

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADELSON PEREZ)	
)	
_____)	CASE NO.
)	2022-00178
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.)

Adelson Perez 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 Mr. Perez 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 Mr. Perez 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. Mr. Perez 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. Mr. Perez 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. Mr. Perez 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. Mr. Perez shall notify the Commission at least ten days prior to the hearing if Mr. Perez 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 43473, 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. 2022-00178 DATED NOV 22 2022

TWENTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43473 **Investigation** 8425
Incident Date 3/7/2021 3:11:00 PM **Report Submitted** 3/30/2021

Operator Information

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

Incident Location 2819 Madison Ave **Locate Ticket Number** No ticket
 Covington KY 41015
 2810 Madison, Latonia - 459545
County Kenton

Excavator Information

Excavator Adelson Perez **Organization ID**
Phone 859-412-7496 **Email**
Address 2810 Madison Ave **Locate Ticket Number** No ticket
 Covington KY 41015

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Mechanized/Backhoe	\$873.00	\$873.00

The Operator reports that the Excavator/Homeowner's contractor damaged a gas service with a backhoe installing a parking pad.

The DR is included as Attachment 1.

INVESTIGATION

On 02/21/22 the Excavator /Homeowner, Adelson Perez, stated he was unable to provide a Locate Ticket (LT) number for this incident. Mr. Perez was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$100.00.

VIOLATIONS¹

KRS 367.4911(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 Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 st Offence Date (Last Offence Date +366 Days)
1 st	43473	3/7/2021	03/08/22

¹ A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

PIPELINE DAMAGE INVESTIGATION REPORT

Attachment 1

Gas Excavation Damage Report

Duke Energy Kentucky, Inc.

Submitted 3/30/2021 Incident ID: 43473

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43473\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 3/7/2021
Time: 3:11 PM

Details:

Reported Date: 3/30/2021 8:23 AM

Incident Location Address:

Location: 2810 Madison, Latonia - 459545
Address: 2819 Madison Ave
City: Covington
State: KY
County: Kenton
Zip: 41015
Confirm Code: D

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: Home Owner

Excavator Address:

First Name: Adelso
Last Name: Perez
Phone: 859-412-7496
Email:
Address: 2810 Madison Ave
City: Covington

State: KY
Zip: 41015
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident Home owner had hired person to excavate a parking pad in front of home. Underground gas service was struck by a backhoe.

Summary Information

3/30/2021

Full details such as the cause Home owner had hired person to excavate a parking pad in front of home. Underground gas service was struck by a backhoe. 811 had not been called, so gas service was not marked.
Extent of the damage Gas service was severed and was blowing gas for 30 minutes before repair crew shut it off.
Cost of the damage \$873.00
Steps taken to prevent re-occurrence
Amount billed to excavator \$873.00

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43473 **Investigation** 8425
Incident Date 3/7/2021 3:11:00 PM **Report Submitted** 3/30/2021

Operator Information

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

Incident Location 2819 Madison Ave **Locate Ticket Number** No ticket
Covington KY 41015
2810 Madison, Latonia - 459545
County Kenton

Excavator Information

Excavator Adelso Perez **Organization ID**
Phone 859-412-7496 **Email**
Address 2810 Madison Ave **Locate Ticket Number** No ticket
Covington KY 41015

SUPPLEMENTAL INVESTIGATION

A Demand letter dated 03/01/22 was mailed to the Excavator with no response.

The Demand Letter is included as Attachment 2.

A Thirty Days Past Due & No Attendance Remedial Measure/Training Letter dated 04/05/22 was mailed to the Excavator and on 04/02/22 said letter was delivered certified mail with no response.

The Certified Past Due letter is included as Attachment 3.

On 04/20/22 the Operator, Duke's Tyler Shelton, provided the following documents:

- Damage Investigation Findings: Which are outlined in the DR Summary and Attachment 1.
- Invoice: Billing the Excavator \$1,091.87 for the damage repair. Mr. Shelton stated that no payment has been received for the repair.

Duke's documents are included as Attachment 4.

Attachment 2



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

March 1, 2022

Adelso Perez
2810 Madison Ave.
Covington KY 41015

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **43473**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Perez:

The Kentucky Public Service Commission (Commission) received a report on March 30, 2021, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the 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 and assess civil penalties for 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) performed an investigation of the incident and prepared the attached incident report. Based on its investigation of the incident, Staff has determined that Adelso Perez committed the following violation(s) of the Act:

KRS 367.4911(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.

CIVIL PENALTY

Based on its investigation of this matter, Staff has determined that Mr. Perez **should be assessed a penalty in the total amount of \$1,250.00, first offense, but that \$1,150.00 of the penalty should be suspended contingent upon Mr. Perez's completion of Damage Prevention training:**

REMEDIAL MEASURE/TRAINING

- A representative of Mr. Perez shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to **<https://psc.ky.gov/classSignUp>**. You will need your incident number: **43473** and assigned key: **8425** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

Within **30 days** of the date of this letter Mr. Perez should mail or deliver a cashier's check or money order **made payable to** the:

"Kentucky State Treasurer"

The check should be in the amount of \$100.00 mailed to: 211 Sower Boulevard, Frankfort, Kentucky 40602

Please include the Incident Number 43473 on the cashier's check or money order submitted for payment. Checks made payable to any other payee besides the Kentucky State Treasurer or without the Incident Number cannot be processed and will be returned, thus delaying the resolution of this matter.

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation within one year, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation.

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Mr. Perez for any violation of the Act arising out of the March 7, 2021 incident. Mr. Perez's payment of the proposed civil penalty will not be considered an admission by Mr. Perez that he/she willfully violated any provision of the Act.

If Mr. Perez does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Mr. Perez and hold a formal hearing during which Mr. Perez will have an opportunity to present evidence.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel

Nancy J. Vinsel
General Counsel

Attachment

Attachment 3



Andy Beshear
Governor

Kent A. Chandler
Chairman

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

April 5, 2022

Adelso Perez
2810 Madison Ave.
Covington KY 41015

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 43473

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Perez:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$100.00 **has not been paid** and **no representative** has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative or Adelso Perez shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **43473** and this key **8425** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel
General Counsel



Mailer: Kentucky Public Service Commission

Date Produced: 04/04/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8371 2519 11. Our records indicate that this item was delivered on 04/02/2022 at 09:58 a.m. in LATONIA, KY 41015. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ADELSON PEREZ
2810 MADISON AVE
COVINGTON KY 41015-1131

Customer Reference Number: C3326719.19420071
Return Reference Number Incident 43473 30 PD



Return address:

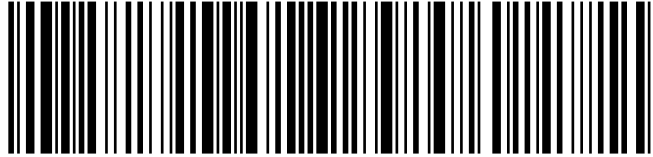
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

Recipient address:

ADELSON PEREZ
2810 MADISON AVE
COVINGTON KY 41015-1131

MAILING DATE: 03/30/2022
DELIVERY DATE: 04/02/2022

USPS CERTIFIED MAIL



9214 8901 9403 8371 2519 11

USPS Tracking Label Number: 9214 8901 9403 8371 2519 11

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	03/30/2022 12:27
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	03/31/2022 20:38
PROCESSED THROUGH USPS FACILITY	LEXINGTON KY DISTRIBUTION CENTE 40511	03/31/2022 21:53
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	04/01/2022 09:57
DEPARTED USPS REGIONAL FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	04/01/2022 21:22
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	04/02/2022 00:57
DELIVERED LEFT WITH INDIVIDUAL	LATONIA,KY 41015	04/02/2022 09:58

CUSTOM 1:

Attachment 4

Tout, Eric V (PSC)

From: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Sent: Wednesday, April 20, 2022 11:30 AM
To: Tout, Eric V (PSC)
Cc: Collins, Jim
Subject: RE: [EXTERNAL] 43473, 3/7/2021, 2819 Madison Ave., Covington, Adelson Perez
Attachments: 459545 - Claim Support Package.pdf

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

Hello Eric,

Sorry for the delay in getting this one back to you. I couldn't find this specific damage for 2819 because we had it in our system as 2810. Not sure if this was a typo by the person that reported this to KPSC, but the correct address appears to be 2810. The only way I ended up finding it was search for the damaging parties name.

Claim support package is attached and this one seems fairly straight forward. The damaging party was invoiced in this instance, but they have not paid for the invoice as of yet.

Let me know if you need anything else on this.

Thanks,

Tyler

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, April 14, 2022 6:15 AM
To: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Cc: Collins, Jim <Jim.Collins@duke-energy.com>
Subject: [EXTERNAL] 43473, 3/7/2021, 2819 Madison Ave., Covington, Adelson Perez

***** 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 Tyler,

Please send all reports, all photos, invoices and payment info (copy of check) if paid. Provide 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*

Damage Investigation Findings

PRG CLAIM:	DK-459545	
DATE OF OUTAGE:	03/07/2021	03:10 PM
NOTIFICATION:	03/07/2021	03:12 PM
ARRIVAL:	03/07/2021	05:47 PM
LOCATION:	2810 Madison Avenue, Covington, KY 41011	
LOCATE TICKET:	(NONE)	
INVESTIGATOR:	Christopher Hogle	

SUMMARY

On Sunday, March 7, 2021, I was notified by Duke Energy about damage at 2810 Madison Avenue, Covington, KY 41011. Duke Energy's Underground Facilities were damaged at the above stated location by a Backhoe.



STATEMENTS

On 03/07/2021 PRG responded to an underground gas utility service that was encountered near the above stated location. It was found that Adelson Perez contracted a personal acquaintance to perform an excavation service and failed to obtain a locate ticket.

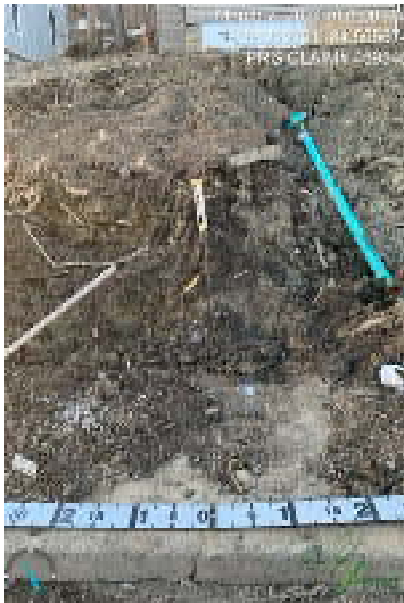
USIC / Damage Investigation Report# 22320210307001 - "Cause Factor: No ticket/Locate request."

DETERMINATION

It has been determined that on March 7th, 2021, Adelson Perez hired friends to perform excavation in attempt to install a parking lot pad. During the excavation process an underground natural gas facility owned by Duke Energy was encountered and thus damaged with a backhoe scoop. Adelson Perez as well as hired help failed to request or obtain a locate ticket via 811 one call center prior to commencing excavation.

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

Failure to notify the One Call Center



459545 - Investigator1.jpeg



459545 - Investigator2.jpeg



459545 - Investigator3.jpeg



459545 - Investigator4.jpeg



459545 - Investigator5.jpeg



459545 - Investigator6.jpeg



459545 - Investigator7.jpeg



459545 - Investigator8.jpeg



459545 - Investigator9.jpeg



459545 - Investigator10.jpeg



459545 - Locate Damage1.JPG



INVOICE



Please Make Check Payable to: Project Resources Group

Remit to: Project Resources Group, Inc. Attn. Damage Claims 5690 DTC Blvd, Suite 650 E Greenwood Village, CO 80111 EIN: 84-1576547	Invoice # DK-459545 Date: April 5, 2021 Terms: Due Upon Receipt Conf. Code # YNVJS
---	---

Responsible for Damages: Adelson Perez 2810 Madison Avenue Covington, KY 41015
--

Date & Address Where Damage Occurred: 3/7/2021 2810 Madison Avenue Covington, KY 41011

Labor and Materials Costs:		<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>				
	Service Mechanic B	1.50	91.53	\$137.30
	Mechanic Iii - C&M (12049)	2.00	35.79	\$71.58
	Mechanic Operator I	2.00	73.70	\$147.40
	Supervisor	0.80	94.34	\$75.47
	Emergency Call Out	1.00	250.00	\$250.00
	Drw 10-15K Utility, Stake, Flat, Dump 4X2	1.50	37.53	\$56.29
	Utilitytruck / Tandem Axle	2.00	54.30	\$108.60
	Damage Investigation/Quality Control	1.00		\$219.00
	Sub-Total			\$1,065.64
<i>Material Costs</i>				
	Cap;Pipe; 1" Cts; Electro Fusion; 125 Lb; Pe	1.00	12.02	\$12.02
	Sub-Total			\$12.02
<i>Loss of Gas</i>				
	Sub-Total			\$14.21
			Invoice Total	\$1,091.87

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Adetunji Joda, (720) 500-9656 or via email ajoda@prgconsulting.net

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00178 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. 2022-00178 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

ADELSON PEREZ)	
)	
_____)	CASO NO.
)	2022-00178
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

(Se proporciona la traducción al español de este documento como anexo/apéndice.)

Adelson Perez (Mr. Perez) 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

¹ KRS 367.4901 a KRS 367.4917.

de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares 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 Mr. Perez 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 Mr. Perez 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. Mr. Perez 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. Mr. Perez 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. Mr. Perez 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. Mr. Perez notificará a la Comisión, al menos diez días antes de la audiencia, si Mr. Perez 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 43473, 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

Comisionado

HACE CONSTAR:

Directora Ejecutiva

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO NO. 2022-00178 FECHADO

VEINTIUNO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO NO. 2022-00178 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 estás 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. 2022-00178 FECHADO

DIEZ PÁGINAS PARA SEGUIR

Adelso Perez
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Covington, KENTUCKY 41015