

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN MILLER	)	
	)	
_____	)	CASE NO.
	)	2023-00170
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.)

John Miller 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).<sup>1</sup> 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

---

<sup>1</sup> 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 John Miller 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 John Miller 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. John Miller shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. John Miller 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. John Miller 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. John Miller shall notify the Commission at least ten days prior to the hearing if John Miller 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.**

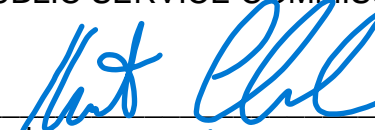
7. An individual may submit a response to the allegations contained in the Commission Staff Incident Report without the representation of an attorney.


8. The Commission Staff Incident Report 53940, 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.

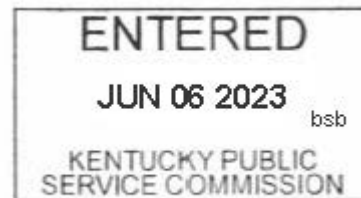
10. **Please note parties who fail to appear after service will be subject to entry of a default judgment against them.**

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. 2023-00170 DATED JUN 06 2023

TWENTY-TWO PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53940 **Investigation** 9426  
**Incident Date** 8/23/2021 9:15:00 AM **Report Submitted** 9/22/2021

## Operator Information

**Operator** Atmos Energy Corporation **Reported By** Jonathon Bledsoe  
**Phone** (270) 925-6312 **Email** jonathon.bledsoe@atmosenergy.com

**Incident Location** 420 Park St **Locate Ticket Number** na  
Sacramento KY 42372  
420 Park St Sacramento  
**County** McLean

## Excavator Information

**Excavator** John Miller **Organization ID**  
John Miller  
**Phone** 270-449-4019 **Email** na  
**Address** 435 W 2nd St **Locate Ticket Number** na  
Sacramento KY 42372

## Damage Report Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call-KY Contact Center (811)	Yes	Yes	Mechanized/Backhoe	\$504.00	\$504.00

The Operator reports that the Excavator damaged an underground ¾-inch gas service with a backhoe while demolishing a home and failed to contact 811.

**The DR is included as Attachment 1.**

## INVESTIGATION

On 02/07, 08 & 13/23, an attempt to contact the Excavator at 270-449-4019 resulted in the call not going through.

On 02/13 & 14/23, an attempt to contact the Excavator at 270-736-2726 (# Per Accurint) resulted in a busy signal.

On 02/13/23, the Operator, Atmos's Jonathan Bledsoe, provided the following documents:

- Leak Found Report & Third Party Damage Form: Outlined in the DR Summary and Attachment 1.
- Five Photographs: Depicting the incident location.
- Invoice: Indicating the Operator billed the Excavator \$504.11 for the damage repair, which has not been paid.

**Atmos's documents are included as Attachment 2.**

Due to the inability to contact the Excavator, via telephone, a Demand Letter offering the reduced penalty amount of \$250.00 and requiring a representative attend to the Damage Prevention Course will be mailed.

# PIPELINE DAMAGE INVESTIGATION REPORT

## VIOLATIONS<sup>1</sup>

**KRS 367.4911(1)(a)** Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

### **# of Offences Within 365 Days**

(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
1 <sup>st</sup>	See above	08/23/21	08/24/22

---

<sup>1</sup> 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

## Atmos Energy Corporation

Submitted 9/22/2021 Incident ID: 53940

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53940\)](#)

### Reported By:

---

**Name:** Jonathon Bledsoe  
**Phone:** (270) 925-6312  
**Email:** jonathon.bledsoe@atmosenergy.com

### Gas Line Incident Occured:

---

**Date:** 8/23/2021  
**Time:** 9:15 AM

### Details:

---

**Reported Date:** 8/26/2021 10:10 AM

#### Incident Location Address:

---

**Location:** 420 Park St Sacramento  
**Address:** 420 Park St  
**City:** Sacramento  
**State:** KY  
**County:** McLean  
**Zip:** 42372  
**Confirm Code:** Y

Number of Customers out: 0

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: na

Excavator: Contractor

## Excavator Address:

---

First Name: John

Last Name: Miller

Organization ID:

Company: John Miller

Phone: 270-449-4019

Email: na

Address: 435 W 2nd St

City: Sacramento

State: KY

Zip: 42372

Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

**Description of Incident** John Miller damaged a 3/4" PE service with a backhoe. No locate request was made.

## Summary Information

---

9/22/2021

**Full details such as the cause** John Miller damaged a 3/4" PE Service with a backhoe while demolishing a home. No locate request was made. The damage occurred below the ground.

<b>Extent of the damage</b>	3/4 " PE service retired.
<b>Cost of the damage</b>	\$504.00
<b>Steps taken to prevent re-occurrence</b>	John Miller was educated on calling 811. John Miller was billed for repairs.
<b>Amount billed to excavator</b>	\$504.00

# Attachment 2

## Tout, Eric V (PSC)

---

**From:** Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>  
**Sent:** Monday, February 13, 2023 3:32 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** Stanley, Bill  
**Subject:** FW: 53940, 8/23/2021, 420 Park St., Sacramento, John Miller

### This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

Please follow the following link to find the requested documents. No call was made to 811. I had to open the pictures with the Paint program for some reason.

<https://ae.watchdox.com/ngdox/workspaces/451168/>

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |  
Jonathon.Bledsoe@atmosenergy.com | [www.atmosenergy.com](http://www.atmosenergy.com)

---

**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Wednesday, February 8, 2023 11:33 AM  
**To:** Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>  
**Subject:** [EXT] 53940, 8/23/2021, 420 Park St., Sacramento, John Miller

**CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Jonathon,

Please send reports, photos pre & post, 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*



# LEAK FOUND REPORT

eAM WO#: 21887423 Construction Order Number: C0132933

Leak Asset #: 710565 Project Number: 050-23957

Division: 009 District / Cost Center: 2636 County / Parish: Matterburg Town: Sacramento

State: KY Tax District: 92502  ICL  OCL Map Sheet #: \_\_\_\_\_

Address / Location: 420 Park St Cross Street: Chestnut St

Asset Description: \_\_\_\_\_ Land Description: \_\_\_\_\_

GPS Coordinates: Latitude 37.420556 Longitude -87.269540 Leak Survey Area: \_\_\_\_\_

Class Location:  1  2  3  4 Facilities Class:  Distribution  Transmission  Gathering  Storage  Production

Date Leak Found: 08/23/2021 (MM/DD/YYYY) Time Leak Found: 09:30  AM  PM

Time Leak Classified: 09:35  AM  PM Leak Grade:  1  2 (5 day)  3  2 (30 day)  4  2 (180 day)

(M15) Leak Graded By: James Craig (M1) Surveying Leaks ID#: 24450

Suspected Facility:  Main  Service  Riser  Yardline  Meter Loop  Other Feet to Building: 300'

CGI Reading: 100 % Gas \_\_\_\_\_ % LEL Surface Type:  Dirt  Brick  Concrete  Asphalt  Rock  Liquid  Other

Leak Found:  Yes  No Third Party Damage:  Yes (If Yes, complete Third Party Damage Form)  No

Leak Located:  Above Ground  Below Ground Residual Gas:  Yes  No

Notes: cut cut 3/4" Dupont svc with backhoe while demolishing house. JCraig 8/23/21

Reason Not Repaired:  
 Duplicate Order  
 Customer Line  
 Not Natural Gas  
 Other Company  
 No Leak Found

### Initial Leak Cause:

- Corrosion Group
  - Corrosion
- Excavation Group
  - Operator Personnel / Contractors Excavating
  - Other Third Party Excavators
  - Locator
  - Vehicle (Auto / Truck / Etc.)
- Natural Forces Group
  - Lightning
  - Washout
  - Ground Movement
  - Ice
  - Static Electricity
- Other Outside Forces Group
  - Vandalism
  - Fire / Explosion First
  - Excessive Strain
- N/A

- Materials & Welds Group
  - Dent
  - Gouge
  - Factory Defect
  - Wrinkle / Bend
  - Weld (Steel)
  - Fusion Defect (Plastic)
- Equipment Group
  - Equipment Malfunction
  - Gasket / O-Ring
  - Packing
- Operations Group
  - Inadequate / Failure to Follow Procedures
  - Stripped Threads
  - Backfill
- Other
  - Not Excavation
  - Other Explanation

3/4" E7 end cap



# THIRD PARTY DAMAGE FORM

eAM WO#: 01887423

Construction Order Number: **C**           

Asset #: 710565

Project Number: 050-23957

Rate Division: 009

### INCIDENT DETAILS

Date of Damage: 08/23/2021 Time of Damage: 09:15  AM  PM  
MM/DD/YYYY

Was the Regulatory Commission called?  Yes  No Incident Number: \_\_\_\_\_

Address/Location: 420 Park St Cross Street: Chestnut

City: Sacramento County/Parish: Muhlenburg State: KY

- ROW:
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Public-City Street    | <input type="checkbox"/> Private Business        | <input type="checkbox"/> Dedicated Public Utility Easement |
| <input type="checkbox"/> Public-State Hwy      | <input type="checkbox"/> Private-Land Owner      | <input type="checkbox"/> Federal Land                      |
| <input type="checkbox"/> Public-County Road    | <input type="checkbox"/> Private-Easement        | <input type="checkbox"/> Railroad                          |
| <input type="checkbox"/> Public-Interstate Hwy | <input type="checkbox"/> Pipeline                | <input checked="" type="checkbox"/> Unknown/Other          |
| <input type="checkbox"/> Public-Other          | <input type="checkbox"/> Power/Transmission Line |  |

### EXCAVATOR DETAILS

Company Name: John Miller

Address: 435 W 2nd St

City: Sacramento State: KY Zip: 42372

Contact Name: John Miller Phone: 270-499-4019

- Excavator Type:  Contractor  County  Farmer  Municipality  Occupant  Railroad  State  Utility  Developer  
 Home Owner  Unknown/Other

Pipeline Damage With:

- |  |   |   |   |  |
|--|---|---|---|--|
| <input type="checkbox"/> Auger                       | <input type="checkbox"/> Drilling             | <input type="checkbox"/> Grader/Scraper   | <input type="checkbox"/> Probing Device | <input type="checkbox"/> Milling Equipment |
| <input checked="" type="checkbox"/> Backhoe/Trackhoe | <input type="checkbox"/> Directional Drilling | <input type="checkbox"/> Hand Tools       | <input type="checkbox"/> Trencher       | <input type="checkbox"/> Unknown/Other     |
| <input type="checkbox"/> Boring                      | <input type="checkbox"/> Explosives           | <input type="checkbox"/> Vacuum Equipment | <input type="checkbox"/> Farm Equipment |  |

Work Performed:

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Agriculture                | <input type="checkbox"/> Engineering/Survey       | <input type="checkbox"/> Road Work              | <input type="checkbox"/> Traffic Sign      |
| <input type="checkbox"/> Bldg Construction          | <input type="checkbox"/> Fencing                  | <input type="checkbox"/> Sewer (Sanitary/Storm) | <input type="checkbox"/> Water             |
| <input checked="" type="checkbox"/> Bldg Demolition | <input type="checkbox"/> Irrigation               | <input type="checkbox"/> Site Development       | <input type="checkbox"/> Water Improvement |
| <input type="checkbox"/> Cable TV                   | <input type="checkbox"/> Landscaping              | <input type="checkbox"/> Steam                  | <input type="checkbox"/> Liquid Pipeline   |
| <input type="checkbox"/> Curb/Sidewalk              | <input type="checkbox"/> Grading                  | <input type="checkbox"/> Storm Drain/Culvert    | <input type="checkbox"/> Milling           |
| <input type="checkbox"/> Drainage                   | <input type="checkbox"/> Pole                     | <input type="checkbox"/> Street Light           | <input type="checkbox"/> Unknown/Other     |
| <input type="checkbox"/> Driveway                   | <input type="checkbox"/> Public Transit Authority | <input type="checkbox"/> Telecommunications     |  |
| <input type="checkbox"/> Electric                   | <input type="checkbox"/> Railroad Maintenance     | <input type="checkbox"/> Traffic Signal         |  |

Excavator Incur Downtime:  Yes  No  Unknown How much Downtime? \_\_\_\_\_ Downtime Cost Incurred? \_\_\_\_\_

### AFFECTED FACILITY DETAILS

Was any Facility Damaged?  Yes  No Release of Product?  Yes  No  Unknown Location:  Above Ground  Below Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center?  Yes  No  Unknown

Center Name: \_\_\_\_\_ Locate Ticket Number: \_\_\_\_\_

Excavator Notify Atmos Energy Directly?  Yes  No  Unknown

Excavator Notified 911?  Yes  No  Unknown Name: \_\_\_\_\_

Facility Type:  Distribution  Gathering  Service/Stub  Transmission  Unknown/Other

Pipeline Material:  Bare Steel  Coated Steel  Cast Iron  PE  PVC  Other

Facility Damaged On:  Body of Pipe  Coating  Housing  Other Protective Device

Type of Pipeline Damaged:  Intrastate  Interstate  Unknown

Pipeline Status:  Active  Idle  New Pipe (no product)  Abandoned (no product)

Damaged Pipe Diameter: \_\_\_\_\_ inches Depth of Facility: \_\_\_\_\_ feet \_\_\_\_\_ inches

Joint Trench:  Yes  No  Unknown

### DAMAGE & IMPACT DETAILS

Damaged by:  Third Party  Operator  Operator's Contractor

Caused Service Interruption:  Yes  No

Requires Regulatory Notification:  Yes  No

Customer Affected: 0

Death/Hospitalization

Number of Injuries: -

Property Damage ≥ \$50,000

Type of Injuries: -

Estimated gas loss ≥ 3 million cubic feet

Number of Fatalities: -

Outage Hours: -

Restoration Cost: -



**DAMAGE & IMPACT DETAILS CONT'D**

Root Cause of Damage:  No notification made to the OneCall Center  
 Notification to OneCall Center made, but not sufficient  
 Wrong information provided to OneCall Center  
 Facility could not be found or located  
 Facility marking or location not sufficient  
 Facility was not located or marked  
 Incorrect facility maps  
 Failure to maintain marks  
 Failure to support exposed facilities  
 Failure to use hand tools where required  
 Failure to test-hole (pot hole)  
 Improper backfilling practices  
 Failure to maintain clearance  
 Other insufficient excavation practices  
 OneCall Center error  
 Abandoned facility  
 Deteriorated facility  
 Previous damage  
 Data not collected  
 Other

Impact:  Fire/Ignition occur  Any evacuation (Number of people: \_\_\_\_\_)  Any media coverage  Any explosions  
 Any street blocked  Any other impact Comments: \_\_\_\_\_

**NOTIFYING, LOCATING, MARKING DETAILS**

Locate Request to OneCall Center Prior to Excavation:  Yes  No  
 Center Name: \_\_\_\_\_ OneCall Ticket Number: \_\_\_\_\_  
 Date of Notification: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ]  
 Original Locator:  Pipeline Operator  Utility Owner  Data Not Collected  Unknown/Other  
 Contract Locator Locator Name: \_\_\_\_\_  
 Marked by White Lining:  Yes  No  Unknown  
 Atmos Energy Rep Onsite:  Yes  No  Unknown  
 Any Special Instructions:  Yes  No  Unknown  
 Locator met with Excavator:  Yes  No  Unknown  
 Facility Gave Positive Response:  Yes  No  Unknown  
 Marked using Maps:  Yes  No  Unknown  
 Excavator Gave Proper Notice:  Yes  No  Unknown  
 Locate Procedures Followed:  Yes  No  Unknown  
 Date of Positive: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ] Time of Positive: [ ] [ ] : [ ] [ ]  AM  PM  
 Excavator made 2nd call to OneCall:  Yes  No  Unknown  
 Reason:  No positive response to first call  Positive response is unclear or incorrect  All clear appears questionable  Other  
 2nd Notice Ticket Number: \_\_\_\_\_ Date of 2nd Notice: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ]  
 Facility gave positive response to 2nd notice:  Yes  No  Unknown  
 Date of Positive: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ] Time of Positive: [ ] [ ] : [ ] [ ]  AM  PM  
 Facility Marks Visible:  Yes  No  Unknown  
 Marked by Paint:  Yes  No  Unknown  
 Marked by Flags:  Yes  No  Unknown  
 Method used to Locate:  Conductive  Inductive  Unknown  Other: \_\_\_\_\_  
 Another type of Marking Use:  Yes  No  Unknown: \_\_\_\_\_  
 Facility Marked Correctly:  Yes  No  Unknown/Other: \_\_\_\_\_  
 Reason Not Marked:  Pipeline was not marked  Portion of pipeline was not marked  Pipeline was not marked accurately  
 Improper type of marking  Other: \_\_\_\_\_  
 Distance of Inaccurate Marks from Pipeline: \_\_\_\_\_ feet \_\_\_\_\_ inches

**OTHER INFORMATION**

Line Pressure: 28 psig Pipe Damage: (Length) 24 inches (Width) 1 inches  
 Leak Duration: 30 minutes Locate Priority: \_\_\_\_\_ FERC Account: 050, 8240  
 Insurance Company: \_\_\_\_\_ Agent Name: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Locate Mark within State Law:  Yes  No Police Report Number: \_\_\_\_\_  
 Pre-Damage Photos:  Yes  No Post-Damage Photos:  Yes  No Billing Required:  Yes  No

**LABOR**

Name	Title	Reg Time	Overtime	Drive Tim
James Craig	Sr Svc Tech	1.5 hrs		15 min 25
James Stewart	Town Op	1.5 hrs		30 min 50

**EQUIPMENT**

Quantity	Time	Quantity	Time
1/2 Ton Truck <u>2</u>	<u>3 hrs 45 min</u>	Trencher	_____
1 Ton Truck _____	_____	Backhoe	_____
2 Ton Truck _____	_____	Compressor	_____
Dump Truck _____	_____	Boring Machine	_____
Welder _____	_____	Other	_____

Comments: Cost cut 3/4" Dupont svc with backhoe, safely squeezed svc & temp capped svc. Const to retire.

Completed By: James Craig Date: 8/23/21

**ATMOS ENERGY CORPORATION**  
**KENTUCKY / MID-STATES DIVISION**  
**KENTUCKY OPERATIONS**  
**3RD PARTY DAMAGE BILLING**

**NAME:**  
**BILLING ADDRESS:**  
**CITY, STATE, & ZIP CODE:**  
**PHONE #:**  
**EMAIL ADDRESS:**  
**INSURANCE PROVIDER:**  
**INSURANCE POLICY #:**  
**ATMOS WORK CENTER:**  
**DATE OF DAMAGE:**  
**DAMAGE LOCATION:**  
**ASSET #:**  
**eAM #:**  
**SAP INVOICE #:**

John Miller  
 435 W 2nd St.  
 Sacramento, KY 42372  
 (270) 499-4019  
 2636 - Owensboro  
 August 23, 2021  
 420 Park St., Sacramento, KY 42372  
 710565  
 21887423

LINE NO.	CHARGE TYPE:			
1	LABOR			\$ 378.58
2	MATERIALS			\$ 14.47
3	EQUIPMENT			\$ 71.25
4	GAS LOSS COSTS	Enter PGA Rate (per MCF)	Volume (MCF)	\$ 39.81
		\$ 4.9761	8	
5	OUTSIDE SERVICES			\$ -
6	MISCELLANEOUS COSTS			\$ -
7	TOTAL 3RD PARTY DAMAGE BILLING			\$ 504.11

Pipe Size	1
Material Type	PE
Pressure (PSIG)	28
Duration (Minutes)	30
Distance to Feeder Main or Regulator Station (Feet)	62
Main or Service	Service

- 1) Fill out all Information in Rows 1-6
- 2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
- 3) Click Circular Hole if damage is circular. Enter dimensions
- 4) Click Calculate Gas Loss

Gas Loss Flow Rate	273	Cubic Feet/Min.
Gas Loss in Cubic Feet	8,180	Cubic Feet
Gas Loss in Pounds	375	Pounds
Gas Loss in CCF	82	CCF
Gas Loss in MCF	8	MCF

Calculator uses IGT Flow Formula

**IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES**

File Home View

Paste Cut Copy Crop Resize Rotate

Clipboard Image Tools

Brushes

Shapes Outline Fill

Size

Color 1 Color 2

Colors

Edit colors

Edit with Paint 3D



File Home View

Paste Cut Copy

Select Crop Resize Rotate

Brushes

Shapes

Outline Fill

Size

Color 1 Color 2

Colors

Edit colors

Edit with Paint 3D



420 Park St (3) - Paint

File Home View

Paste Cut Copy

Select Crop Resize Rotate

Brushes

Shapes

Outline Fill

Size

Color 1 Color 2

Colors

Edit colors

Edit with Paint 3D





420 Park St (5) - Paint

File Home View

Paste Cut Copy

Select Crop Resize Rotate

Brushes Tools

Shapes Outline Fill

Size

Color 1 Color 2

Colors

Edit colors

Edit with Paint 3D







# INVOICE

JOHN MILLER  
435 W 2ND ST.  
SACRAMENTO KY 42372

Page: 1  
Claim Number 000200054907  
Invoice No: 313975  
Invoice Date: 06-OCT-21  
Customer No: 174455  
Credits and Payments: 0.00  
Amount Due Remaining: 504.11  
Amount Due Original: 504.11  
Sales Rep: Michael C.Townsend  
Payment Terms: NET10  
Due date: 16-OCT-21

For billing questions, please call: 270-836-7229 Total Amount Due 504.11 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	14.47	14.47
2	Tools and Equipment	1	Job	71.25	71.25
3	Labor	1	Job	378.58	378.58
4	Gas Loss	8	mcf	4.9761	39.81

PAGE TOTAL 504.11

Please include Remittance Slip to ensure timely application of your Payment

**CHECK REMITTANCE TO:**

ATMOS ENERGY CORP  
P. O. BOX 841425  
Dallas TX 75284-1425

**ELECTRONIC REMITTANCE TO:**

ATMOS ENERGY CORP  
Bank of America  
ACH Routing# 111000012  
Bank Wire Routing# 026009593  
Acct# 3756617812  
Ref: 313975



Customer No: 174455  
Invoice No: 313975  
Total Amount Due: 504.11 USD

**BILL TO:**

JOHN MILLER  
435 W 2ND ST.  
SACRAMENTO KY 42372



## Third Party Damage Claims Recovery

JOHN MILLER  
435 W 2ND ST.  
SACRAMENTO KY 42372

<b>Date of Loss:</b>	23-AUG-21	<b>Invoice#</b>	313975
<b>Damages:</b>	\$504.11		
<b>Location of Damage:</b>	420 Park St Sacramento Ky		
<b>Description of Damage:</b>	3/4" Service Was Hit With Backhoe During Bldg.Demolition. Did Not Call 811.		
<b>Claim #:</b>	000200054907		

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.**

Sincerely,

Michael C.Townsend  
Phone :270-836-7229  
Fax :N/A  
cody.townsend@atmosenergy.com  
Para informacion en espanol, por favor llamar al 270-836-7229

3275 Highland Pointe Dr  
Owensboro KY 42303





Kirkham, Nicole  
To: Bledsoe, Jonathon

This one was uncollectible / efforts exhausted.

	Invoice No	Inv Amt	Inv Status	Cncl Reas	Claim Resolution	Outst Bal	Claim Di...
<input type="checkbox"/>	313975	504.11	Closed	UNCOLLECTIBL...	Efforts Exhausted	.00	

Payment History

	Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Invoice Activity	Inv Act Reason
<input type="checkbox"/>	3	313975		319928	504.11	03/23/2022	03/23/2022	CREDIT MEMO	UNCOLLECTIBL...
<input type="checkbox"/>	2	313975				12/06/2021	12/06/2021	50 DAY LETTER UPDATE	
<input type="checkbox"/>	1	313975				11/15/2021	11/15/2021	30 DAY LETTER UPDATE	

**Nicole Kirkham**  
Operations Assistant  
3510 Coleman Rd  
Paducah, KY 42001  
(270)702-6591



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00170 DATED JUN 06 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](mailto: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](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 3<sup>rd</sup> 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. 2023-00170 DATED JUN 06 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

JOHN MILLER	)	
	)	
_____	)	CASO NO.
	)	2023-00170
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

John Miller (John Miller) 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).<sup>1</sup> 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 de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

---

<sup>1</sup> 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 John Miller 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 John Miller 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. John Miller 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](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje

2. John Miller 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. John Miller 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. John Miller notificará a la Comisión, al menos diez días antes de la audiencia, si John Miller 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 53940, 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. 2023-00170 FECHADO

VIENTIDOS PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00170 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](mailto: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](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.



John Miller  
435 W 2nd St  
Sacramento, KENTUCKY 42372