

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LONNIE WILLIAMS AND SON EXCAVATING, LLC –)
ALLEGED VIOLATION OF UNDERGROUND)
FACILITY DAMAGE PREVENTION ACT) CASE NO. 2019-00161

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 September 27, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on September 27, 2019 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 September 27, 2019.

A copy of this Notice, the certification of the digital video record, and hearing log 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/0pYbCOxkTiw> .

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 October 2019.

A handwritten signature in cursive script that reads "Gwen R. Pinson".

Gwen R. Pinson
Executive Director
Public Service Commission of Kentucky

Lonnie Williams and Son Excavating
2131 Marydell Rd.
London, KENTUCKY 40741

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In the Matter of:

LONNIE WILLIAMS AND SON EXCAVATING,)	
LLC – ALLEGED VIOLATION OF)	CASE NO.
UNDERGROUND FACILITY DAMAGE)	2019-00161
PREVENTION ACT)	

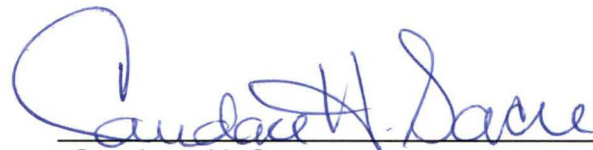
CERTIFICATION

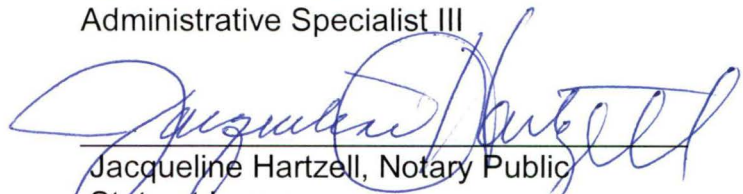
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on September 27, 2019. The Formal Hearing Log is included with the recording on September 27, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 27, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 27, 2019, and the time at which each occurred.

Signed this 1st day of October, 2019.




Candace H. Sacre
Administrative Specialist III


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



Session Report - Detail

27September2019

Damage Prevention Act Opening Hearing 2019-00160, 2019-00161, 2019-00165, 2019-00279, 2019- 00299

Date:	Type:	Location:	Department:
9/27/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmitt
Clerk: Candace Sacre

Event Time	Log Event	
8:53:10 AM	Session Started	
8:53:13 AM	Session Paused	
8:59:07 AM	Session Resumed	
9:00:25 AM	Chairman Schmitt Note: Sacre, Candace	The first case, in numerical order, is 2019-00160, Jonathan Hylton. Is Mr. Hylton here?
9:00:38 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, I wanted to ask you, have you been served? Did you get a copy of the initiating order which started this proceeding?
9:00:47 AM	Chairman Schmitt Note: Sacre, Candace	You did not? Okay, that's, I guess, the demand letter that was made. How did you know there was a hearing this morning?
9:01:05 AM	Chairman Schmitt Note: Sacre, Candace	Okay, let me go through the docket, and then we can talk about how to proceed with you. At this point, apparently, a complaint has been filed, or an order, against you, but apparently you have not received it. We'll need to talk about how to deal with that, so if you will have a seat, we'll get to you right off the bat.
9:01:27 AM	Chairman Schmitt Note: Sacre, Candace	Number two, 2019-00161, Lonnie Williams and Son Excavating, LLC.
9:01:42 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Williams, do you have an attorney? Here's the issue, individuals can have an attorney or not have an attorney. It isn't required. But a business entity, such as a corporation or legal liability company, in order to advocate for a position, because the corporation or the LLC, it's separate from you, it's not the same, legally, it's a separate person, and there is a statute in Kentucky that says, under such circumstances, a person or a company can only be represented by somebody who has a license to practice law in Kentucky. (Click on link for further comments.)
9:04:03 AM	Chairman Schmitt Note: Sacre, Candace	Okay, we can do that. Mr. Park, I guess I would ask you if you have any problems with calling Mr. Williams as a witness. The only difference is, Mr. Williams, you wouldn't be able to ask questions of the inspector. You wouldn't be able to cross examine.
9:04:25 AM	Chairman Schmitt Note: Sacre, Candace	Okay, then we'll move ahead, and you can be a witness as opposed to being an advocate or a lawyer. Please have a seat, and we'll get to you second.
9:04:37 AM	Chairman Schmitt Note: Sacre, Candace	Third, 2019-00165, Michael Cullum. Yes, Mr. Cullum, are you here and ready to go?

9:04:47 AM	Chairman Schmitt Note: Sacre, Candace	All right, okay, thank you. You don't have to have a lawyer. You're not required to have one. You can tell your story and cross examine a witness or witnesses, if any are called to testify. Thank you.
9:05:02 AM	Chairman Schmitt Note: Sacre, Candace	Four is 2019-00279, Clear Choice Facility Maintenance, LLC. Is anyone here on behalf of Clear Choice?
9:05:15 AM	Chairman Schmitt Note: Sacre, Candace	We'll call them later as we get through the others. Maybe they're just late.
9:05:20 AM	Chairman Schmitt Note: Sacre, Candace	2019-00219, Basham Construction and Rental Company, Inc. Yes, sir?
9:05:29 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Basham, the same thing holds true for you as Williams Excavating, LLC. I assume you do not have a license to practice law, correct? And you do not have a lawyer who is with you here this morning. You'll have an option of either being a witness and telling what you know but not advocating for your company. (Click on link for further comments.)
9:07:34 AM	Chairman Schmitt Note: Sacre, Candace	You can speak with them, but now we're at the hearing, and there's nothing I can do about it. Go ahead.
9:07:54 AM	Chairman Schmitt Note: Sacre, Candace	This is an official administrative proceeding. Everything you say is being broadcast over the internet, and this is a video record that is being made in this case and in others. Ms. Sacre, here, is basically doing a log, sort of an outline, of what everybody says that will be available and can be synced in with the video. (Click on link for further comments.)
9:08:46 AM	Chairman Schmitt Note: Sacre, Candace	I don't know. This is the first alleged, or it's more than one?
9:08:54 AM	Chairman Schmitt Note: Sacre, Candace	I tell you what, if you need more time to think about it, this is the last case on the docket. You can either make a decision now or wait until your case is called or we'll have four others in between or three, depending on what Mr. Hylton wants to do, and you can say, I've made a decision, and this is what we'll do, and I'll give you whatever time you need.
9:09:25 AM	Chairman Schmitt Note: Sacre, Candace	Yeah, you are. In any event, we will then start with Mr. Williams in a minute, and you may walk out and make any decision, and at any time up to and including the time your case is called, which is last, maybe around noon, and you can make that decision.
9:09:51 AM	Chairman Schmitt Note: Sacre, Candace	You and I can talk about the limits that would be placed upon or what you could say and do if you went forward, if the company went forward, without an attorney.
9:10:06 AM	Chairman Schmitt Note: Sacre, Candace	No, no. I know that, and what our interests are here, too, is in protecting you and in seeing that the company gets a fair shake, but how you proceed is up to you. I can't make that decision.
9:10:25 AM	Chairman Schmitt Note: Sacre, Candace	Go right ahead. Take your time.

9:10:28 AM	Chairman Schmitt Note: Sacre, Candace	I guess then the next order of business would be to call the first case, and then I guess that would be Mr. Hylton, Jonathan Hylton, and then we can discuss how to proceed.
9:11:02 AM	Chairman Schmitt Note: Sacre, Candace	We will, at this time, declare a recess for one minute at which time we'll go on a different video, Mr. Hylton, and then we'll call your case, and we can discuss what to do.
9:11:16 AM	Session Paused	
9:11:23 AM	Session Ended	

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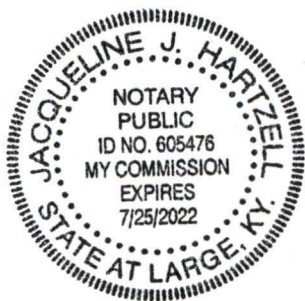
LONNIE WILLIAMS AND SON EXCAVATING,)	
LLC – ALLEGED VIOLATION OF)	CASE NO.
UNDERGROUND FACILITY DAMAGE)	2019-00161
PREVENTION ACT)	

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 September 27, 2019. The Formal Hearing Log, Exhibit List, Exhibits, and Witness List are included with the recording on September 27, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 27, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 27, 2019, and the time at which each occurred.

Signed this 1st day of October, 2019.





Candace H. Sacre
Administrative Specialist III



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



Session Report - Detail

2019-00161 27Sept2019

**Lonnie Williams and Son
Excavating, LLC (Williams)**

Date:	Type:	Location:	Department:
9/27/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: John Lyons; Lonnie Williams
 Judge: Michael Schmitt
 Clerk: Candace Sacre

Event Time	Log Event	
9:45:23 AM	Session Started	
9:45:25 AM	Session Paused	
9:46:46 AM	Session Resumed	
9:46:48 AM	Chairman Schmitt Note: Sacre, Candace	We're now back on the record. The next case to be called is Case No. 2019-00161, Lonnie Williams and Son Excavating, LLC.
9:47:03 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Williams, please step forward.
9:47:16 AM	Chairman Schmitt Note: Sacre, Candace	This action is brought against your company, and I assume Lonnie Williams and Son Excavating, LLC, is a limited liability company. When called the docket this morning, I advised you would be unable to represent yourself, the company, because that would require an attorney because company and you, legally, are separate entities.
9:47:48 AM	Chairman Schmitt Note: Sacre, Candace	I also advised I would give you opportunity to obtain attorney for company if you wanted to by continuing this hearing or rescheduling for next month or whenever next hearings would be.
9:48:06 AM	Chairman Schmitt Note: Sacre, Candace	Have you made decision whether you want to go forward as witness opposed to somebody who can advocate for the company?
9:48:17 AM	Chairman Schmitt Note: Sacre, Candace	With that understanding, Mr. Park, identify yourself and your client and witness who will testify on behalf of Commissioner.
9:48:30 AM	Staff Atty Park PSC Note: Sacre, Candace	John Park, Staff Attorney. Tina Frederick, also Staff Attorney with Commission's Division of Inspections. Our witness is John Lyons.
9:48:43 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park, if you're ready to proceed, please call your first witness.
9:48:48 AM	Staff Atty Park PSC Note: Sacre, Candace	Division of Inspections calls John Lyons.
9:48:59 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:49:07 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park?
9:49:11 AM	Session Note Entry Note: Sacre, Candace	State your name.
9:49:14 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Direct Examination. Current employment and position?
9:49:28 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	In those positions, what is role in administering Underground Facility Damage Prevention program?

9:49:45 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	In addition to supervising employees and investigators, also experience investigating incidents as inspector?
9:49:56 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Review investigations of pipeline damage incidents by employees under your supervision?
9:50:02 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Review findings they make after investigation?
9:50:06 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Approve staff reports before finalized and issued?
9:50:12 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Familiar with gas pipeline incident that occurred on August 20, 2018, at 1326 Keavy Road, London, Kentucky?
9:50:25 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Operator whose pipeline was damaged in this incident?
9:50:34 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	When Delta reported damage, did Division of Inspections investigate incident to determine if violation occurred?
9:50:48 AM	Staff Atty Park PSC Note: Sacre, Candace	May I approach, Your Honor?
9:50:50 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Yes, you may.
9:51:23 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Identify who Investigator was who investigated this incident?
9:51:35 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Describe document just handed to you.
9:51:44 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Prepared under your supervision?
9:51:47 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Reviewed report before finalized and issued?
9:51:53 AM	Staff Atty Park PSC Note: Sacre, Candace	Division of Inspections moves to introduce as PSC Exhibit 1.
9:51:58 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.
9:51:59 AM	PSC EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS LYONS. PIPELINE DAMAGE INVESTIGATION REPORT-WILLIAMS EXCAVATING.
9:52:07 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Based upon staff's investigation of incident, what were findings Division reached based upon investigation?
9:52:52 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	You mentioned damage occurred as result of demolition activities. Is demolition considered excavation under Act?
9:53:14 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Both subject to same requirements as far as excavation is concerned?
9:53:22 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	As part of investigation, did Division determine call placed to 8-1-1 call center to request line locate?
9:54:22 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Anyone attend training on behalf of Lonnie Williams and Son Excavating, LLC?
9:55:23 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Aware of amount of damage caused by incident?

9:55:45 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	It had not been (inaudible) at that point and contained potentially combustible level of gas?
9:56:04 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Best to assume hot until you know otherwise?
9:56:12 AM	Staff Atty Park PSC Note: Sacre, Candace	I have no further questions.
9:56:15 AM	Chairman Schmitt Note: Sacre, Candace	I can't let you ask any questions.
9:56:23 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Any photographs or anything sent in?
9:56:40 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Mr. Williams or Williams Excavating not owner of property being demolished?
9:56:59 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Know who owner was?
9:57:25 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Looking at incident report, Mr. Williams using excavator to demolish building when debris fell on riser and meter bar, causing service line to break below blacktop.
9:58:20 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	No injuries or property damage; Delta installed cap and retired service line. Install cap to keep gas from migrating from point of break?
9:58:57 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	As far as Division of Inspections, don't know if this property, Martin's Used Cars, was active business at time of damage or not?
9:59:14 AM	Chairman Schmitt Note: Sacre, Candace	Nothing further. Anything else?
9:59:17 AM	Staff Atty Park PSC Note: Sacre, Candace	I have nothing further.
9:59:21 AM	Chairman Schmitt Note: Sacre, Candace	Any other witness?
9:59:23 AM	Staff Atty Park PSC Note: Sacre, Candace	No further witnesses.
9:59:38 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:59:50 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park, I'll let you go ahead and ask.
9:59:54 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	Cross Examination. Mr. Williams, what is your relationship with Lonnie Williams and Son Excavating, LLC?
10:00:01 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	Sole owner of company?
10:00:05 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	Business address of company?
10:00:14 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	How long in demolition business or providing demolition services?
10:00:26 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	Case involves damage incident occurred August 20, 2018, at 1326 Keavy Road, London, Kentucky. Familiar with location and incident?
10:00:43 AM	Staff Atty Park PSC - witness Williams Note: Sacre, Candace	Would you tell what happened, who working for, and background of job hired to do?

10:02:11 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace You're saying gas leak was reported to Delta twice, once after riser first (inaudible) and then when they came back -

10:02:45 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Debris on cars was there because of sign falling?

10:02:52 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Building still there?

10:03:11 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace What can you tell us about sign falling?

10:03:31 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Did sign fall while you were working?

10:03:39 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace When first gas leak reported?

10:03:44 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Before you got on site?

10:03:48 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace You didn't get involved until first damage had occurred from sign falling and Deltra repaired it?

10:04:23 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace When guys moving stuff off cars, anything fall on riser, or why do think it started leaking again?

10:04:50 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Contacted by Division of Inspections about this incident?

10:05:06 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace You agree to do that?

10:05:09 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Attend training?

10:05:24 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Did you talk to Michael Nantz?

10:05:29 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Given second opportunity to attend training?

10:06:29 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace Recall who talked to with Delta?

10:06:34 AM Staff Atty Park PSC - witness Williams
Note: Sacre, Candace After you called and said couldn't attend training, given another opportunity to attend later?

10:06:56 AM Staff Atty Park PSC
Note: Sacre, Candace Nothing further.

10:06:59 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace Examination. Mr. Williams, were you there when line started leaking?

10:07:05 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace A sign on interstate, sign advertising used car lot or something?

10:07:23 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace Wasn't Martin's sign? Was a sign, just a billboard company, somebody could rent it?

10:07:30 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace That's what fell on building?

10:07:34 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace Went through or across roof and damaged building?

10:07:41 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace Lines and meter on inside of building?

10:07:58 AM Chairman Schmitt - witness Williams
Note: Sacre, Candace Your company was hired by Mr. Martin to do what?

10:08:15 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Your job not to destroy or wreck building but to get cars out?
10:08:27 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	In process of getting cars out, you were present? Was anybody else? You had other employees?
10:08:41 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	You and your son?
10:08:44 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	When gas leak started again, what were you all doing?
10:08:54 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Were you around or moving debris or objects around the riser or meter or gas line at time it started leaking again?
10:09:10 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Using any kind of mechanical equipment inside the building?
10:09:23 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Had you used mechanical device or equipment inside building prior to time line started leaking?
10:09:41 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Did Delta come out and make repair or fix before you completed work hired to do?
10:09:54 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Somebody said Delta came and repaired or made changes in location of riser or line or meter which fixed problem. When Delta did whatever it did, had you completed work for Martin, or were you still working when Delta came to fix line?
10:10:34 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Did you see what they did to fix problem caused by leaking line?
10:10:51 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	You saw that?
10:11:00 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	That happened before you came on and did anything?
10:11:23 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	You saw him do that?
10:11:26 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Were you there when they came back with a backhoe?
10:11:32 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	You finished by that point in time?
10:12:00 AM	Chairman Schmitt Note: Sacre, Candace	Was there a picture, Mr. Park, in this case? Was there a photograph of the gas line?
10:12:08 AM	Staff Atty Park PSC Note: Sacre, Candace	Not in this case, Your Honor.
10:12:10 AM	Chairman Schmitt Note: Sacre, Candace	There was in some case.
10:13:02 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Definition in KRS 367.4903(3), "Demolition" means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of mechanized equipment, or discharge of explosives.
10:13:27 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Any work you did prior to second leak involve use of explosive material?
10:13:41 AM	Chairman Schmitt - witness Williams Note: Sacre, Candace	Did it involve mechanized equipment?

10:13:47 AM	Chairman Schmitt Note: Sacre, Candace	I don't have anything further. Mr. Park, anything further?
10:13:49 AM	Staff Atty Park PSC Note: Sacre, Candace	I have nothing further.
10:13:50 AM	Chairman Schmitt Note: Sacre, Candace	You may step down, Mr. Williams. Do you have anything else?
10:13:57 AM	Staff Atty Park PSC Note: Sacre, Candace	No, sir, we have no further witnesses.
10:14:15 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Williams, this is the second day we've held hearings in these dig law cases. The first day, in all of those, the facts were such that we had basically developed findings of fact, conclusions of law, and debated all of this. Mr. Hylton, the first case, based upon evidence presented, the case was dismissed.
10:14:59 AM	Chairman Schmitt Note: Sacre, Candace	I think, based on your testimony in this case which is un rebutted, the case against you ought to be dismissed as well. An order will be entered to that effect.
10:15:11 AM	Chairman Schmitt Note: Sacre, Candace	This proceeding is hereby adjourned.
10:15:17 AM	Session Paused	
10:15:21 AM	Session Ended	



Name:

Description:

PSC EXHIBIT 1

PIPELINE DAMAGE INVESTIGATION REPORT

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Jason Whisman	Incident ID 20867
Incident Date 8/20/2018 5:25:00 PM	Report Submitted 8/29/2018 2:12:59 PM

OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 ext. 1160 Incident Location 1326 Keavy Road London, KY 40741 Laurel	Reported By Mary Virginia Rupard Email mvrupard@deltagas.com Locate Ticket Number
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EXCAVATOR INFORMATION

Name of Excavator Lonnie, Williams Phone 606-864-3200 Excavator Address Lonnie Williams and Son Excavating 2131 Marydell Rd London, KY 40741	Organization ID 0896595 Email Locate Ticket Number
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Excavation Damage: No notification made to the One Call Center

Description of Incident Lonnie Williams was using an excavator to demolish a building when debris fell on the riser and meter bar causing the service line to break below the blacktop.

Summary Information

9/4/2018

Full details such as the cause - Lonnie Williams did not call 811 to request a line location prior to starting this demolition project.

Extent of the damage - There were no injuries or property damage attributable to this incident. Delta employees install a cap and retired the service line.

Cost of the damage - \$478.00

Steps taken to prevent re-occurrence - Lonnie Williams was advised that the law requires anyone that is going to do any type of excavation work to call 811 to request a line location at least two working days prior to starting work. The definition of excavation work includes using mechanized equipment during demolition.

Amount billed to excavator - \$0.00

PSC Exhibit 1

Investigation Summary:

I called and left a message for Lonnie Williams on 12/4/2018 at 3:10pm. I called and left another message on 12/6/18 at 9:17am. I called and spoke to a lady at his house and she gave me his cell number on 12/13 at 8:21am. I left a message on his cell phone on 12/13 at 8:21am and stated that he would get the full penalty without reduction if he did not return my phone call on 12/13. His cell number is 606-682-1318. Lonnie said the gas line was already broke. Building fell on top of pipe. A sign fell across the buiding and broke pipe before demolition. He agreed to reduced penalty of \$250 and to attend class.

Violation:

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.

Lonnie Williams and Son Excavating
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