

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DOMASCHKO EXCAVATION CONTRACTORS,)		
LLC)		
_____)		CASE NO.
ALLEGED VIOLATION OF UNDERGROUND)		2024-00035
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.)

Domaschko Excavation Contractors, LLC (Domaschko Excavation) 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 April 26, 2024.

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

¹ KRS 367.4901 through KRS 367.4917.

more than \$1,000 for the second offense within one year, and no more than \$3,000 for 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 Domaschko Excavation 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 Domaschko Excavation 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. Domaschko Excavation 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. Domaschko Excavation shall appear on April 26, 2024, 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 April 26, 2024 hearing shall be conducted via video conferencing.

4. Domaschko Excavation 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. Domaschko Excavation shall notify the Commission at least ten days prior to the hearing if Domaschko Excavation 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.

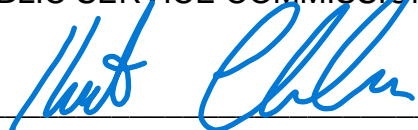
7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 54348, attached to this Order as Appendix A, is made a part of the record in this case.

9. The April 26, 2024 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

ENTERED
MAR 04 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00035 DATED MAR 04 2024

TWENTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54348 **Investigation** 10421
Incident Date 12/20/2021 9:40:00 AM **Report Submitted** 1/12/2022

Operator Information

Operator Duke Energy Kentucky, Inc. **Reported By** Tyler Shelton
Phone (859) 445-8721 **Email** tyler.shelton@duke-energy.com

Incident Location 985 Jenny Ct **Locate Ticket Number** NO TICKET
Florence KY 41042
985 Jenny Court
County Boone

Excavator Information

Excavator Carl Domaschko **Organization ID** 0544436
Domaschko Excavation
Contractors, LLC
Phone 859-393-2315 **Email**
Address 95 Setters Rd **Locate Ticket Number**
Warsaw KY 41095

Damage Report (DR) 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/Not Specified	\$0.00	\$0.00

The Operator reports that the Excavator damaged a one-inch gas service and failed to contact 811. A Legal Notice of Gas Line Damage dated 07/25/23 was mailed to the Excavator.

The DR & Notice are included as Attachment 1.

INVESTIGATION

On 08/21/23, the Operator, Duke's Tyler Shelton, stated that no payment for the damage repairs have been received and Mr. Shelton provided the Damage Investigation Findings which is outlined in the DR Summary & Attachment 2.

Duke's documents are included as Attachment 2.

On 08/28/23, Mr. Domaschko stated that research was warranted and requested a call on 08/30/23.

On 08/30-31/23, attempts to contacting Mr. Domaschko resulted in a voice messages being left.

A Past Due Notice date 08/31/23 was mailed to the Excavator with a due date of 09/30/23. The Past Due Notice was delivered on 09/02/23.

The Past Due Notice & Delivery Receipt are included as Attachment 3.

VIOLATIONS¹

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

PIPELINE DAMAGE INVESTIGATION REPORT

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)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	12/20/21	12/21/22

Attachment 1

Gas Excavation Damage Report

Duke Energy Kentucky, Inc.

Submitted 1/12/2022 Incident ID: 54348

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54348\)](#)

Reported By:

Name: Tyler Shelton
Phone: (859) 445-8721
Email: tyler.shelton@duke-energy.com

Gas Line Incident Occured:

Date: 12/20/2021
Time: 9:40 AM

Details:

Reported Date: 1/12/2022 10:43 AM

Incident Location Address:

Location: 985 Jenny Court
Address: 985 Jenny Ct
City: Florence
State: KY
County: Boone
Zip: 41042
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: NO TICKET

Excavator: Contractor

Excavator Address:

First Name: Carl

Last Name: Domaschko

Organization ID:

Company: Domaschko Excavation

Phone: 8593932315

Email:

Address: 95 Setters Rdg

City: Warsaw

State: KY

Zip: 41095

Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident Domaschko Excavation failed to notify the One Call Center prior to their excavation.

Summary Information

1/12/2022

Carl Domaschko has failed to provide a dig ticket number or document for this excavation as of 1/1. No locate tickets found within USIC portal. It has been determined that Carl Domaschko has failed to notify the One Call Center.

Full details such as the cause	
Extent of the damage	1" plastic service
Cost of the damage	\$0.00
Steps taken to prevent re-occurrence	
Amount billed to excavator	\$0.00



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
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

July 25, 2023

Carl Domaschko
Domaschko Excavation Contractors, LLC
95 Setters Rdg.
Warsaw, KY 41095

Carl A. Domaschko Jr., Registered Agent
Domaschko Excavation Contractors, LLC
14553 Walton Verona Rd.
Verona, KY 41092

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54348**

LEGAL NOTICE OF GAS LINE DAMAGE

Dear Mr. Domaschko:

The Kentucky Public Service Commission (Commission), on January 12, 2021, received the attached Gas Excavation Damage Report (Damage Report) alleging Domaschko Excavation Contractors damaged a natural gas facility owned and/or operated by the Duke Energy Kentucky, Inc. The Damage Report alleges that on December 20, 2021, Domaschko Excavation Contractors violated the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917 at 985 Jenny Ct., Florence, KY41042, by failing to contact the KY Contact Center (811) prior to excavation.

Under the Act, 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.

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, 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.

Based upon the allegations contained in the Damage Report and the Commission's records of prior underground facility damage, Commission Staff has determined that:

1. This incident is the first incident of damage to an underground facility involving Domaschko Excavation Contractors within the past 365 days.
2. The statutory provision that Domaschko Excavation Contractors is alleged to have

violated is:

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.

3. The civil penalty for this alleged violation is \$1,250.00

RESPONSE REQUIRED FOR RESOLUTION

There are three options you may choose from to resolve this violation. *Please select a method of resolution listed below:*

1. **Dispute the Alleged Violation:** Domaschko Excavation Contractors has the right to dispute the allegations made by Duke Energy Kentucky, Inc. If you have additional facts or evidence that you wish to provide to dispute the allegations made in the Damage Report, please contact Eric V. Tout, Division of Inspections at 502-782-2622, or ericv.tout@ky.gov prior to paying the civil penalty.
2. **Penalty Payment:** This incident may be resolved by Domaschko Excavation Contractors paying the full amount of the civil penalty listed above. *Payment of the penalty will not be considered an admission of willfully violating any provision of the Act.*

If Domaschko Excavation Contractors does not wish to dispute the alleged violation, Domaschko Excavation Contractors should submit payment, within 30 days of the date of this letter, in the amount of \$1,250.00.

3. **Training:** If this letter indicates this is Domaschko Excavation Contractors' first alleged violation of the Act, Domaschko Excavation Contractors should contact Andrea Bramblett, at andrea.bramblett@ky.gov or (502) 782-2656 to arrange to attend a training course that if completed will **reduce the civil penalty amount due to \$250**. *Payment of the reduced penalty will not be considered an admission of willfully violating any provision of the Act.*

If the excavator would like to pay via electronic payment, please contact Andrea Bramblett, at andrea.bramblett@ky.gov or (502) 782-2656 to have a digital invoice issued. If submitting payment by mail, please send a cashier's check or money order, made payable to **Kentucky State Treasurer**, to the address listed below.

**Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602**

Please include the Incident Number 54348 on the cashier's check or money order submitted for payment or any email request for invoice. *Checks made payable to any other payee besides the Kentucky State Treasurer or without the Incident Number cannot be processed and will be returned, thus delaying the resolution of this matter.*

ADMINISTRATIVE PROCEEDING

If Domaschko Excavation Contractors does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or



provide the Division of Inspections with additional information that relieves Domaschko Excavation Contractors of responsibility for the damage, the Commission will institute an administrative proceeding against Domaschko Excavation Contractors.

The Administrative Proceeding will include a formal hearing in front of the Commission, during which Domaschko Excavation Contractors will have the opportunity to present evidence, call witnesses, and cross examine witnesses called by the Division of Inspections. Failure to participate in these proceedings may result in a default judgement against Domaschko Excavation Contractors for the full amount of the proposed civil penalty. Pursuant to Kentucky law, **all business entities, including limited liability companies, must be represented at the administrative proceeding by legal counsel licensed to practice law in Kentucky.**

If you have questions regarding the Administrative Proceeding, please contact the attorney representing Division of Inspections at 502-791-0493 or jnorriganfield@ky.gov.

Sincerely,



Michael Nantz
Division Director

Attachment

Attachment 2

Tout, Eric V (PSC)

From: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Sent: Monday, August 21, 2023 10:24 AM
To: Tout, Eric V (PSC)
Subject: RE: [EXTERNAL] 54348, 12/20/2021, 985 Jenny Ct., Florence, Domaschko Excavation
Attachments: 478140 - Claim Support Package 985 Jenny Ct.pdf

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

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hello Eric,

Please see attached support package. This was not paid for by the excavator.

Tyler Shelton

Gas Integrity Risk Program Manager, Duke Energy Inc.

📞 **Mobile:** 859-445-8721 | ✉ **Email:** tyler.shelton@duke-energy.com

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Monday, August 21, 2023 8:16 AM
To: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Subject: [EXTERNAL] 54348, 12/20/2021, 985 Jenny Ct., Florence, Domaschko Excavation

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Tyler,

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*



INVOICE



Please Make Check Payable to: Project Resources Group

Remit to: Project Resources Group, Inc. Attn. Damage Claims 5690 DTC Blvd, Suite 650 E Greenwood Village, CO 80111 Terms: Due Upon Receipt EIN: 84-1576547	Invoice # DK-478140 Date: January 28, 2022 Terms: Due Upon Receipt Conf. Code # K6SQP Bank: BOK Financial Account #: 5892990000037 Routing: 102000607 Remit Email: accounting@prgconsulting.net
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Responsible for Damages:
 Domaschko Excavation Contractors
 95 Setters Ridge
 Warsaw, KY 41095

Date & Address Where Damage Occurred:
 12/20/2021 985 Jenny Ct
 Florence, KY 41042

Labor and Materials Costs:			
	<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>			
Mechanic Iii - C&M (12049)	2.00	35.79	\$71.58
Mechanic Operator Ii	2.00	68.10	\$136.20
Mechanic Operator I	2.00	73.70	\$147.40
Service Mechanic A	2.00	82.82	\$165.64
Service Mechanic A	2.00	82.82	\$165.64
Service Mechanic B	1.50	75.78	\$113.67
Supervisor	2.00	94.34	\$188.68
Emergency Call Out	1.00	250.00	\$250.00
Utilitytruck / Tandem Axle	2.00	54.30	\$108.60
Drw 15-26K Utility, Stake, Flat, Dump 4X4	2.00	53.04	\$106.08
Srw Utility, Stake, Flat 4X4	1.50	40.10	\$60.15
Damage Investigation/Quality Control	1.00		\$400.00
Sub-Total			\$1,913.64
<i>Material Costs</i>			
Cap;Pipe; 1" Cts; Electro Fusion; 125 Lb; Pe	1.00	12.02	\$12.02
Sub-Total			\$12.02
<i>Loss of Gas</i>			
Sub-Total			\$72.67
Invoice Total			\$1,998.33

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Amber Gabriel, (980) 920-1139 or via email please contact: agabriel@prgconsulting.net

Damage Investigation Findings

PRG CLAIM:	DK-478140	
DATE OF OUTAGE:	12/20/2021	09:40 AM
NOTIFICATION:	12/20/2021	09:47 AM
ARRIVAL:	12/20/2021	11:22 AM
LOCATION:	985 Jenny Ct, Florence, KY 41042	
LOCATE TICKET:	NONE	
INVESTIGATOR:	Christopher Hogle	

SUMMARY

On Monday, December 20, 2021, I was notified by Duke Energy about damage at 985 Jenny Ct, Florence, KY 41042. Duke Energy's Underground Facilities were damaged at the above stated location by a Backhoe.



STATEMENTS

Carl Domaschko / Domaschko Excavation Contractors / Damaging Party "We were doing some grading on the lot and we had hit a gas line that was more shallow than he had expected. USIC was here prior to dig and they did provide marks that were found to be accurate. I do not have a dig ticket number to provide for the excavation."

DETERMINATION

It has been determined that on December 20th, 2021 Domaschko Excavation Contractors was performing excavation at the above stated location and during the lot grading process Domaschko Excavation Contractors came into contact with and thus damaged an underground natural gas facility owned by Duke Energy Company. Duke Energy Company was then contacted and an emergency response crew responded to the scene of the damage encounter to perform an on site emergency repair to the affected and leaking underground natural gas service. Locate marks were present within the tolerance zone of the affected underground facility however Domaschko Excavation Contractors has failed to provide a locate dig ticket for the excavation performed on site during the damage encounter.

- Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (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. Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator.



ROOT CAUSE

Failure to notify the One Call Center



478140 - Investigator1.jpeg



478140 - Investigator2.jpeg



478140 - Investigator3.jpeg



478140 - Investigator4.jpeg



478140 - Investigator5.jpeg



478140 - Investigator6.jpeg



478140 - Investigator7.jpeg



478140 - Investigator8.jpeg



478140 - Investigator9.jpeg



478140 - Investigator10.jpeg

Attachment 3



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
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

August 31, 2023

Carl A. Domaschko Jr., Registered Agent
Domaschko Excavation Contractors, LLC
14553 Walton Verona Rd.
Verona, KY 41092

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54348**.

Past Due Notice

Dear Mr. Domaschko:

This is a reminder that your account is now past due in the amount of **\$1250.00**. Attached is the Notice of Gas Line Damage and the Damage Report that was previously sent to you for the above Incident, which our records indicate as **UNRESOLVED**.

If Domaschko Excavation Contractors does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or provide the Division of Inspections with additional information that relieves Domaschko Excavation Contractors of responsibility for the damage, the Commission will institute an administrative proceeding against Domaschko Excavation Contractors. Please refer to the attached Notice of Gas Line Damage for instructions to schedule training and/or submit payment.

Once a referral to the Commission is made for the Administrative Hearing, 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 demand for remedial measures and penalty assessment, please contact Eric V. Tout, Division of Inspections at ericv.tout@ky.gov or (502) 782-2622.

Sincerely,

Michael C. Nantz
Director, Division of Inspections

Attachment



Mailer: Kentucky Public Service Commission

Date Produced: 09/04/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8328 5437 17. Our records indicate that this item was delivered on 09/02/2023 at 10:03 a.m. in VERONA, KY 41092. The scanned image of the recipient information is provided below.

Signature of Recipient :

CARL
CARL D

Address of Recipient :

14553
W

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:

CARL A DOMASCHKO JR REGISTERED AGENT
DOMASCHKO EXCAVATION CONTRACTORS LLC
14553 WALTON VERONA RD
VERONA KY 41092-9336

Customer Reference Number: C4434635.26502867

Return Reference Number PD 54348



Return address:

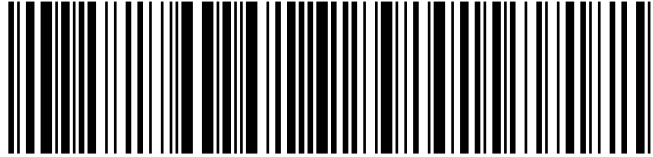
PUBLIC SERVICE COMMISSION
211 SOWER BLVD.
FRANKFORT KY 40602

Recipient address:

CARL A DOMASCHKO JR REGISTERED AGENT
DOMASCHKO EXCAVATION CONTRACTORS LLC
14553 WALTON VERONA RD
VERONA KY 41092-9336

MAILING DATE: 08/31/2023
DELIVERY DATE: 09/02/2023

USPS CERTIFIED MAIL



9214 8901 9403 8328 5437 17

USPS Tracking Label Number: 9214 8901 9403 8328 5437 17

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	08/31/2023 13:07
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	08/31/2023 20:24
PROCESSED THROUGH USPS FACILITY	LEXINGTON KY DISTRIBUTION CENTE 40511	08/31/2023 21:39
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	09/01/2023 15:48
HELD AT POST OFFICE	VERONA,KY 41092	09/02/2023 10:02
DELIVERED LEFT WITH INDIVIDUAL	VERONA,KY 41092	09/02/2023 10:03

CUSTOM 1:

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00035 DATED MAR 04 2024

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. 2024-00035 DATED MAR 04 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

DOMASCHKO EXCAVATION CONTRACTORS,)
LLC)

_____)
PRESUNTA INFRACCIÓN DE LA LEY DE)
PREVENCIÓN DE DAÑOS EN INSTALACIONES)
SUBTERRÁNEAS)

CASO NO.
2024-00035

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

Domaschko Excavation Contractors, LLC (Domaschko Excavation) 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).² Una audiencia sobre este caso tendrá lugar el 26 de abril de 2024.

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

² 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 Domaschko Excavation 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 Domaschko Excavation 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. Domaschko Excavation 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. Domaschko Excavation comparecerá el 26 de abril de 2024, a las 9 a.m., Hora de verano del este, 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 26 de abril de 2024 se llevará a cabo por videoconferencia.

4. Domaschko Excavation 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. Domaschko Excavation notificará a la Comisión, al menos diez días antes de la audiencia, si Domaschko Excavation 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 54348, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 26 de abril de 2024 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. 2024-00035 FECHADO

VEINTIUNO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00035 FECHADO

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.

*DOMASCHKO EXCAVATION c/o Carl
95 Setters Ridge
Warsaw, KENTUCKY 41095