

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| LINEMAN FARMS, LLC – ALLEGED VIOLATION |) | |
| OF UNDERGROUND FACILITY DAMAGE |) | CASE NO. |
| PREVENTION ACT |) | 2019-00166 |

ORDER

Pursuant to KRS 278.495(2), the Kentucky Public Service Commission (Commission) has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, 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 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 from an operator of excavation damage to its underground gas pipeline, Commission Staff (Staff) conducted an investigation and prepared an Incident

Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Lineman Farms, LLC, for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Lineman Farms, LLC, violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Lineman Farms, LLC, shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of the date of this Order.
2. Lineman Farms, LLC, shall appear on August 9, 2019, at 9 a.m., Eastern Daylight Time, in Hearing Room 1 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, and showing cause why it should not be subject to the penalties prescribed in KRS 367.4917(1) and (4) for this alleged violation.
3. The August 9, 2019 hearing shall be recorded by videotape only.
4. A person shall not file a paper or appear at a hearing on behalf of, or otherwise represent, a partnership, corporation, business entity or other person unless the person is an attorney licensed to practice law in Kentucky.

5. The Staff Incident Report in the Appendix to this Order is made a part of the record in this case.

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By the Commission

ENTERED
JUL 09 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00166 DATED **JUL 09 2019**

ONE PAGE TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

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| KY PSC Investigator(s) John Lyons | Incident ID 20869 |
| Incident Date 8/28/2018 2:00:00 PM | Report Submitted 8/29/2018 3:11:39 PM |

OPERATOR INFORMATION

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|---|---|
| Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 ext. 1160 Incident Location 780 East Brannon Road 780 E Brannon Rd Nicholasville, KY 40356 Jessamine | Reported By Mary Virginia Rupard Email mvrupard@deltagas.com Locate Ticket Number 1808170377 |
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EXCAVATOR INFORMATION

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|--|--|
| Name of Excavator B. J. Quinn Phone 859-621-1885 Excavator Address Lineman Farms, LLC 680 Sellers Mill Rd Versailles, KY 40383 | Organization ID 0868661 Email linemanfarms@yahoo.com Locate Ticket Number |
|--|--|

Operator reports Lineman Farms called 811 to request a line location prior to excavating. The service line was located and marked correctly by a Delta employee. The contractor, however, failed to use hand tools or non-intrusive means to expose the pipe when digging in the area of the gas line.

Lineman Farms, LLC is active and in good standing with the Secretary of State.

Investigator Lyons contacted Mr. B.J. Quinn on February 15, 2019. Mr. Quinn stated that the telephone line conduit and the gas line were laid in the same trench and they hit the gas line with a mini excavator while exposing the telephone conduit. Mr. Quinn acknowledged that the locates were accurate and that Lineman Farms was at fault. First offense penalties were explained to Mr. Quinn, who agreed to attend the May 6, 2019 Damage Prevention Training and pay the \$250 penalty.

Violations(s)

KRS 367.4911(10) - When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

B.J. Quinn
Lineman Farms, LLC
680 Sellers Mill Rd,
Versailles, KENTUCKY 40383