

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J & S CONSTRUCTION, LLC	)	
	)	
_____	)	CASE NO.
	)	2023-00174
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

ORDER

A hearing was scheduled before the Kentucky Public Service Commission (Commission) on October 27, 2023, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that J & S Construction violation KRS 367.4911(10) when, on July 22, 2021, at approximately 10:45 AM at 112 Blackthorn Drive, Nicholasville KY 40356, it conducted excavation activities within the approximate location of an accurately located underground facility with mechanized equipment and thereby caused damage to a ¾" gas service owned and operated by Delta Natural Gas Company, Inc. (Delta Natural Gas) to serve the public.

According to the Damage Report submitted to the Commission by Delta Natural Gas, which is encompassed in the Final Investigative Report compiled by the Commission's Division of Inspections, J & S Construction was stated to be in violation of KRS 367.4911(10) and subject to a civil penalty for this violation by operation of KRS 367.4917(1) and KRS 367.4917(4). J & S Construction did not appear at the hearing.

Upon Commission Staff's Motion for Default Judgment herein against J & S Construction, and that it appears that the J & S Construction was duly served with the

Initiating Order and Final Investigative Report on September 19, 2023, and made no Answer nor filed any responsive pleading herein, and is thereby in default, and the Commission being otherwise sufficiently advised;

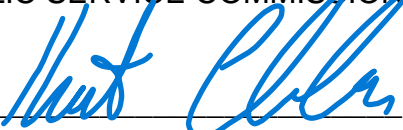
IT IS HEREBY ORDERED that:

1. J & S Construction is assessed a civil penalty in the amount of \$4,000 for violation of KRS 367.4911(10) and KRS 367.4917(4).
2. J & S Construction shall pay \$4,000 within 30 days of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.
3. The Commission's investigation of Damage Incident 53852 is hereby closed, and this case is removed from the Commission's docket.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the Commission to act or, within 20 days after service of the final Order, as set out in KRS 278.410.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
DEC 05 2023  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

\*J&S Construction, LLC  
106 Lewis Ct  
Georgetown, KENTUCKY 40324