

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|------------|
| SPRIGGS CONSTRUCTION LLC |) | |
| |) | |
| _____ |) | CASE NO. |
| |) | 2021-00084 |
| ALLEGED VIOLATION OF UNDERGROUND |) | |
| FACILITY DAMAGE PREVENTION ACT |) | |

ORDER

A hearing in the above matter was held before the Kentucky Public Service Commission on August 19, 2021, at its offices at 211 Sower Boulevard, Frankfort, Kentucky. Spriggs Construction LLC (Spriggs Construction) is alleged to have violated KRS 367.4911(10) by conducting excavation activities using mechanized equipment within the approximate location of an underground natural gas service line used to serve the public and owned and operated by Louisville Gas and Electric Company. The Commission, on its own motion, finds that the hearing in this matter should be continued.

Spriggs Construction was served with the initiating Order by certified mail on March 4, 2021, and appeared at the hearing, but without the services of an attorney. The initiating Order at page 2, numerical paragraph 2, notified Spriggs Construction that a person unlicensed to practice law in Kentucky would not be authorized to appear at a hearing or otherwise represent it in this case. Spriggs Construction apparently overlooked this requirement and was represented only by Wendy Gentry, who is not licensed to practice law in Kentucky. Administrative regulation 807 KAR 5:001, Section 4(4), provides that "A person shall not file a paper on behalf of another person or

otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).” A person not licensed to practice law in the state of Kentucky and appearing on behalf of a partnership, corporation, or business entity or other person is guilty of the unauthorized practice of law, which is a Class B misdemeanor, pursuant to KRS 524.130(1) and (3).

The Commission finds that hearing be rescheduled in order to afford Spriggs Construction the opportunity to obtain legal counsel.

IT IS THEREFORE ORDERED that:

1. The hearing in this case is hereby continued and reassigned for hearing on October 29, 2021, at 9 a.m. Eastern Daylight Time in the Richard Raff Hearing Room of the offices of the Public Service Commission located at 211 Sower Boulevard, Frankfort, Kentucky.
2. The October 29, 2021 hearing shall be conducted via video conferencing.
3. If Spriggs Construction intends to present a defense and advocate its position before the Commission, Spriggs Construction must be represented by an attorney licensed or otherwise authorized to practice law within the state of Kentucky.
4. Spriggs Construction shall attend the hearing by using the following link: <https://global.gotomeeting.com/join/308551245>; information and instructions are attached to this Order in an Appendix.
5. Spriggs Construction shall notify the Commission at least ten days prior to the hearing if Spriggs Construction is unable to appear by video conferencing and will therefore appear in person.

6. Any case related documents shall be filed with the Commission by electronic mail at PSCED@ky.gov.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

Commissioner Marianne Butler did not participate in deliberations or decision concerning this case.



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Lindwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2021-00084

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00084 DATED SEP 03 2021

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 Ashley Rhodes, Commission Division of Inspections. AshleyB.Rhodes@ky.gov or 502-782-2578.

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://global.gotomeeting.com/join/308551245>

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/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 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

*Spriggs Construction LLC
6130 Hwy 70 N
Crossville, TENNESSEE 38571