

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRUCE HUBBARD

ALLEGED VIOLATION OF UNDERGROUND
FACILITY DAMAGE PREVENTION ACT

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CASE NO. 2019-00159

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on January 24, 2020 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on January 24, 2020 in this proceeding;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on January 24, 2020.

A copy of this Notice, the certification of the digital video record, hearing log, and exhibits have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/NvtAb5PvW-Q>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 4th day of February 2020.



Kent A. Chandler
Executive Director
Public Service Commission of Kentucky

Bruce Hubbard
1390 Little Perry Road
Morehead, KENTUCKY 40351

Bruce Hubbard
75 West Lane
Morehead, KENTUCKY 40351

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In the Matter of:

BRUCE HUBBARD –)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND)	2019-00159
FACILITY DAMAGE PREVENTION ACT)	

CERTIFICATION

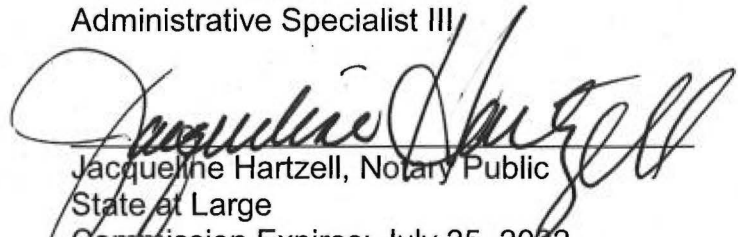
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on January 24, 2020. The Formal Hearing Log is included with the recording on January 24, 2020;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of January 24, 2020; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of January 24, 2020 and the time at which each occurred.

Signed this 3rd day of February, 2020.



Candace H. Sacre
Administrative Specialist III



Jacqueline Hartzell, Notary Public
State of Large
Commission Expires: July 25, 2022
ID#: 605476



Session Report - Detail

24Jan2020

Damage Prevention Act

Date:	Type:	Location:	Department:
1/24/2020	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmit

Clerk: Candace Sacre

Event Time	Log Event	
9:01:26 AM	Session Started	
9:01:29 AM	Chairman Schmitt Note: Sacre, Candace	We are now on the record. This is the Kentucky Public Service Commission. My name is Michael Schmitt. I am Chairman of the Commission, Vice Chairman Robert Cicero is not here this morning but will be watching this proceeding, which is streamed live over the Internet, and he will participate in any decision in any of the cases that are heard today. Dr. Talina Mathews, our third Commissioner, has recused herself in all cases involving alleged violations of KRS 367.4901, et seq.
9:02:05 AM	Chairman Schmitt Note: Sacre, Candace	This morning, we are here for the purpose receiving evidence in three cases, 2019-00159, Bruce Hubbard; 2019-00156, Keith Gutterman; and 2019-00278, Blue Jay Communications, Inc.
9:02:27 AM	Chairman Schmitt Note: Sacre, Candace	At this time, is Mr. Hubbard and Mr. Gutterman present, or is anyone present on their behalf?
9:02:37 AM	Chairman Schmitt Note: Sacre, Candace	I see no one in the hearing room at this time. Counsel, please identify yourself for the record, Ms. Frederick, and tell us, have you heard from either of these parties?
9:02:52 AM	Staff Atty Frederick PCS Note: Sacre, Candace	Yes, Mr. Chairman, Tina Frederick for the Commission's Division of Inspections. We have heard from Mr. Keith Gutterman. He has informed us that he will be unable to attend the hearing today and, in a voicemail that he left last evening, requested a continuance.
9:03:09 AM	Chairman Schmitt Note: Sacre, Candace	Has there been a problem? I think Mr. Gutterman's case has been on the docket several times.
9:03:18 AM	Staff Atty Frederick PSC Note: Sacre, Candace	It has, and Mr. Gutterman was served on the 8th day of November by the Bullitt County Sheriff, so he was aware that there was a proceeding. But the Scheduling Order that actually gave the date and time of the hearing was sent to the wrong address. When that was discovered by Filings, they overnighted a Scheduling Order to him that he received earlier this week.

9:03:43 AM	Chairman Schmitt Note: Sacre, Candace	What I'd like for you to do is, we'll continue the hearing in Mr. Gutterman's case until February 28, 2020. I think that's the next hearing date. But I would like to ensure that Mr. Gutterman actually gets the Notice of the hearing and that receipt of Notice is somehow documented by a return receipt or some method because I think this is the third time that Mr. Gutterman hasn't arrived or appeared at the hearing. And, if he has not filed a response to the Initiating Order, which he obviously received, I think Mr. Gutterman was offered a compromising mitigation of the penalty of \$250, so he hasn't denied. In fact, I see in the record he apparently has admitted damaging the line and not providing notice as per 8-1-1. So I empathize with Mr. Gutterman, but, on the other hand, I want to make sure that he's either here on February 28, that his case has either been resolved by settlement - because I think we need to move forward and get this off the docket.
9:05:07 AM	Staff Atty Frederick PSC Note: Sacre, Candace	I agree, and, yes, Mr. Chairman, we will resissue a Scheduling Order with that February date, and we'll make sure that proof of service is filed into the record for that.
9:05:16 AM	Chairman Schmitt Note: Sacre, Candace	Thank you. Have you heard anything from Mr. Hubbard. I think he's - Bruce Hubbard, he's been on the docket before, and I think perhaps previously there was not evidence of service of summons. But the file appears to indicate that Mr. Hubbard has been served, is that correct?
9:05:36 AM	Staff Atty Frederick PSC Note: Sacre, Candace	
9:05:37 AM	Chairman Schmitt Note: Sacre, Candace	Yes, Mr. Chairman, he has been served
9:05:44 AM	Staff Atty Frederick PSC Note: Sacre, Candace	And do you have any reason to believe that he has not received notice of the hearing this morning?
9:05:47 AM	Chairman Schmitt Note: Sacre, Candace	No, I have no such reason.
9:05:49 AM	Chairman Schmitt Note: Sacre, Candace	And he hasn't called in or contacted you?
9:06:06 AM	Chairman Schmitt Note: Sacre, Candace	All right. We'll begin taking evidence in Mr. Hubbard's case in absentia if he doesn't appear in a few minutes, but we'll move on to the next case of 2019-00278, Blue Jay Communications, Inc.
9:06:10 AM	Atty Williams Blue Jay Note: Sacre, Candace	Mr. Williams, will you, please, for the record, identify yourself and your client?
9:06:15 AM	Chairman Schmitt Note: Sacre, Candace	Yes, sir. John Williams of Lexington, Kentucky. I'm the attorney for Blue Jay Communications, Inc.
9:06:16 AM	Atty Williams Blue Jay Note: Sacre, Candace	It's good to see you, Mr. Williams.
9:06:18 AM	Chairman Schmitt Note: Sacre, Candace	Good to see you again, Mr. Schmitt.
9:06:20 AM	Staff Atty Frederick PSC Note: Sacre, Candace	And on behalf of Staff?
		Tina Frederick on behalf of the Commission's Division of Inspections.

9:06:42 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Williams, I understand the parties have executed a Stipulation of fact upon which it has been agreed that the case will be decided, is that correct?
9:06:56 AM	Atty Williams Blue Jay Note: Sacre, Candace	Yes, sir, the parties got together yesterday with the attorneys on the phone, and we hashed out what we think are the material facts. And we determined that we're in agreement as to those facts, and that it's really a legal question at this point.
9:07:10 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, is that correct?
9:07:12 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, that is accurate.
9:07:14 AM	Chairman Schmitt Note: Sacre, Candace	I'd like to ask a couple of questions, and we could either do it by revised stipulations or just agreement here, if that's possible, if the parties agree.
9:07:25 AM	Chairman Schmitt Note: Sacre, Candace	At the time the line was impacted, did the line contain natural gas, and did natural gas escape into the environment?
9:07:33 AM	Atty Williams Blue Jay Note: Sacre, Candace	It is my understanding that it did.
9:07:37 AM	Chairman Schmitt Note: Sacre, Candace	I haven't seen any other list, so I don't know. Is this the first alleged violation of Blue Jay of the Act, or has Blue Jay had other incidents?
9:07:50 AM	Atty Williams Blue Jay Note: Sacre, Candace	It's my understanding this is the first alleged violation. Is that correct?
9:07:54 AM	Chairman Schmitt Note: Sacre, Candace	Is that correct?
9:07:55 AM	Staff Atty Frederick PSC Note: Sacre, Candace	That is correct. The first and the only, to date.
9:07:58 AM	Chairman Schmitt Note: Sacre, Candace	All right. Thank you.
9:08:00 AM	Chairman Schmitt Note: Sacre, Candace	I understand, Mr. Williams, that you probably would like a briefing schedule?
9:08:04 AM	Atty Williams Blue Jay Note: Sacre, Candace	Yes, sir, I think it would be helpful.
9:08:06 AM	Chairman Schmitt Note: Sacre, Candace	How much time would you like?
9:08:08 AM	Atty Williams Blue Jay Note: Sacre, Candace	If we could have three weeks, I think that would be an adequate amount of time.
9:08:11 AM	Chairman Schmitt Note: Sacre, Candace	All right. I'll calculate - I don't know what three weeks is. Let's see. That would be, like, February 14th, end of business day?
9:08:26 AM	Atty Williams Blue Jay Note: Sacre, Candace	I think that would be plenty of time.
9:08:27 AM	Chairman Schmitt Note: Sacre, Candace	February 14th, and then, Mr. Frederick, how much time would you like? You can have the same amount of time or shorter or whatever.
9:08:35 AM	Staff Atty Frederick PSC Note: Sacre, Candace	The same amount of time.

9:08:37 AM	Chairman Schmitt Note: Sacre, Candace	Since the burden is on the Staff, you'd be 21st, 28th, that would be March 6th, and then is five days enough for a reply brief?
9:08:49 AM	Atty Williams Blue Jay Note: Sacre, Candace	Yes, sir.
9:08:51 AM	Chairman Schmitt Note: Sacre, Candace	We'll enter an Order later this morning that establishes the briefing schedule.
9:08:57 AM	Chairman Schmitt Note: Sacre, Candace	All right. Is there anything further, Mr. Williams or Ms. Frederick, that you'd like to bring to the attention of the Commission?
9:09:02 AM	Atty Williams Blue Jay Note: Sacre, Candace	Just a question. With the burden falling on the Inspections office -
9:09:07 AM	Chairman Schmitt Note: Sacre, Candace	They ought to file the first brief.
9:09:09 AM	Atty Williams Blue Jay Note: Sacre, Candace	They'll brief first, and then we'll brief?
9:09:10 AM	Chairman Schmitt Note: Sacre, Candace	Yeah, that's right, so we just switch it, and you'll file the first brief, and Mr. Williams will file the second brief, and then you'll get five days for the reply, okay?
9:09:19 AM	Atty Williams Blue Jay Note: Sacre, Candace	No, sir.
9:09:20 AM	Chairman Schmitt Note: Sacre, Candace	Anything further?
9:09:22 AM	Chairman Schmitt Note: Sacre, Candace	In that case, then insofar as Blue Jay Communications, Inc., case is concerned, counsel, you may be excused, if you choose.
9:09:33 AM	Atty Williams Blue Jay Note: Sacre, Candace	Thank you, Mr. Chairman. Good to see you again.
9:09:41 AM	Chairman Schmitt Note: Sacre, Candace	All right. We'll start a new hearing, I guess, a new tape on Mr. Hubbard.
9:09:52 AM	Session Ended	

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CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on January 24, 2020. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on January 24, 2020;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of January 24, 2020; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of January 24, 2020, and the time at which each occurred.

Signed this 3rd day of February, 2020.



Candace H. Sacre
Administrative Specialist III



Stephanie Schweighardt
Notary Public State at Large
Commission Expires: January 14, 2023
ID#: 614400

Date:	Type:	Location:	Department:
1/24/2020	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmit
Clerk: Candace Sacre

Event Time	Log Event	
9:10:33 AM	Session Started	
9:10:36 AM	Chairman Schmitt Note: Sacre, Candace	We're now back on the record, and the Commission will call Case No. 2019-00159, Bruce Hubbard, alleged violation of the Underground Facility Damage Prevention Act.
9:11:56 AM	Chairman Schmitt Note: Sacre, Candace	In the Initiating Order, it is alleged that Mr. Hubbard, on or about August 4, 2018, at 65 West Lane in Morehead, Kentucky, damaged a natural gas pipeline owned and operated by Delta Natural Gas Company. The violation is alleged to be of 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."
9:11:59 AM	Chairman Schmitt Note: Sacre, Candace	Once again, we called this case earlier, and Mr. Hubbard was not in the hearing room, and no attorney or anyone else answered or responded on his behalf.
9:12:13 AM	Chairman Schmitt Note: Sacre, Candace	So, once again, I would ask if Mr. Bruce Hubbard or any attorney or anyone else on behalf of Mr. Hubbard is present here this morning?
9:12:23 AM	Chairman Schmitt Note: Sacre, Candace	There being no response, it appears that Mr. Hubbard has chosen not to appear.
9:12:29 AM	Chairman Schmitt Note: Sacre, Candace	Counsel for Staff, would you please identify yourself for the record and your client?
9:12:37 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Mr. Chairman. Tina Frederick on behalf of the Commission's Division of Inspections.
9:12:42 AM	Chairman Schmitt Note: Sacre, Candace	And have you heard from Mr. Hubbard?
9:12:45 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor we have not heard from Mr. Hubbard. However, in the record, we have filed proof of service. He was served by the Rowan County Sheriff on the 8th day of November, 2019.
9:12:56 AM	Chairman Schmitt Note: Sacre, Candace	And, from what I've seen in the record, Mr. Hubbard has not filed a response to the Initiating Order which alleged his violation of the Act, is that correct?
9:13:07 AM	Staff Atty Frederick PSC Note: Sacre, Candace	That is correct. He has not filed a response.

9:13:09 AM	Chairman Schmitt Note: Sacre, Candace	Since Mr. Hubbard apparently has been served and has chosen not to be here this morning, Ms. Frederick, if you have a witness to call, you may do so at this time.
9:13:20 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you. Mr. Chairman, the Division of Inspections calls John Lyons.
9:13:34 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:13:43 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick?
9:13:44 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you.
9:13:45 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Direct Examination. Could you just state your name for the record?
9:13:49 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	And what is your current employment?
9:13:57 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	And what, if any, affiliation do you have with the Division of Inspections?
9:14:08 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	And, as it relates to the Underground Facility Damage Prevention Act, what is your role and responsibilities?
9:14:31 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Have you ever had occasion to personally investigate any incidents of damage to an underground facility?
9:14:44 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Are you familiar with an incident of damage to an underground natural gas facility that took place August the 4th, 2018, at 65 West Lane, Morehead, Kentucky?
9:14:57 AM	Staff Atty Frederick PSC Note: Sacre, Candace	May I approach, Your Honor?
9:14:58 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Yes, you may.
9:15:24 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Mr. Lyons, do you recognize this document?
9:15:29 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Does it appear to be a true and accurate copy of the report from Delta Natural Gas that was received by the Commission's Division of Inspections?
9:15:41 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	And can you summarize this report for us?
9:16:37 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Subsequent to their submission of this report, did Delta provide you additional information about the location?
9:17:52 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you. Your Honor, may I approach again?
9:17:54 AM	Chairman Schmitt Note: Sacre, Candace	Yes, you may.
9:17:56 AM	Staff Atty Frederick PSC Note: Sacre, Candace	I would also like to ask that the Operator Report from Delta Natural Gas which has previously been filed in this case be marked and admitted as Division of Inspection's Exhibit 1.
9:18:07 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.

9:18:08 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS LYONS INCIDENT 20786 DELTA NATURAL GAS CO GAS EXCAVATION DAMAGE REPORT
9:18:43 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Mr. Lyons, do you recognize the diagram that seems to have addresses; it's got West Place Drive in the top right-hand corner?
9:18:56 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Can you explain this document to us?
9:19:52 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you. Mr. Chairman, this has previously been filed. I would like to ask that it be marked and admitted as Division of Inspections Exhibit 2.
9:19:59 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.
9:20:00 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 2 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS LYONS DELTA NATURAL GAS CO DIAGRAM
9:20:03 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Mr. Lyons, can you look at the aerial photograph that I handed you?
9:20:10 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons And explain this photograph to us and any significance of the notations that are made on this photo.
9:21:38 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons So just to clarify, the hand notations that are on this photograph were made by Delta Employees?
9:21:47 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you. Mr. Chairman, I would like to say that this has previously been filed, but I would like to have it marked, if possible, and admitted as Division of Inspections Exhibit 3.
9:21:59 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.
9:21:59 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 3 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS LYONS AERIAL PHOTOGRAPH OF 65 WEST LANE
9:22:00 AM	Staff Atty Frederick PSC Note: Sacre, Candace	May I approach one last time?
9:22:01 AM	Chairman Schmitt Note: Sacre, Candace	Yes, you may.
9:22:27 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Mr. Lyons, do you recognize this document?
9:22:32 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons And does it appear to be a true and accurate copy of your Investigation Report of this damage incident?
9:22:40 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons And, after your investigation, what conclusion did you come to?
9:24:59 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Was that sent by certified mail or regular mail?
9:25:04 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Did you receive any response?
9:25:08 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons Was it returned to the Commission in the mail?
9:25:18 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Lyons And, according to Delta Natural Gas, what was the means or how did the damage occur?

9:26:19 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Do you know what tools or equipment was involved in the excavation damage?
9:26:51 AM	Staff Atty Frederick PSC - witness Lyons Note: Sacre, Candace	Was there any locate request made to 8-1-1 for 65 West Lane?
9:27:02 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 4 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS LYONS INCIDENT 20786 PIPELINE DAMAGE INVESTIGATION REPORT
9:27:05 AM	Session Note Entry Note: Sacre, Candace	Thank you, Mr. Chairman. The Division of Inspections rests.
9:27:11 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Examination. Mr. Lyons, the gas line that was impacted and severed, and, if so, do you know if natural gas escaped into the environment?
9:27:27 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Other than this incident, is there a record that Bruce Hubbard basically was involved in any other alleged violation of the Act?
9:27:43 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	So this would be, if proven, would be his first offense, is that correct?
9:27:50 AM	Chairman Schmitt Note: Sacre, Candace	Once again, as I understand it, Mr. Hubbard has been served with summons, a copy of the Initiating Order, and has been notified in writing of the hearing date this morning?
9:28:08 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Mr. Chairman, he has.
9:28:10 AM	Chairman Schmitt Note: Sacre, Candace	All right. If there's nothing further, we will review the record and the testimony and hopefully have a Final Order out in the case within the next week.
9:28:21 AM	Chairman Schmitt Note: Sacre, Candace	Is there anything else, Ms. Frederick, you'd like to bring to the attention of the Commission?
9:28:24 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further.
9:28:25 AM	Chairman Schmitt Note: Sacre, Candace	If not, then this hearing is hereby adjourned.
9:29:12 AM	Session Paused	
9:29:24 AM	Session Ended	



Exhibit List Report

2019-00159 24Jan2020

Bruce Hubbard

Name:	Description:
PSC DIVISION OF INSPECTIONS EXHIBIT 1	INCIDENT 20786 DELTA NATURAL GAS CO GAS EXCAVATION DAMAGE REPORT
PSC DIVISION OF INSPECTIONS EXHIBIT 2	DELTA NATURAL GAS CO DIAGRAM
PSC DIVISION OF INSPECTIONS EXHIBIT 3	AERIAL PHOTOGRAPH 65 WEST LANE
PSC DIVISION OF INSPECTIONS EXHIBIT 4	INCIDENT 20786 PIPELINE DAMAGE INVESTIGATION REPORT

Gas Excavation Damage Report

Delta Natural Gas Company, Inc.

Submitted 8/14/2018 Incident ID: 20786

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=20786\)](#)

Reported By:

Name: Mary Virginia Rupard
Phone: 859-744-6171 ext. 1160
Email: mvrupard@deltagas.com

Gas Line Incident Occured:

Date: 8/4/2018
Time: 9:20 AM

Details:

Reported Date: 8/8/2018 11:03 AM

Incident Location Address:

Location: 65 West Lane
Address: 65 West Lane
City: Morehead
State: KY
County: Rowan
Zip: 40351

Confirm Code:

Number of Customers out: 2

Locate Request Ticket No.: 1803150668

Excavator: Home Owner

Excavator Address:

First Name: Bruce
Last Name: Hubbard
Phone: 606-225-8195
Email: brucehubbard@hotmail.com
Address: 75 West Ln
City: Morehead
State: KY
Zip: 40351

Confirm Code:

Excavation Damage: No notification made to the One
Call Center

**PSC DIVISION OF INSPECTIONS
EXHIBIT 1**

Description of Incident	Tuffy Coyle was using an mini-excavator to install drain tile when he hit and severed a two-inch plastic gas main line. Bruce Hubbard, the property owner, had hand dug and found the 3/4-inch service line that was running somewhat parallel to the main.
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Summary Information

8/14/2018

Full details such as the cause	Kentucky 811 was not called to request a line location prior to starting this excavation project. Bruce Hubbard stated that Jim Miller had called 811 several months ago for both his and Jim's properties. After Delta further researched their records, it was determined that Jim Miller called 811 on March 15, 2018 to request a line location on this property. A Delta employee located and marked the pipeline at that time. At the time of the incident, the 811 ticket had expired.
Extent of the damage	There were no injuries or property damage attributable to this incident. Delta employees replaced two-feet of plastic pipe and installed two electrofusion couplings.
Cost of the damage	\$1,489.00
Steps taken to prevent re-occurrence	Tuffy Coyle and Bruce Hubbard were informed that 811 locate requests are only valid for twenty-one (21) calendar days from the day of the initial request. Therefore, they were required by law to call 811 to request another line location prior to starting any excavation work on this property.
Amount billed to excavator	\$0.00





PIPELINE DAMAGE INVESTIGATION REPORT

INVESTIGATION INFORMATION

KY PSC Investigator(s): John Lyons	Damage Report Incident ID Number: 20786
Incident Date(s): August 4, 2018	Damage Report Submitted Date: August 8, 2018

OPERATOR INFORMATION

Name of Operator: Delta Natural Gas Company, Inc.	Reported by: Mary Rupard
Phone: 859-744-6171 Ext. 1160	Email: mvrupard@deltagas.com
Incident Location Address:	Locate Ticket Number: No Ticket
Location: Morehead, Kentucky Address: 65 West Lane City: Morehead State: Kentucky Zip Code: 40351	

EXCAVATOR INFORMATION

Name of Excavator: Tuffy Coyle	Organization ID:
Phone: Unknown	Email:
Excavator_Address:	Locate Ticket Number:
Name: Bruce Hubbard Address: 75 West Lane City: Morehead State: Kentucky Zip Code: 40351	There is no Secretary of State record of Poor Boys Custom Design.

Summary and Communications Log

- Operator reports that a ¾" service line was damaged while using a mini-excavator installing a drain tile.
- Placed a call on August 23, 2018, to the number reported by Delta. Number called was 606-225-8195, purportedly that of Mr. Tuffy Coyle. Answering machine identified the number as Poor Boys Custom Design. Investigator left message and asked for call back.
- Since I have gotten no call back from Mr. Coyle, I called Mary Rupard at Delta. She reported that there was a second 811 Ticket issued for the installation of this drain tile in June. The ticket number was 1806011356 and also called in by Jack Miller.
- Investigator Lyons left a message with Jack Miller's voice mail on August 29, 2018.
- Investigator Lyons again called the number for Mr. Coyle on August 31, 2018. It is now disconnected.
- Investigator Lyons called 606-316-2041, a number on the 811 tickets for Jack Miller. Mr. John Justice of Grayson answered, identifying that this was his cell phone number. I informed Mr. Justice that Mr. Jack Miller had given this number as his number. Mr. Justice advised me to call Mr. Miller, at Miller Insurance, in Grayson.
- Investigator Lyons called Mr. Miller at his office at 606-474-5128. I informed Mr. Miller of the reason I was calling and why I was investigating the reported incident. I explained the enforcement process and penalties. Mr. Miller said he would make a few calls and get back to me.
- Mr. Miller called me back minutes later and had Clint Orme, with Delta Gas, on the line. Mr. Orme had responded to the August 4 incident with John David Caudill. Mr. Orme relayed that the damage occurred on a property behind Fox Run Road and was not due to Mr. Miller's excavation project but was associated with building a remote control (RC) track on or near Mr. Hubbard's property. The Ticket information provided by Delta and called in by Mr. Miller was not for the excavation that caused the damage. Investigator Lyons informed Mr. Miller that he would not be held responsible for the damage.
- Investigator Lyons spoke to Mary Rupard on September 12, 2018, to clarify the report originally received from Delta. She confirmed that Mr. Hubbard's address 75 West Lane, Morehead, KY, 40351, and provided a telephone number of 606-784-3389, which was different than the number originally provided.
- Cabinet OGC provided three other numbers for Mr. Hubbard. 606-784-9162. 606-462-0358. 859-404-9779. They also had the same information as Delta, regarding Poor Boys Custom Design and the now disconnected phone number of 606-225-8195.
- 606-462-0358 is also disconnected. Investigator Lyons left a message at 859-404-9779 on September 13, 2018. Numbers 606-784-3389 and 606-784-9162 both have busy signals.
- Facebook <https://www.facebook.com/bruce.hubbard.7> . <https://www.facebook.com/poorboys2017/>
- PSC concludes that Mr. Hubbard is the responsible party and will issue demand letter to known address.

Violation(s)

- KRS 367.4911(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 notification centers shall satisfy this requirement.

Bruce Hubbard
1390 Little Perry Road
Morehead, KENTUCKY 40351

Bruce Hubbard
75 West Lane
Morehead, KENTUCKY 40351