

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CABLE DIVISION, INC)	
)	
_____)	CASE NO.
)	2022-00382
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.)

Cable Division, Inc. (Cable Division) 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 Cable Division 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 Cable Division 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. Cable Division 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. Cable Division 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. Cable Division 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. Cable Division shall notify the Commission at least ten days prior to the hearing if Cable Division 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 53678, attached to this Order as Appendix A, is made a part of the record in this case.

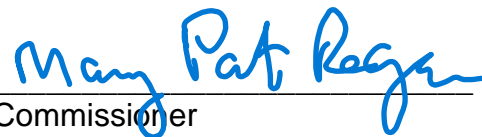
9. The January 27, 2023 hearing shall be recorded by video only.

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. 2022-00382 DATED NOV 23 2022

FIFTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53678 **Investigation** 8877
Incident Date 5/14/2021 2:00:00 PM **Report Submitted** 6/10/2021

Operator Information

Operator Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 1201 Goss Ave **Locate Ticket Number** 2105120628
 Louisville KY 40217

County Jefferson

Excavator Information

Excavator Joe Lannan **Organization ID** 1066931
 Cable Division Inc
Phone 502-599-2253 **Email**
Address 203 W Deer Park Rd **Locate Ticket Number** 2105120628
 Gaithersburg MD 20877

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Boring Machine	\$3,871.00	\$0.00

The Operator reports that the Excavator damaged an accurately marked four-inch gas main while boring.
The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	IncidentDate	# of Days Expired	Within Scope of Excavation
2105120628	Yes	05/12/21	06/02/21	05/14/21	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 07/13/22 an attempt to contact the excavator at 502-599-2253 resulted in a message stating this is Joe wherein a message was left.

On 07/19/22 the Excavator, Cable Division's Joe Lannan, stated that he recalls this incident but was unable to state if the incident location was marked accurately. Mr. Lannan provided one inconclusive photograph of the incident location.

The photograph is included as Attachment 3.

On 07/25/22 the Operator, LG&E's Mike Jones, provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Which are outlined in the DR Summary and Attachment 1.
- Photographs 27: Indicating the damage occurred within the approximate location/tolerance zone of 18 inches.

PIPELINE DAMAGE INVESTIGATION REPORT

- Invoice & Canceled Check: Indicating the Excavator paid \$3,871.16 for the damage repair.

On 07/26, 27 & 08/08/22 an attempt to contact Mr. Lannan resulted in voice messages being left.

On 08/08/22, Dinora Rosoles of Cable Division (301-977-6585) stated that she would see that Mr. Lannan or Freddi return the call. (*Note: Per the KY Secretary of State Website Freddi Rigoberto Silva is the President/Registered Agent and Dinora M. Rosoles is the Authorized Representative.*)

Due to no return calls from the Excavator, a Demand Letter will be mailed, imposing the reduced penalty of \$250.00 and requiring the attendance to the Damage Prevention Course.

VIOLATIONS¹

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.

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	See above	05/14/21	05/15/22

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

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 6/10/2021 Incident ID: 53678

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53678\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 5/14/2021
Time: 2:00 PM

Details:

Reported Date: 6/10/2021 11:19 AM

Incident Location Address:

Location:
Address: 1201 Goss Ave
City: Louisville
State: KY
County: Jefferson
Zip: 40217
Confirm Code: Y

Number of Customers out: 0

Was gas or hazardous liquids contained in the underground facility?

* 3/2020

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: 2105120628

Excavator: Contractor

Excavator Address:

First Name: Joe
Last Name: Lannan
Organization ID:
Company: Cable Division Inc.
Phone: 502-599-2253
Email:
Address: 203 W Deer Park Rd
City: Gaithersburg
State: MD
Zip: 20877
Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident ?Excavator damaged accurately marked gas main.

Summary Information

6/10/2021

Full details such as the cause

Contractor bored into accurately marked 4 inch plastic gas main. Contractor said they couldn't pothole main exactly where they were crossing due to being in sidewalk and causing damage to handicap ramps. We observed no change in depth from where contractor potholed to where it was damaged, two foot away.

Extent of the damage

Punctured 4" plastic gas main

Cost of the damage

\$3,871.00

Steps taken to prevent re-occurrence

Excavator counseled about potholing in bore path.

**Amount billed to
excavator**

\$0.00

Attachment 2

NORMAL NOTICE

Ticket : 2105120628 Date: 05/12/2021 Time: 09:39 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address :

Street : GOSS AVE

Cross 1 : TEXAS AVE

Location: LOCATE SOUTH SIDE OF GOSS AVE AND TEXAS AVE FROM EAST TO WEST CORNER

:

Boundary: n 38.226479 s 38.225381 w -85.733986 e -85.732594

Work type : INSTALLING CONDUIT FOR MCI /VERIZON

Done for : MCI/VERIZON

Start date: 05/14/2021 Time: 09:45 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 5 FT

Company : CABLE DIVISION INC Type: CONT

Co addr : 203 WEST DEER PARK ROAD

City : GAITHERSBURG State: MD Zip: 20877

Caller : JOSEPH LANNAN Phone: (301)556-7311

Contact : JOSEPH LANNAN - CELL Phone:

Mobile : (502)599-2253

Email : JBERNIE480@YAHOO.COM

Submitted date: 05/12/2021 Time: 09:39

Members: 0002 0004 0006 0007 0054 0139 0721

* Responses are current as of 07/01/2022 09:18 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	Clear - No conflict
MCI 0054	FIBER OPTIC		
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
TCS COMMUNICATIONS LLC 0721	FIBER OPTIC		Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .

Attachment 3

Tout, Eric V (PSC)

From: joe lannan <jbernie480@yahoo.com>
Sent: Tuesday, July 19, 2022 11:17 AM
To: Tout, Eric V (PSC)
Subject: Goss Ave damage 5/14/21



Sent from my all knowing iPhone



ADANGER
WARNING
LIVE ELECTRICAL
EQUIPMENT
DO NOT TOUCH
OR APPROXIMATE
TO THIS EQUIPMENT
UNLESS YOU ARE
A QUALIFIED
ELECTRICIAN

Attachment 4

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Monday, July 25, 2022 1:44 PM
To: Tout, Eric V (PSC)
Subject: RE: 53678, 5/14/2021, 1201 Goss Ave., Louisville, Cable Division
Attachments: Yellow Report 1201 Goss Ave.pdf; digitix_attachments_1656685734.zip; DigTix_Incident_Report (15).pdf; temp_GC20211227998_32827784.jpg; temp_GC20211227998_33066431.jpg

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

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Tuesday, July 19, 2022 11:30 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 53678, 5/14/2021, 1201 Goss Ave., Louisville, Cable Division

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Mike,

Please send repots, photos, invoices and payment info (copy of check) if paid.

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



Facts-Based Investigation

Internal Claim ID: INC-20210514-001 Customer Claim ID: _____
Site Investigator: Tracy Reesor Notified At: 05/14/21 14:54:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 1201 Goss Ave Louisville KY 40217
Incident Time: 05/14/21 14:00:00

Original Locate Request: 2105120628 Assigned Locator: ELM Locating
Locate Request Due: 05/14/21 09:40:12 Locate Request Completed: 05/12/21 12:00:14
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Gathering 4
Depth: 18" to < 36" (0.5 to < 1m)
Description and Extent of Damage: Contractor bored into accurately marked 4 inch plastic gas main. Contractor said they couldn't pothole main exactly where they were crossing due to being in sidewalk and causing damage to handicap ramps. We observed no change in depth from where contractor potholed to where it was damaged, two foot away.

Equipment Used: Boring
Excavation Company Name: CABLE DIVISION INC
Company Address: 203 WEST DEER PARK ROAD, GAITHERSBURG, MD 20877
Phone: 5025992253 Contact Name: JOSEPH LANNAN
Working For: MCI/VERIZON
Repair Company: LG&E
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____
Was Locate requested?: Y Locate Request Completed?: Y
Locate Accurate (Within Tolerance Zone): Y If No, Distance Markings Off: N/A
Marks Visible at Time of Damage: Y Damage Within Scope of Ticket: Y



Facts-Based Investigation

Repair Contact Name: Brayden Lander **Phone:** _____

Repair Comments: Crew dug two holes to shut off two way feed. Intersection closed for several hours and business affected.

Witness: _____ **Phone:** _____

Comments: _____

Witness: _____ **Phone:** _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Cable Division

Responsible Party Comments: Edward Chacon said they potholed main approx two foot from bore path because City of Lou does not want them damaging the 88 ramp (curb pads for the handicapped). They spotted accurately marked main in street, contractor said he attempted to bore across intersection but had to pull back and go a little lower each time due to encountering a hard object under ground. On the third attempt, he struck the gas main.

Date of Investigation: 05/14/21 **Investigation Time (Hours):** _____

Site Investigator's Name: Tracy Reesor **Phone:** 5022694079

Site Investigator's Signature: Tracy Reesor **Date:** 05/17/2021

Damage Status: Excavation Issue

Cause Code: Excavator failed to maintain clearance after verifying marks

Damage Claims Manager: _____





NOTE: Only 12 most recent photos shown. To view all 27 attachments, please view the ticket within DigTix.

Incident Field Investigation Report — Gas

\$ 3,871.14



Damage report # 2021052006

Is this related to a capital project? Yes No

Project/task CTP0419 | CAPITAL

G# 001021519

Resp. ctr. AOC

Damage to company facilities

Date of incident 5-14-21 Time 2:00 a.m. p.m. Police report # _____
Address/location of damage 1201 Goss Ave. ZIP code 40204
Subdivision name _____
Time dispatched 2:00 a.m. p.m. Time of completion 8:00 a.m. p.m.
Who caused damage? Cable Division, Inc.
(Name of contractor, utility, individual, etc.)
Address of party causing damage 203 W. Deer Park Rd. Gaithersburg MD 20877
(Street) (City) (State) (ZIP)
Phone number of party causing damage (502) 599-2253
(Area code) (Number)
Was party causing damage still on the job? Yes No If yes, who was in charge? Joe Lannan
If no, how did you obtain name of party causing damage? _____
What was damaged? Company main - 4" PE Customer service Company service Other _____
What type of work was being performed? Boring in telecom
Party's explanation for damage Potholed 2' from damage, off sidewalk, attempted to shoot bore 3x and struck gas main
What repairs were made? Replace damaged section of 4" PE main.
Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 0

Possible damage to others

Date of incident _____ Time _____ a.m. p.m.
What was damaged? _____
What was LG&E doing at this location? _____
Description of damage _____
Owner of property _____ Phone (_____) _____
(Area code) (Number)
Owner's address _____
(Street) (City) (State) (ZIP)
To whom was damage reported? _____
Was an LG&E contractor notified? Yes No If yes, name of contractor _____
Is the LG&E contractor responsible for the damage? Yes No
Were photos taken? Yes No If yes, from whom can the photos be obtained? _____
Were there any injuries? Yes No If yes, name of injured party _____
Were there any witnesses to the incident? Yes No
Name Address Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name 2105120628 Cable Division, INC.
Were facilities marked? Yes No Did excavator agree? Yes No
If yes, were facilities properly marked? Yes No Did excavator agree? Yes No
If no, how were they mismarked? (be specific) _____
Was line locating contractor on the job? Yes No ELM

5-14-21
(Date of report)

B. J. L.
(Signature of employee)

E028997
(Employee number)

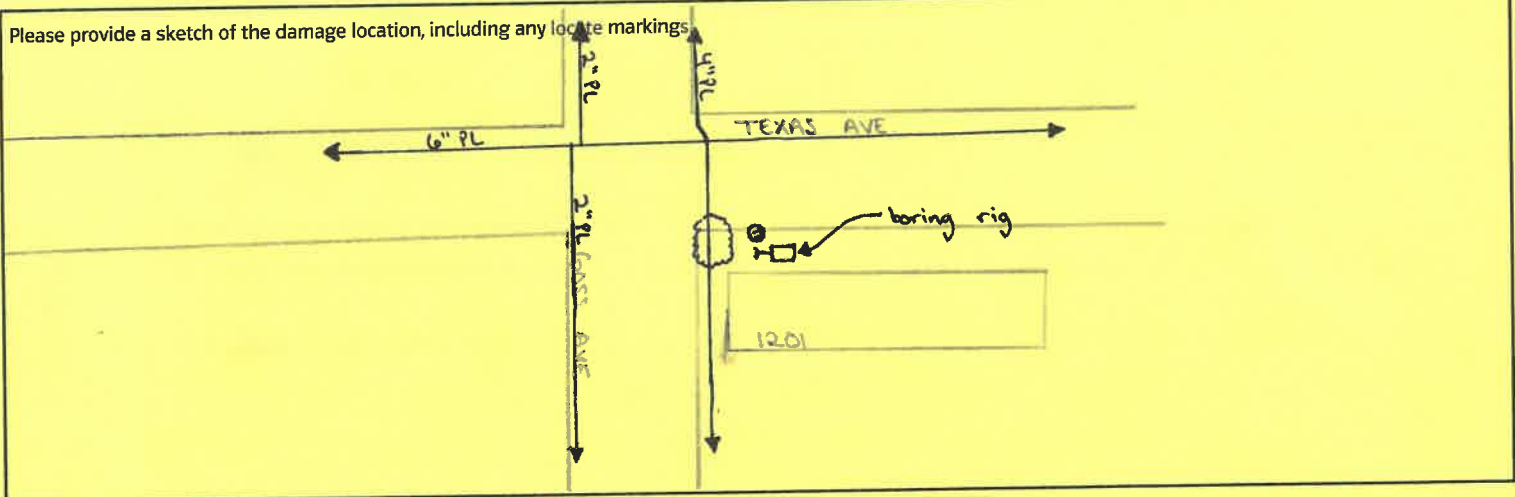
Approved [Signature]

Date 5-18-21

Put any additional comments on back

Comments Replace 3' of 4" PE main.

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Lander, Brayden	E028997	6			4953	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Beck, David	E029684	6				<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Ledford, Garth	E028316	.5	5.5		4876	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Power, Jackson	E029682	.5	5.5			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Moran, Alfonso	E028996	.5	6		4879	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
KoK, George	E028317	X	3		4922	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Rouse, Cheyenne	E029679		3			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Lile, Joshua	E029390	.5	6		7688	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Dunaway, Daniel	E029539		6			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota



Material Used		
Qty.	Material	IIN#
	ft. Pipe PE 2406: 1/2" IPS	1170051
	ft. Pipe PE 2406: 1" CTS	1170078
	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
	ea. 1/2" IPS Permasert coupling	0394943
	ea. 1" CTS Permasert coupling	0394935
	ea. 2" IPS Electrofusion CPL	0394894
2	ea. 4" IPS Electrofusion CPL	0394901
	ea. 1" Prefab Meterloop w/reg.	0532951
	ea. Flex Riser 1" male by 1/2" IPS	0530927
	ea. Flex Riser 1" male by 1" CTS	0530935
	ea. Farm tap (w/o regulator)	ARM WR 5695012
	ea. Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
3'	4" PE pipe	





Goss Ave
1200

FORAGE

1201

Plants
for the
people.





2021-05-14 16:06:05

38.2258818,-05.7112201



2021-05-14 16:07:18
38.2259519,-95.7332201



2021-05-14 16:07:12
38.2259619,-65.7332201



2021-05-14 16:08:27
38.2258125,-85.7333617





2021-05-14 16:09:52

36.2258426,-85.7331727





2021-05-14 16:10:23
88.2258428,-85.7331727



2021-05-14 16:10:27
38.2258428,-85.7331727





2021-05-14 10:11:12
38.2258189, -85.7330070







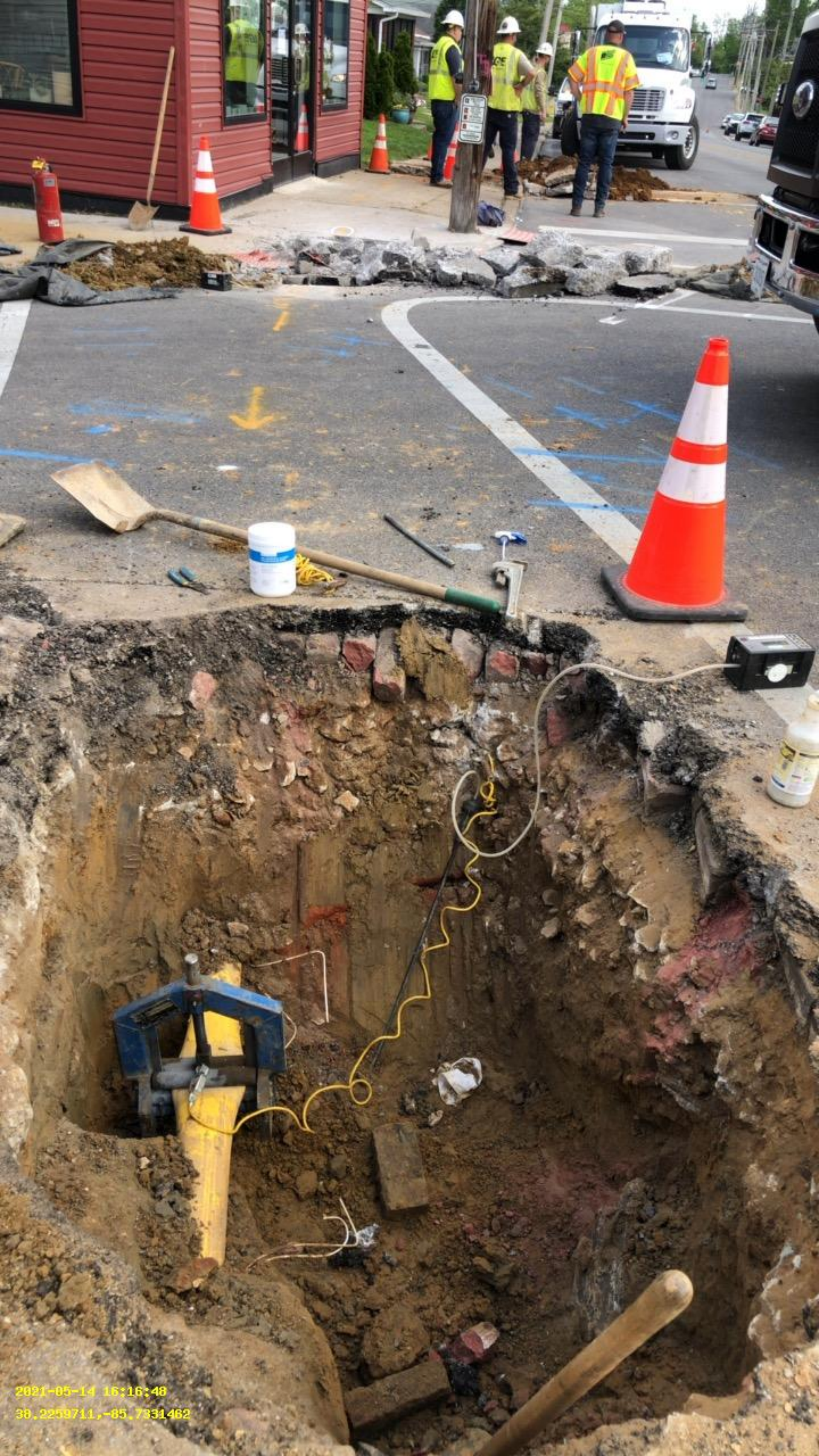




2021-05-14 16:11:31
38.2258788,-85.7332565



NO PARKING
ANY TIME



2021-05-14 16:16:48
38.2259711,-85.7331462











2021-05-14 17:21:04



2021-05-10 17:21:19



Invoice
Louisville Gas and Electric Company
820 West Broadway
Louisville, KY 40202
Attn: Remittance and Collection
800-928-1340

INVOICE DATE: 06/08/2021

REFERENCE NO.: CTPD419
DTS INVOICE NO.: 2021052006

AMOUNT DUE: \$3,871.16
DUE DATE: 07/08/2021

CABLE DIVISION INC
203 WEST DEER PARK ROAD
GAITHERSBURG MD 20877

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR: Broken Gas Main
DAMAGE DATE: 05/14/2021
DAMAGE LOCATION: 1201 Goss Ave
Louisville, KY 40204

LABOR HOURS: 49.00

LABOR COST:

\$3,386.74

MATERIAL COST:

\$79.39

TRANSPORTATION/EQUIPMENT COST:

\$405.03

CONTRACTOR COST:

\$0.00

OTHER DAMAGE COSTS:

\$0.00

TOTAL DUE: \$3,871.16

Louisville Gas and Electric Company - Remittance and Collection - 820 West Broadway - Louisville, KY 40202

CABLE DIVISION, INC
LG&E
Damages/Backcharges

1201 Goss Ave, Louisville, KY 40204

08/24/2021

29661
3,871.16

2021 052006

BB&T 2021052006

3,871.16



CABLE DIVISION, INC
303 W DEER PARK RD
GATHERERSBURG, MD 206271819
301-656-7311

Branch Banking and Trust Company
Louisville, KY
73-60938

29661

08/24/2021

PAY TO THE
ORDER OF LG&E

\$ 3,871.16

Three Thousand Eight Hundred Seventy-One and 16/100 DOLLARS

LG&E
Attn: Cash Remittance
820 West Broadway
Louisville, KY 40202

MEMO 2021052006

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00382 DATED NOV 23 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. 2022-00382 DATED NOV 23 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

CABLE DIVISION, INC)	
)	
_____)	CASO NO.
)	2022-00382
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

Cable Division, INC (Cable Division) 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 Cable Division por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Cable Division 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. Cable Division 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. Cable Division 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. Cable Division 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. Cable Division notificará a la Comisión, al menos diez días antes de la audiencia, si Cable Division 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 53678, 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/a

HACE CONSTAR:

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO NO. 2022-00382 FECHADO

CINCUENTA Y UNO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO NO. 2022-00382 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. 2022-00382 FECHADO

DIEZ PÁGINAS PARA SEGUIR

Fredi Rigoberto Silva
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Louisville, KENTUCKY 40211

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