

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CCC CONSTRUCTION CO, INC)	
)	
_____)	CASE NO.
)	2022-00166
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.)

CCC Construction Co, Inc (CCC 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).¹ A hearing in this case shall take place on January 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 more than \$1,000 for the second offense within one year, and no more than \$3,000 for

¹ KRS 367.4901 through KRS 367.4917.

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, Staff cites CCC Construction 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 CCC 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. CCC Construction 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. CCC Construction shall appear on January 27, 2023, at 9 a.m. Eastern Standard 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.

3. The January 27, 2023 hearing shall be conducted via video conferencing.

4. CCC 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.

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

6. **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.**

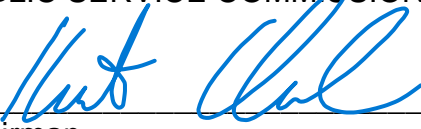
7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 43221, attached to this Order as Appendix A, is made a part of the record in this case.

9. The January 27, 2023 hearing shall be recorded by video only.

10. **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



ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00166 DATED NOV 22 2022

TWENTY-FIVE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43221 **Investigation** 8163
Incident Date 11/5/2020 8:20:00 AM **Report Submitted** 11/23/2020

Operator Information

Operator Duke Energy Kentucky, Inc. **Reported By** Laura Mate
Phone (859) 206-4639 **Email** Laura.Mate@duke-energy.com

Incident Location 7190 Warsaw Rd **Locate Ticket Number** No Ticket
 Dry Ridge KY 41035
 7190 Warsaw Rd
County Grant

Excavator Information

Excavator Tim Campbell **Organization ID**
 CCC Construction Co., Inc.
Phone 859-547-6465 **Email**
Address 790 Kenton Station Rd **Locate Ticket Number** No Ticket
 Alexandria KY 41001

Damage Report (DR) Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Mechanized/ Mini Excavator	\$973.00	\$973.00

The Operator reports that the Excavator damaged a gas service with a mini excavator installing a drain and failed to contact the KY Contact Center (811).

The DR is include as Attachment 1.

INVESTIGATION

On 11/05/21 the Operator, Duke's Ronya Nabors, provided the following documents:

- Invoice: Billing the Excavator \$1,217.48 for the damage. Per Ms. Nabors no payment has been received.
- Damage Investigation Findings w/ Photographs: Indicating no call was made to 811.

Duke's documents are include as Attachment 2.

On 11/08, 10 & 15/21 an attempt to contact the Excavator resulted in a message stating you have reached 859-547-6465 wherein a voice message was left.

On 11/15/21 a Letter to Contact was sent to the Excavator.

The Letter to Contact is included as Attachment 3.

On 12/02/21 the US Postal Office Tracking service revealed that the 11/15/21 Letter to Contact was delivered to an address in Broadhead KY, but no certified hard copy has been returned. Administrative Assistant Ashley Rhodes conducted searches with Accurint, Facebook, etc. and she was unable to find anything that links the name Tim Campbell, the company, or the address given together. Ms. Rhodes stated that CCC Construction Inc. is in Accurint, but they are based out of Crestwood KY and the Registered Agent is in Utah. Ms. Rhodes stated that a search for the spelling of Triple C Construction reveled a company from Russell KY. Staff conducted a search of the KY Secretary of State web site and was unable to match the two company's spellings with the address provide by the Operator. A second

PIPELINE DAMAGE INVESTIGATION REPORT

attempt to make contact with the Excavator will be attempted by sending a Letter to Contact to the Alexandria KY address.

The Second Letter to Contact is included as Attachment 4.

On 12/03/21:

- Via email Ms. Nabors stated that Duke spoke to Eddie Hounshell (855-547-6465, eddiehounshell48@gmail.com) on 11/18/20 & 12/21/20 with no other contact after those dates.

Ms. Nabors's email is include as Attachment 5.

- An attempt to contact Mr. Houndshell at 855-547-6465 resulted in the call failing.
- An email to eddiehounshell48@gmail.com was sent requesting contact be made.

Email to Mr. Hounshell is included as Attachment 6.

On 01/04/22 a review of the U.S. Postal Web Tracking system revealed that the 12/03/21 Letter to Contact was delivered/picked up on 12/16/21 and as of today's date no contact has been made by the excavator. With the failed attempts to contact the Excavator a Demand Letter requiring the attendance to the Damage Prevention Course and imposing the penalty of \$250.00 will be sent.

A copy of the Postal Tracking web page is included as Attachment 7.

VIOLATIONS

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.

of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +365 Days)
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Duke Energy Kentucky, Inc.

Submitted 11/23/2020 Incident ID: 43221

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43221\)](#)

Reported By:

Name: Laura Mate
Phone: (859) 206-4639
Email: Laura.Mate@duke-energy.com

Gas Line Incident Occured:

Date: 11/5/2020
Time: 8:20 AM

Details:

Reported Date: 11/23/2020 10:19 AM

Incident Location Address:

Location: 7190 Warsaw Rd
Address: 7190 Warsaw Rd
City: Dry Ridge
State: KY
County: Grant
Zip: 41035
Confirm Code: Y

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.: No Ticket

Excavator: Contractor

Excavator Address:

First Name: Tim
Last Name: Campbell
Organization ID: 0336547
Company: CCC CONSTRUCTION CO., INC.
Phone: 859-547-6465
Email:

Address: 790 Kenton Station Rd
City: Alexandria
State: KY
Zip: 41001
Confirm Code: Y
Excavation Damage: No notification made to the One
Call Center

Description of Incident Per Tim Campbell of Triple C Construction: I was digging out for a drain with a mini. I hit the gas line with a tooth on the bucket. Gas service was damaged.

Summary Information

11/23/2020

Full details such as the cause Triple C Construction failed to notify the One Call System. In doing so, they struck a one inch plastic curb to meter gas service in front of the residence.
Extent of the damage Gas service required repair.
Cost of the damage \$973.00
Steps taken to prevent re-occurrence
Amount billed to excavator \$973.00

Attachment 2

Tout, Eric V (PSC)

From: Nabors, Ronya K <Ronya.Nabors@duke-energy.com>
Sent: Friday, November 5, 2021 11:05 AM
To: Tout, Eric V (PSC)
Cc: Collins, Jim
Subject: RE: [EXTERNAL] 43221, 11/5/2020, 7190 Warsaw Rd., Dry Ridge, CCC Construction Co.
Attachments: 452954ClaimSupportPackage7190 Warsaw Rd.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Good morning.

Please see the claim support package above as requested. After viewing it myself, it appears that the tooth on the bucket of the mini excavator hit the gas line & there was no ticket with 811. Also, Eddie Houndhell was contacted and acknowledged liability for the damaged line. There has been no payment made.

Thanks.

Ronya Nabors

NGBU Damage Prevention

DESK 704-731-4522 CELL 704-576-8155

ronya.nabors@duke-energy.com



From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, November 4, 2021 8:04 AM
To: Nabors, Ronya K <Ronya.Nabors@duke-energy.com>
Cc: Collins, Jim <Jim.Collins@duke-energy.com>
Subject: [EXTERNAL] 43221, 11/5/2020, 7190 Warsaw Rd., Dry Ridge, CCC Construction Co.

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Ronya,

Please send all repots, all photos, invoices and payment info. (copy of check) if paid. Provided any explanation in advance regarding conflicting information.

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



INVOICE



Please Make Check Payable to: Project Resources Group

Remit to: Project Resources Group, Inc. Attn. Damage Claims 5340 S. Quebec St., Suite 250S Greenwood Village, CO 80111 EIN: 84-1576547	Invoice # DK-452954 Date: November 17, 2020 Terms: Due Upon Receipt Conf. Code # HKMGW
---	---

Responsible for Damages: Triple C Construction 790 Kenton Station Road Alexandria, KY 41001

Date & Address Where Damage Occurred: 11/5/2020 7190 Warsaw Rd Dry Ridge, KY 41035

Labor and Materials Costs:		<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>				
	Mechanic Operator I	3.00	\$73.70	\$221.11
	Mechanic III - C&M (12049)	3.00	\$35.79	\$107.38
	Service Mechanic A	3.00	\$77.08	\$231.24
	Emergency Call Out	1.00	\$250.00	\$250.00
	UtilityTruck / Tandem Axle	1.00	\$54.30	\$54.30
	SRW Utility, Stake, Flat 4x4	1.00	\$40.10	\$40.10
	Damage Investigation/Quality Control			<u>\$244.00</u>
	Sub-Total			\$1,148.13
<i>Other Costs</i>				
	Loss of Gas	1.00	\$33.47	<u>\$33.47</u>
	Sub-Total			\$33.47
<i>Material Costs</i>				
	Coupling; Pipe	1.00	\$6.84	\$6.84
	Riser; Gasline	1.00	\$29.05	<u>\$29.05</u>
	Sub-Total			\$35.89
Invoice Total				<u>\$1,217.48</u> =====

Please Make Check Payable to: Project Resources Group

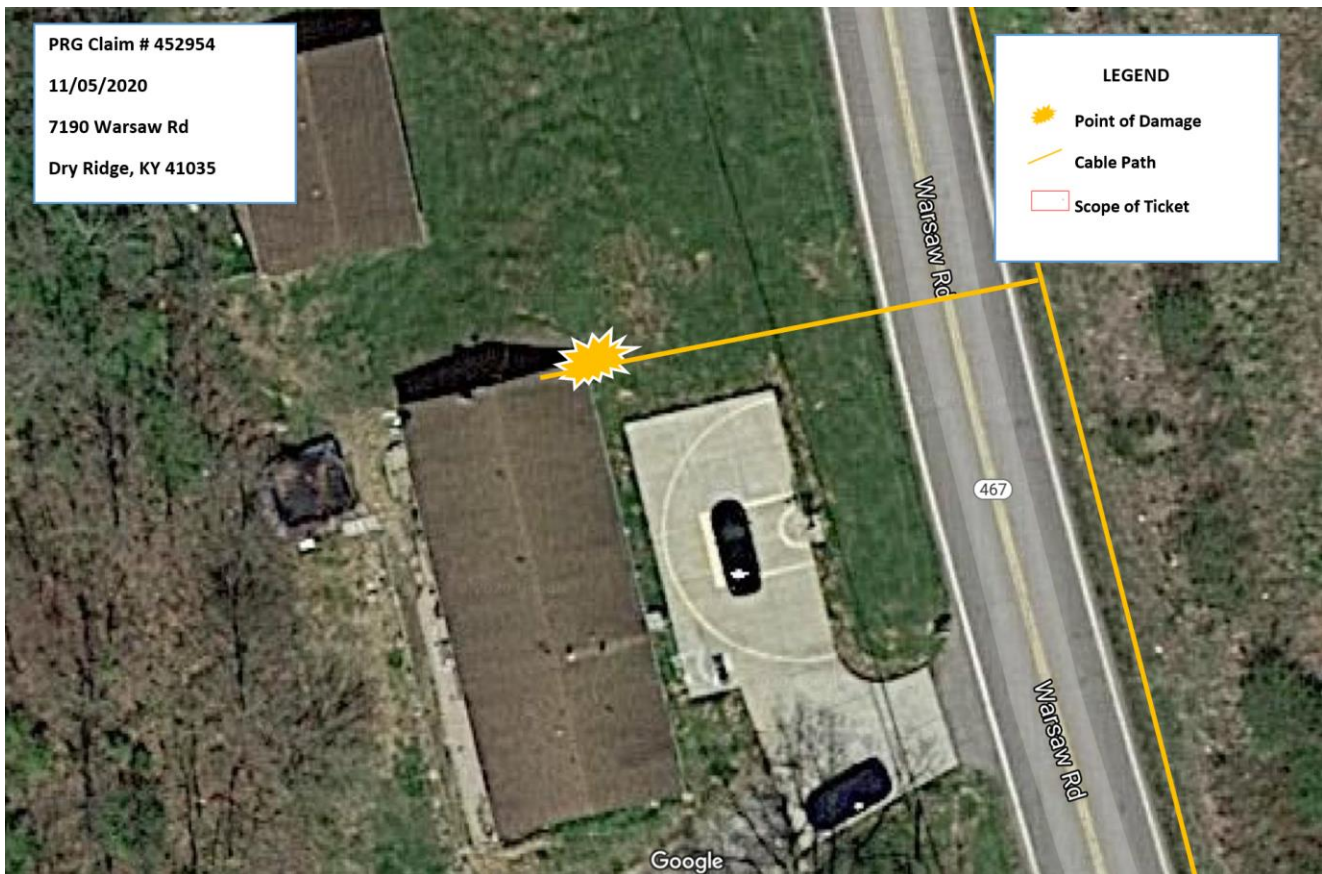
For questions regarding this invoice, please contact: Tracey Foushi, (720) 250-9834 or via email tfoushi@prgconsulting.net

Damage Investigation Findings

PRG CLAIM:	DK-452954	
DATE OF OUTAGE:	11/05/2020	08:10 AM
NOTIFICATION:	11/05/2020	08:19 AM
ARRIVAL:	11/05/2020	09:39 AM
LOCATION:	7190 Warsaw Rd, Dry Ridge, KY 41035	
LOCATE TICKET:	None	
INVESTIGATOR:	Michael Fields	

SUMMARY

On Thursday, November 5, 2020, I was notified by Duke Energy about damage at 7190 Warsaw Rd, Dry Ridge, KY 41035. Duke Energy's Underground Facilities were damaged at the above stated location by a mini excavator.



STATEMENTS

Per Tim Campbell of Triple C Construction: I was digging out for a drain with a mini. I hit the gas line with a tooth on the bucket.

DETERMINATION

It has been determined that, on November 5th, 2020, Triple C Construction was operating a mini excavator at 7190 Warsaw Rd, Dry Ridge, KY 41035. Triple C Construction failed to notify the One Call System. In doing so, they struck a one inch plastic curb to meter gas service in front of the residence.

Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (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. Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator.



ROOT CAUSE

In closing of this investigation, I have concluded that Triple C Construction is responsible for all damages that occurred at this location and is liable for any monies owed to Duke Energy, care of PRG for repairs and replacements.



452954 - Investigator1.JPG



452954 - Investigator2.JPG



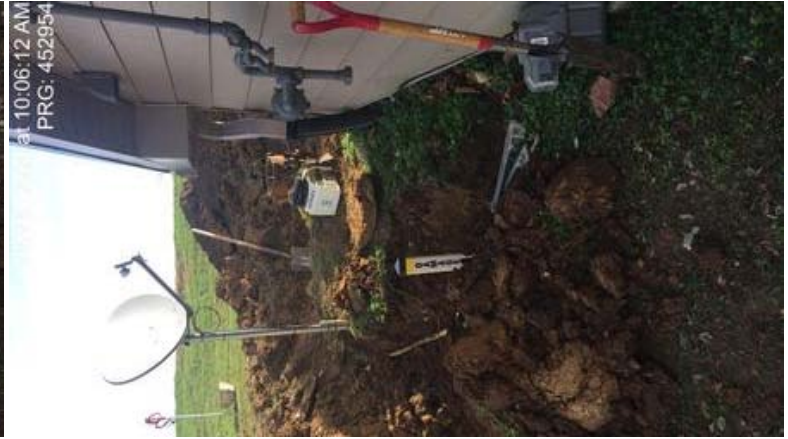
452954 - Investigator3.JPG



452954 - Investigator4.JPG



452954 - Investigator5.JPG



452954 - Investigator6.JPG



452954 - Investigator7.JPG



452954 - Investigator8.JPG



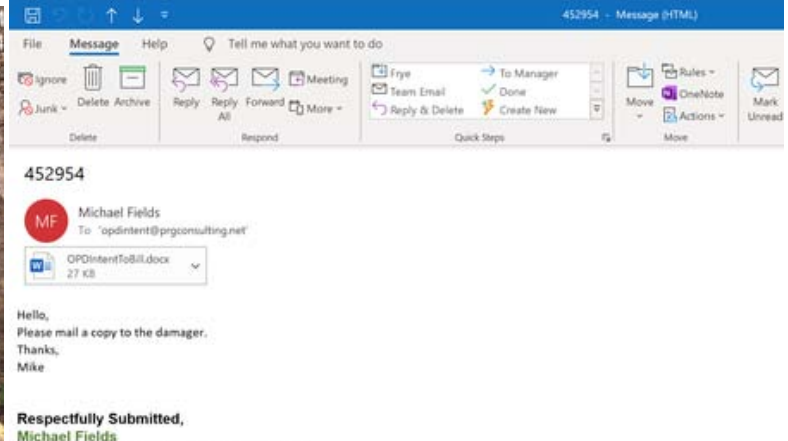
452954 - Investigator9.JPG



452954 - Investigator10.JPG



452954 - Investigator11.JPG



452954 - Investigator12.PNG

Attachment 3



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Amy D. Cabbage
Vice Chairman

Marianne Butler
Commissioner

November 15, 2021

Tim Campbell
CCC Construction Co., Inc.
790 Kenton Station Rd.
Alexandria KY 41001

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **43221**

Dear Mr. Campbell:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on November 5, 2020 to a natural gas or hazardous liquid facility located at 7190 Warsaw Rd., Dry Ridge, KY owned and/or operated by Duke Energy Kentucky, Inc.. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you at 859-547-6465 which has been disconnected, is out of service, not accepting calls and/or the mailbox is full. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric V. Tout", written over a white rectangular background.

Eric V. Tout
Consumer Complaint Investigator
Division of Inspections / Damage Prevention

7020 3160 0001 8129 6334

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$	3.75
Extra Services & Fees (check box, add fees as appropriate)		
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	5.00
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postage	\$	1.36
Total Postage and Fees	\$	2.16

NOV 16 2021
Postmark Here
USPS

Tim Campbell
CCC Construction Co., Inc.
790 Kenton Station Rd.
Alexandria KY 41001

Inc 43221

See Reverse for Instructions

Attachment 4



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Amy D. Cabbage
Vice Chairman

Marianne Butler
Commissioner

December 3, 2021

Tim Campbell
CCC Construction Co., Inc.
790 Kenton Station Rd.
Alexandria KY 41001

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **43221**

Dear Mr. Campbell:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on November 5, 2020 to a natural gas or hazardous liquid facility located at 7190 Warsaw Rd., Dry Ridge, KY owned and/or operated by Duke Energy Kentucky, Inc.. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you at 859-547-6465 which has been disconnected, is out of service, not accepting calls and/or the mailbox is full. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric V. Tout", written over a white rectangular background.

Eric V. Tout
Consumer Complaint Investigator
Division of Inspections / Damage Prevention

Attachment 5

Tout, Eric V (PSC)

From: Nabors, Ronya K <Ronya.Nabors@duke-energy.com>
Sent: Friday, December 3, 2021 7:58 AM
To: Tout, Eric V (PSC)
Subject: RE: [EXTERNAL] 43221, 11/5/2020, 7190 Warsaw Rd., Dry Ridge, CCC Construction Co.

Good morning Eric.

Unfortunately, they are unreachable according to the notes I have. We have reached out to them via mail, email and phone calls to no avail. We spoke with someone named Eddie Hounshell on 11/18/20 & 12/21/20 and he admitted they were at fault and he'd sent the payment in already. After that he stopped communicating with us. His contact information is 855-547-6465 and his email is eddiehounshell48@gmail.com.

Thank you.

Ronya Nabors

NGBU Damage Prevention

DESK 704-731-4522 CELL 704-576-8155

ronya.nabors@duke-energy.com



From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Friday, December 3, 2021 7:30 AM
To: Nabors, Ronya K <Ronya.Nabors@duke-energy.com>
Subject: [EXTERNAL] 43221, 11/5/2020, 7190 Warsaw Rd., Dry Ridge, CCC Construction Co.

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Ronya,

We have conducted searches with Accurint (a search engine we use), Facebook, etc. and are unable to find anything that links the name Tim Campbell, the company, or the address given together. CCC Construction Inc. is in Accurint, but they are based out of Crestwood KY and the Registered Agent is in Utah. A

search for the spelling of Triple C Construction revealed a company from Russell KY and a search of the KY Secretary of State web site reveals no matching information.

Do you have anything that would help in locating/connecting the correct company to this incident?

*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*

Attachment 6

Tout, Eric V (PSC)

From: Tout, Eric V (PSC)
Sent: Friday, December 3, 2021 8:38 AM
To: eddiehounshell48@gmail.com
Subject: 43221, 11/5/2020, 7190 Warsaw Rd., Dry Ridge, KY, Duke Energy Kentucky, Inc.

Eddie Hounshell
CCC Construction Co., Inc.
790 Kenton Station Rd.
Alexandria KY 41001

Re: Violation of Kentucky Underground Facility Damage Prevention Act Incident Number: 43221

Dear Mr. Hounshell:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on November 5, 2020 to a natural gas or hazardous liquid facility located at 7190 Warsaw Rd., Dry Ridge, KY owned and/or operated by Duke Energy Kentucky, Inc.. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you at 859-547-6465 which has been disconnected, is out of service, not accepting calls and/or the mailbox is full. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,
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

Attachment 7

43221

16 Dec 2021 10:56	Delivered, Individual Picked Up at Post Office. Your item was picked up at the post office at 10:56 am on December 16, 2021 in ALEXANDRIA, KY 41001. ALEXANDRIA, KY	USPS
10 Dec 2021 16:10	Notice Left (No Authorized Recipient Available) ALEXANDRIA, KY	USPS
09 Dec 2021 20:38	Departed USPS Regional Facility CINCINNATI OH DISTRIBUTION CENTER	USPS
09 Dec 2021 11:42	Arrived at USPS Regional Facility CINCINNATI OH DISTRIBUTION CENTER	USPS
08 Dec 2021 17:54	Departed USPS Regional Facility LEXINGTON KY DISTRIBUTION CENTER	USPS
08 Dec 2021 00:26	Arrived at USPS Regional Facility LEXINGTON KY DISTRIBUTION CENTER	USPS


Tracking number 70203160000181296396


Destination  United States

Found in USPS

Tracked with couriers USPS

Days in transit 8

 Tracking link


<https://parcelsapp.com/en/tracking/70203160000181296396> 


Bookmark this page to track parcels faster!

 Share to WhatsApp >

 Share to Viber >

 Share to Telegram >

 Track with official websites

 USPS

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00166 DATED NOV 22 2022

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 Andrea Wise, Commission Division of Inspections. 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

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

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00166 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

CCC CONSTRUCTION CO, INC)	
)	
_____)	CASO NO.
)	2022-00166
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

CCC Construction Co, Inc (CCC 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).¹ Una audiencia sobre este caso tendrá lugar el January 27, 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 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

¹ KRS 367.4901 a KRS 367.4917.

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 CCC Construction por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que CCC 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. CCC 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 con el número de caso de este procedimiento en el asunto del mensaje

2. CCC Construction comparecerá el January 27, 2023, a las 9 a.m. Eastern Standard Time, 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.

3. La audiencia January 27, 2023 se llevará a cabo por videoconferencia.

4. CCC 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.

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

6. **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.**

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

8. El Informe de Incidentes del Personal 43221, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 27, 2023 se grabará únicamente por vídeo.
10. **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

Presidente

Vicepresidente

Comisionada

HACE CONSTAR:

Directora Ejecutiva

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO No. 2022-00166 FECHADO

VEINTICINCO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2022-00166 FECHADO

DOS PÁGINAS PARA SEGUIR

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 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

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.

APÉNDICE C

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2022-00166 FECHADO

DIEZ PÁGINAS PARA SEGUIR

CCC CONSTRUCTION CO, INC
790 Kenton Station Rd.
Alexandria, KENTUCKY 41001