

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PHILLIPS WATERPROOFING AND CONCRETE)	
)	
_____)	CASE NO.
)	2023-00303
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

ORDER

A hearing was scheduled before the Kentucky Public Service Commission (Commission) on January 26, 2024, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Phillips Waterproofing and Concrete violated KRS 367.4911(1)(a) when, on July 9, 2021, at approximately 11:32 a.m. at 7208 Vaughn Mill Road, Louisville, Kentucky 40228, Phillips Waterproofing and Concrete conducted excavation activities without a locate request within the approximate location of an unmarked underground facility and thereby cause damage to a ½” gas service owned and operated by Louisville Gas and Electric Company (LG&E) to serve the public.

According to the Damage Report submitted to the Commission by LG&E, which is encompassed in the Final Investigative Report compiled by the Commission’s Division of Inspections, Phillips Waterproofing and Concrete was stated to be in violation of KRS 367.4911(1)(a) and subject to a civil penalty for this violation by operation of KRS 367.4917(1) and KRS 367.4917(4). Phillips Waterproofing and Concrete did not appear at the hearing.

Upon Commission Staff's Motion for Default Judgement herein against Phillips Waterproofing and Concrete, and it appears that Phillips Waterproofing and Concrete was duly served with the Initiating Order and Final Investigative Report on November 6, 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. Phillips Waterproofing and Concrete be assessed a civil penalty in the amount of \$2,000 for violation of KRS 367.47911(1)(a) and KRS 367.4917(4).
2. Phillips Waterproofing and Concrete shall pay \$2,000 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 53846 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
FEB 15 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Kevin Phillips
PHILLIPS WATERPROOFING AND CONCRETE
175 Rainbow Drive
Columbia, KENTUCKY 42728

*Kevin Phillips
PHILLIPS WATERPROOFING AND CONCRETE
8880 S Preston Hwy
Lebanon Junction, KENTUCKY 40150