

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBBIE PUCKETT)	
)	
_____)	CASE NO.
)	2021-00164
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Robbie Puckett (Mr. Puckett) 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 Mr. Puckett for violation of the following provisions 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.

and

KRS 367.4911(2) – Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Mr. Puckett 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. Mr. Puckett 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 32562 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 Mr. Puckett 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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APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00164 DATED APR 19 2021

FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 4/18/2020 5:30:00 PM	Incident ID 32562 Report Submitted 4/28/2020 1:50:34 PM
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OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 Ext. 1124 Incident Location 190 Old Wallaceton Road 190 Old Wallaceton Rd Berea, KY 40403 Madison	Reported By Craig Mitchell Email cmitchell@deltagas.com Locate Ticket Number
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EXCAVATOR INFORMATION

Name of Excavator Puckett, Robbie Phone 859-661-9690 Excavator Address 190 Old Wallaceton Rd Berea, KY 40403	Organization ID Email robbiepuckett1998@gmail.com Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator/Homeowner damaged a two-inch gas main with a mini-excavator and failed to call the KY Contact Center (811).

The Damage Report is include as Attachment 1.

Excavation Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
No call to 811	Mechanized / Mini-excavator	\$336.00	\$336.00

INVESTIGATION

On 01/06/21 an attempt to contact the Excavator at 859-661-9690 resulted in a message stating the mailbox is full.

On 01/07/20 the Homeowner, Robbie Puckett, stated that a Locate Ticket (LT) was obtained about a month prior to the incident date, but no valid LT was held when the damage occurred. Mr. Puckett was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$100.00.

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.

(2) Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Delta Natural Gas Company, Inc.

Submitted 4/28/2020 Incident ID: 32562

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32562\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 4/18/2020
Time: 5:30 PM

Details:

Reported Date: 4/23/2020 4:41 PM

Incident Location Address:

Location: 190 Old Wallaceton Road
Address: 190 Old Wallaceton Rd
City: Berea
State: KY
County: Madison
Zip: 40403
Confirm Code: Y

Number of Customers out: 3

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.:

Excavator: Home Owner

Excavator Address:

First Name: Robbie
Last Name: Puckett
Phone: 859-661-9690
Email: robbiepuckett1998@gmail.com
Address: 190 Old Wallaceton Rd
City: Berea

State: KY
 Zip: 40403
 Confirm Code: Y
 Excavation Damage: No notification made to the One Call Center

Description of Incident Home owner Robbie Puckett was using a mini-excavator to dig a ditch on his property when he hit and severed a 2" plastic natural gas main line.

Summary Information

4/28/2020

Full details such as the cause Mr. Puckett did not call 811 to request a line location prior to the excavation activities and therefore he did not know the location of the 2" plastic natural gas main line which ultimately resulted in him completely severing the line with a mini-excavator.

Extent of the damage There were no injuries or property damage attributable to this incident. Delta employees replaced approximately 2' of 2" plastic main line piping and installed (2) 2" electrofusion couplings.

Cost of the damage \$336.00

Steps taken to prevent re-occurrence Robbie Puckett was informed that anyone that is going to do any type of excavation work is required by law to call KY811 and request a line location at least two working days prior to starting work and, when excavation is necessary within the approximate location of the pipeline (18" on either side), the law requires hand digging or the use of a non intrusive means to avoid damage to the pipeline.

Amount billed to excavator \$336.00

Robbie Puckett
190 Old Wallaceton Rd.
Berea, KENTUCKY 40403