticket Number 2002191414

EXCAVATOR INFORMATION

Name of Excavator Burr, Glenn	Organization ID 0633099
Phone 859-285-7066	Email none
Excavator Address C&S Pool Service Inc 233 Two Oakes Nicholasville, KY 40356	Locate Ticket Number

INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2002191414	Yes	2/19/20	3/11/20	2/21/20	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$1140.00	\$1140.00

The operator reports that C&S Pools was excavating in an area with a locate ticket. C&S Pools was digging with mechanized equipment within the tolerance zone of a properly marked service line. While digging, C&S Pools struck and damaged a plastic one-inch natural gas service line.

INVESTIGATION

This would be the company's first violation.

Website has phone number of: 859.305.1677.

October 28, 2020

- Called 859.305.1677, person that answered the phone requested that I call back in an hour when the bosses would be in.
- Called again, boss was out, he will call me.

November 5, 2020

- Called 859.305.1677, called and left a v.m.

November 16, 2020

- Called 859.305.1677, spoke to Daniel, he will have the boss give me a call.

November 24, 2020

- No return call from company, therefore a demand letter will be sent.

VIOLATION

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.

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 3/9/2020 Incident ID: 32472

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32472\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 2/21/2020
Time: 2:25 PM

Details:

Reported Date: 3/9/2020 2:37 PM

Incident Location Address:

Location:

Address: 109 Kendall Ln
City: Nicholasville
State: KY
County: Jessamine
Zip: 40356

Confirm Code:

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere? *

3/2020

Locate Request Ticket No.: 2002191414

Excavator: Contractor

Excavator Address:

First Name: Glenn
Last Name: Burr
Organization ID: 0633099
Company: C&S Pool Service Inc
Phone: 859-285-7066
Email: none

Address: 233 Two Oakes
City: Nicholasville
State: KY
Zip: 40356
Confirm Code:
Excavation Damage: Other insufficient excavation practices

Description of Incident C&S Pools pierced a plastic one inch natural gas service line with mechanized equipment.

Summary Information

3/9/2020

Full details such as the cause C&S Pools was excavating in an area with a locate ticket. C&S Pools was digging with mechanized equipment within the tolerance zone of a properly marked service line. While digging, C&S Pools struck and damaged a plastic one inch natural gas service line.

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

Cost of the damage \$1,140.00

Steps taken to prevent re-occurrence While making repairs, CKY advised C&S Pools of the KY 811 Dig Law, and to always use hand tools within the tolerance zone of a marked facility.

Amount billed to excavator \$1,140.00

NORMAL NOTICE

Ticket : 2002191414 Date: 02/19/2020 Time: 15:29 Oper: MSHEETS Chan:000

State: KY Cnty: JESSAMINE City: NICHOLASVILLE
Subdivision: EQUESTRIAN ESTATES

Address : 109
Street : KENDALL LN
Cross 1 : W BRANNON RD
Location: LOCATE THE REAR AND BOTH SIDES OF THE PROPERTY - PAINT AND FLAG PLEASE
:
Boundary: n 37.974955 s 37.970580 w -84.597570 e -84.593668

Work type : INSTALL POOL
Done for : BRIAN GILLISPI
Start date: 02/21/2020 Time: 15:45 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 6 FEET

Company : C& S POOL SERVICE Type: CONT
Co addr : 233 TWO OAKS DR
City : NICHOLASVILLE State: KY Zip: 40356
Caller : DAVID COOK Phone: (859)230-5574
Contact : RYAN COOK - CELL Phone:
Mobile : (859)285-7066
Email : CSPOOLSERVICE@GMAIL.COM

Submitted date: 02/19/2020 Time: 15:29
Members: 0200 0237 0387 0714 2621 WINKY

C & S POOL SERVICE INC

General Information

Organization Number	0633099
Name	C & S POOL SERVICE INC
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	2/27/2006
Organization Date	2/27/2006
Last Annual Report	6/28/2020
Principal Office	125 PADDOCK DRIVE NICHOLASVILLE, KY 40356
Registered Agent	DAVID COOK 125 PADDOCK DRIVE NICHOLASVILLE, KY 40356
Authorized Shares	1000

Current Officers

Sole Officer	DAVID COOK
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Individuals / Entities listed at time of formation

Incorporator	DAVID COOK
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Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	6/28/2020	1 page	PDF	
Annual Report	6/20/2019	1 page	PDF	
Annual Report	6/15/2018	1 page	PDF	
Annual Report	6/18/2017	1 page	PDF	
Annual Report	7/19/2016	1 page	PDF	
Annual Report	6/27/2015	1 page	PDF	
Annual Report	6/13/2014	1 page	tiff	PDF
Annual Report	6/28/2013	1 page	tiff	PDF
Annual Report	7/2/2012	1 page	tiff	PDF
Annual Report	8/17/2011	1 page	tiff	PDF
Annual Report	6/28/2010	1 page	tiff	PDF
Annual Report	6/14/2009	1 page	PDF	
Annual Report	6/27/2008	1 page	tiff	PDF
Annual Report	6/28/2007	1 page	tiff	PDF
Articles of Incorporation	2/27/2006	1 page	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	6/28/2020 12:32:37 PM	6/28/2020 12:32:37 PM	
Annual report			

	6/20/2019 2:08:25 PM	6/20/2019 2:08:25 PM
Annual report	6/15/2018 8:08:54 PM	6/15/2018 8:08:54 PM
Annual report	6/18/2017 7:53:11 PM	6/18/2017 7:53:11 PM
Annual report	7/19/2016 12:13:44 AM	7/19/2016 12:13:44 AM
Annual report	6/27/2015 9:31:43 PM	6/27/2015 9:31:43 PM
Annual report	6/13/2014 1:26:07 PM	6/13/2014
Annual report	6/28/2013 8:15:03 AM	6/28/2013
Annual report	7/2/2012 10:42:57 AM	7/2/2012
Annual report	8/17/2011 11:01:10 AM	8/17/2011
Annual report	6/28/2010 1:22:20 PM	6/28/2010
Annual report	6/14/2009 6:55:19 PM	6/14/2009 6:55:19 PM
Annual report	6/27/2008 8:23:47 AM	6/27/2008
Annual report	6/28/2007 10:14:07 AM	6/28/2007
Add	2/27/2006 11:13:52 AM	2/27/2006

Microfilmed Images

*C&S Pool Service Inc
125 Paddock Drive
Nicholasville, KENTUCKY 40356