

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VICTORY GARDENS OF KENTUCKY, LLC)	
)	
_____)	CASE NO.
)	2023-00164
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 C.)

Victory Gardens of Kentucky, LLC (Victory Gardens) 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 July 28, 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 conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Commission Staff cites Victory Gardens 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 Victory Gardens 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. Victory Gardens 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 Commission Staff Incident Report within 20 days of receipt of this Order.

2. Victory Gardens shall appear on July 28, 2023, at 9 a.m. Eastern Daylight 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 July 28, 2023 hearing shall be conducted via video conferencing.

4. Victory Gardens 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. Victory Gardens shall notify the Commission at least ten days prior to the hearing if Victory Gardens 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 Commission Staff Incident Report without the representation of an attorney.

8. The Commission Staff Incident Report 43501, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 28, 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.**

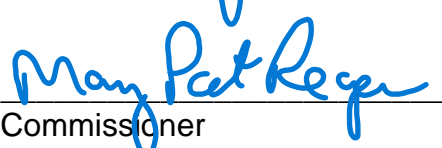
PUBLIC SERVICE COMMISSION



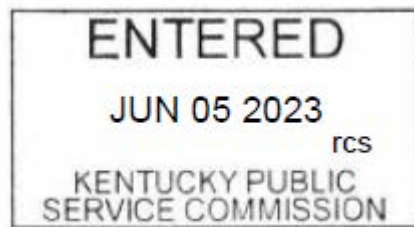
Chairman



Vice Chairman



Commissioner



ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00164 DATED JUN 05 2023

THIRTY-FIVE PAGES TO FOLLOW

SUPPLEMENT PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43501 **Investigation** 8460
Incident Date 3/17/2021 4:21:00 AM **Report Submitted** 4/8/2021

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 1960 Eastview Ave **Locate Ticket Number** NA
Louisville KY 40205

County Jefferson

Excavator Information

Excavator Victory Gardens of Kentucky, LLC **Organization ID** 1045842
Phone 502-291-8628 **Email**
Address PO Box 4085 **Locate Ticket Number** NA
Louisville KY 40204

SUPPLEMENTAL INVESTIGATION

A Demand Letter dated 03/20/22 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 said certified letter was delivered on 04/11/22 with no response.
The Certified Past Due Letter is included as Attachment 3.

On 04/18/22 811, April Butler, conducted a searched from 02/01/21 thru 03/31/21 and found no requests for Loacte Tickets by the Excavator for the incident location on the incident date, 03/17/21.
811's email is included as Attachment 4.

On 04/20/22 the Operator, LG&E's Mike Jones, provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Which have been outlined in the DR Summary and Attachment 1.
- Photographs-9: Depicting the incident location.
- Invoice: Billing the Excavator \$486.97 for the damage repair. Mr. Jones stated that this repair bill has not been paid.

LG&E's documents are included as Attachment 5.

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

March 1, 2022

David Zoller
Victory Gardens of Kentucky, LLC
P.O. Box 4085
Louisville KY 40204

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **43501**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Zoller:

The Kentucky Public Service Commission (Commission) received a report on April 8, 2021, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Louisville Gas and Electric Company. 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 Victory Gardens of Kentucky 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 Victory Gardens of Kentucky **should be assessed a penalty in the total amount of \$1,250, first offense, but that \$1,000 of the penalty should be suspended contingent upon Victory Gardens of Kentucky's completion of Damage Prevention training:**

REMEDIAL MEASURE/TRAINING

A representative of Victory Gardens of Kentucky 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: **43501** and assigned

key: **8460** 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 Victory Gardens of Kentucky 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 **\$250.00** mailed to: **211 Sower Boulevard, Frankfort, Kentucky 40602.**

Please include the Incident Number 43501 on the cashier's check or money order submitted for payment.

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 Victory Gardens of Kentucky for any violation of the Act arising out of the March 17, 2021 incident. Victory Gardens of Kentucky's payment of the proposed civil penalty will not be considered an admission by Victory Gardens of Kentucky that it willfully violated any provision of the Act.

If Victory Gardens of Kentucky does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Victory Gardens of Kentucky and hold a formal hearing during which Victory Gardens of Kentucky 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

David Zoller
Victory Gardens of Kentucky, LLC
P.O. Box 4085
Louisville KY 40204

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 43501

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Zoller:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 **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 of Victory Gardens of Kentucky 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, **43501** and this key **8460** 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



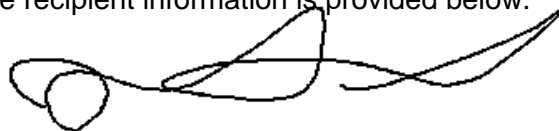
Mailer: Kentucky Public Service Commission

Date Produced: 04/18/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8371 2554 90. Our records indicate that this item was delivered on 04/11/2022 at 11:00 a.m. in LOUISVILLE, KY 40204. The scanned image of the recipient information is provided below.

Signature of Recipient :



DAVID ZOLLER

Address of Recipient :

PO BOX 4085

LOUISVILLE, KY 40204-0085

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:

DAVID ZOLLER
VICTORY GARDENS OF KENTUCKY, LLC
P.O. BOX 4085
LOUISVILLE KY 40204

Customer Reference Number: C3326719.19420073

Return Reference Number Incident 43501 30PD



Return address:

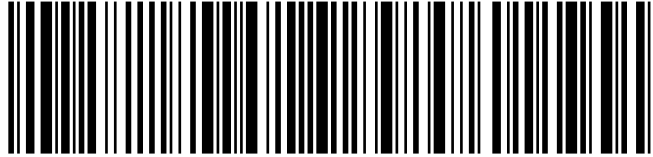
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

Recipient address:

DAVID ZOLLER
VICTORY GARDENS OF KENTUCKY, LLC
P.O. BOX 4085
LOUISVILLE KY 40204

MAILING DATE: 03/30/2022
DELIVERY DATE: 04/11/2022

USPS CERTIFIED MAIL



9214 8901 9403 8371 2554 90

USPS Tracking Label Number: 9214 8901 9403 8371 2554 90

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	LOUISVILLE,KY 40221	04/01/2022 12:48
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	04/02/2022 01:46
DELIVERED INDIVIDUAL PICKED UP AT PO	LOUISVILLE,KY 40204	04/11/2022 11:00

CUSTOM 1:

Attachment 4

Tout, Eric V (PSC)

From: April Butler <abutler@usa811.org>
Sent: Monday, April 18, 2022 9:23 AM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 43501

Hello,

We searched for tickets from February 1st through March 31st, 2021 but were unable to find any tickets submitted on 1960 Eastview Ave in Louisville, Jefferson County, for the excavator Victory Gardens of Kentucky. If you have any more information, we would be happy to assist you further.

Thank you,
April Butler, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

Know what's below. 811 before you dig.

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Thank you,
April Butler, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

Know what's below. 811 before you dig.

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[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Mon, Apr 18, 2022 at 9:16 AM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket(s) for:

Incident Date: 3/17/2021 (Provided the date range for the search)

Operator: LG&E

Incident Location: 1960 Eastview Ave., Louisville

County: Jefferson

Excavator: Victory Gardens of Kentucky

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 5

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Wednesday, April 20, 2022 7:53 AM
To: Tout, Eric V (PSC)
Subject: RE: 43501, 3/17/2021, 1960 Eastview Ave., Louisville, Victory Gardens of Kentucky
Attachments: 2021033001.pdf; Yellow Report.pdf; DigTix_Incident_Report.pdf; digitix_attachments_1650455121.zip

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

I have attached the invoice but this went to collections.

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Monday, April 18, 2022 9:13 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 43501, 3/17/2021, 1960 Eastview Ave., Louisville, Victory Gardens of Kentucky

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-20210317-002 Customer Claim ID: _____
Site Investigator: Tracy Reesor Notified At: 03/17/21 17:04:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 1960 Eastview Ave Louisville KY 40205
Incident Time: 03/17/21 16:30:00

Original Locate Request: None found Assigned Locator: _____
Locate Request Due: _____ Locate Request Completed: _____
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 0.5
Depth: < 18" (0.5m) Below Grade
Description and Extent of Damage: Contractor damaged unmarked 1/2" pl customer service with a shovel while attempting to remove a root ball.

Equipment Used: Hand Tools
Excavation Company Name: VICTORY GARDENS OF KY
Company Address: 65 VALLEY HILL ROAD, SPRINGFIELD, KY 40069
Phone: 5022918628 Contact Name: DAVID ZOLLER
Working For: _____
Repair Company: LG&E
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N
Impact Comments: _____

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



Facts-Based Investigation

Repair Contact Name: Charlie Phone: _____

Repair Comments: Brian Russell

Witness: _____ Phone: _____

Comments: _____

Witness: _____ Phone: _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Victory Gardens of KY

Responsible Party Comments: Landscape crew was only supposed to remove overgrown bamboo above ground per David Zoller. He said he calls 811 when digging. David said he wasn't on site at time of damage, and his crew wasn't supposed to be digging.

Date of Investigation: 03/17/21 Investigation Time (Hours): _____

Site Investigator's Name: Tracy Reesor Phone: 5022694079

Site Investigator's Signature: Tracy Reesor Date: 03/23/2021

Damage Status: One Call Notification Issue

Cause Code: No notification made to One-Call Center / 811

Damage Claims Manager: _____





Incident Field Investigation Report — Gas



a PPL company

Damage report # 2021033001

Is this related to a capital project? Yes No

Project/task OTPD419 / Maint

G# 001014190

Resp. ctr. EOL

Damage to company facilities

Date of incident 3-17-21 Time 4:55 a.m. p.m. Police report # _____

Address/location of damage 1960 Eastview Ave. Louisville Ky. ZIP code 40205

Subdivision name _____

Time dispatched 4:21 a.m. p.m. Time of completion 7:15 a.m. p.m.

Who caused damage? Victory gardens of Ky
(Name of contractor, utility, individual, etc.)

Address of party causing damage PO Box 4085 Louisville Ky. 40204
(Street) (City) (State) (ZIP)

Phone number of party causing damage (502) 291 8608
(Area code) (Number)

Was party causing damage still on the job? Yes No If yes, who was in charge? Victory gardens of Ky.

If no, how did you obtain name of party causing damage? _____

What was damaged? Company main Customer service Company service Other _____

What type of work was being performed? Bush clearing

Party's explanation for damage digging out a root ball

What repairs were made? Repaired 1/2" gas plastic service

Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 1

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 No buds

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

3-17-21

(Date of report)

Prin Kelly

(Signature of employee)

E026748

(Employee number)

Approved _____

Date 3-19-2021

Put any additional comments on back

13-27-21

13-27-21
3-21-21
3-21-21

Comments _____

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
C. Buribeau	26553	2			8374	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Brian Russell	26748	2			4877	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Kurt Jackson	28862	2			8406	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.

Material Used			IIN#
Qty.	Material		
2	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
2	ea. 1/2" IPS Permasert coupling		0394943
	ea. 1" CTS Permasert coupling		0394935
	ea. 2" IPS Electrofusion CPL		0394894
	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)		



2021-03-17 17:12:22

38.2192364,-85.6874072





2021-03-17 17:28:52
38.2192782,-85.6873742















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

INVOICE DATE: 04/06/2021

REFERENCE: OTPD419
 NO.:
 DTS INVOICE: 2021033001
 NO.:

AMOUNT DUE: \$486.97
 DUE DATE: 05/06/2021

VICTORY GARDENS OF KY
 PO BOX 4085
 LOUISVILLE KY 40204

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

COST TO REPAIR: Damaged Company Gas Service
 DAMAGE DATE: 03/17/2021
 DAMAGE LOCATION: 1960 EASTVIEW AVE
 Louisville, KY 40205

LABOR HOURS: 6.00

LABOR COST: \$408.35

MATERIAL COST: \$38.12

TRANSPORTATION/EQUIPMENT COST: \$40.50

CONTRACTOR COST: \$0.00

OTHER DAMAGE COSTS: \$0.00

TOTAL DUE: \$486.97

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00164 DATED JUN 05 2023

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. 2023-00164 DATED JUN 05 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

VICTORY GARDENS OF KENTUCKY, LLC)	
_____)	
PRESUNTA INFRACCIÓN DE LA LEY DE)	CASO NO.
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	2023-00164
SUBTERRÁNEAS)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE
KENTUCKY

Victory Gardens of Kentucky, LLC (Victory Gardens of Kentucky) 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 July 28, 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 Victory Gardens of Kentucky 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 Victory Gardens of Kentucky 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. Victory Gardens of Kentucky 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. Victory Gardens of Kentucky comparecerá el July 28, 2023, a las 9 a.m. Eastern Daylight 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 July 28, 2023 se llevará a cabo por videoconferencia.

4. Victory Gardens of Kentucky 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. Victory Gardens of Kentucky notificará a la Comisión, al menos diez días antes de la audiencia, si Victory Gardens of Kentucky 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 43501, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia July 28, 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. 2023-00164 FECHADO

TRIENTA Y CINCO PÁGINA(S) A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00164 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.

Victory Gardens of Kentucky, LLC
PO Box 4085
Louisville, KENTUCKY 40204