

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARCUS HENSLEY – ALLEGED VIOLATION OF)
UNDERGROUND FACILITY DAMAGE) CASE NO. 2019-00236
PREVENTION ACT)

NOTICE OF FILING

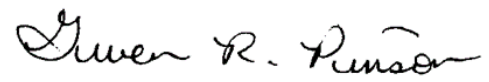
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on August 9, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on August 9, 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 August 9, 2019.

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/AU61HCfB9kc>.

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 22nd day of August 2019.

A handwritten signature in black ink that reads "Gwen R. Pinson". The signature is written in a cursive style with a large initial 'G' and a long horizontal stroke at the end.

Gwen R. Pinson
Executive Director
Public Service Commission of Kentucky

Marcus Hensley
4830 Kollman Avenue
Taylor Mill, KENTUCKY 41015

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARCUS HENSLEY – ALLEGED VIOLATION OF)	CASE NO.
UNDERGROUND FACILITY DAMAGE)	2019-00236
PREVENTION ACT)	

CERTIFICATION

I, KaBrenda L. Warfield, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on August 9, 2019. Hearing Log, is included with the recording on August 9, 2019.

2. I am responsible for the preparation of the digital recording;

3. The digital recording accurately and correctly depicts the Formal Hearing of August 9, 2019.

4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of August 9, 2019 and the time at which each occurred.

Signed this 19th day of August, 2019.



KaBrenda L. Warfield
KaBrenda L. Warfield, CKP
Paralegal Consultant

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



Date:	Type:	Location:	Department:
8/9/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmitt
 Clerk: KaBrenda Warfield

Event Time	Log Event	
8:45:00 AM	Session Started	
8:45:01 AM	Session Paused	
9:03:35 AM	Chairman Schmitt Note: Warfield, KaBrenda	Chairman Schmitt stating preliminary remarks and introduction of Vice Chairman Cicero and Commissioner Mathews.
9:03:35 AM	Session Resumed	
9:04:39 AM	Chairman Schmitt Note: Warfield, KaBrenda	This proceeding is being video recorded which will be the official record in the case.
9:05:24 AM	Chairman Schmitt Note: Warfield, KaBrenda	This proceeding is also being broadcast live over the internet this morning. I'm not sure we will continue to do that but we have been broadcasting all hearings and most other things that occur in this room live.
9:05:24 AM	Chairman Schmitt Note: Warfield, KaBrenda	This proceeding is also being
9:05:45 AM	Chairman Schmitt Note: Warfield, KaBrenda	For anyone that may be watching today's hearings involve the hearing of evidence potentially in fourteen cases were the Investigative Division of the Public Service Commission has issued civil penalty assessments against individuals and business entities alleging violations of the Kentucky Underground Facility Damage Prevention Act.
9:06:41 AM	Chairman Schmitt Note: Warfield, KaBrenda	So this morning we have I think potentially fourteen cases on the Docket, but doubt from looking out into the hearing room that there are fourteen people or entities here.
9:07:01 AM	Chairman Schmitt Note: Warfield, KaBrenda	So I will call the Docket and then ask Mr. Park who is representing the Division of Inspections about the status of these cases whether anything has been done with respect to continuing any of the cases and specifically whether service of process has been perfected.
9:07:43 AM	Chairman Schmitt Note: Warfield, KaBrenda	Once we get through that, if we have a formal hearing or anything to be held we can do that and get it out of the way.
9:07:54 AM	2019-00155 - BURL RUSSELL Note: Warfield, KaBrenda	Mr. Park do you know anything about Mr. Russell?
9:08:31 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Russell is not here. We will call his name one more time before we are finished.
9:08:41 AM	2019-00156 - KEITH GUTTERMAN Note: Warfield, KaBrenda	Has Mr. Gutterman been served to your knowledge?
9:09:07 AM	Chairman Schmitt - Staff Atty Park PSC Note: Warfield, KaBrenda	That will be sustained.

9:09:10 AM Chairman Schmitt
Note: Warfield, KaBrenda For the benefit of anyone here or anyone watching we made a determination that these hearings will be held on the fourth Friday of every month.

9:09:30 AM 2019-00158 - SCOTT EXCAVATING, INC.
Note: Warfield, KaBrenda Has Scott Excavating, Inc. been served with process?

9:09:52 AM 2019-00159 - BRUCE HUBBARD
Note: Warfield, KaBrenda Is there proof of service on Mr. Hubbard?

9:10:16 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda That will be sustained.

9:10:25 AM 2019-00160 - JONATHAN HYLTON
Note: Warfield, KaBrenda Mr. Park has service been achieved on Mr. Hylton?

9:10:49 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda That will be sustained.

9:10:51 AM 2019-00161 - LONNIE WILLIAMS AND SON EXCAVATING, LLC
Note: Warfield, KaBrenda Has service been perfected on Lonnie Williams and Son Excavating, LLC?

9:11:16 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda Sustained.

9:11:18 AM 2019-00162 - PREMIER UNDERGROUND, LLC
Note: Warfield, KaBrenda Mr. Park what is the status of service of process for Premier Underground, LLC?

9:12:02 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda Thank you.

9:12:05 AM 2019-00163 - GEORGE TAPP EXCAVATION
Note: Warfield, KaBrenda Mr. Park what is the status of Mr. Tapp in terms of service?

9:13:02 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda Thank you.

9:13:04 AM 2019-00164 - PRECISION FLOORING & CARPENTRY, LLC
Note: Warfield, KaBrenda Mr. Park what is the status of Percision Flooring & Carpentry, LLC?

9:13:30 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda Sustained.

9:13:31 AM 2019-00166 - LINEMAN FARMS, LLC
Note: Warfield, KaBrenda Mr. Park what is the status of Lineman Farms, LLC?

9:14:00 AM Chairman Schmitt - Staff Atty Park PSC
Note: Warfield, KaBrenda Sustained.

9:14:02 AM 2019-00167 - HAYDEN CONSTRUCTION CO., INC.
Note: Warfield, KaBrenda Mr. Park?

9:14:18 AM Chairman Schmitt
Note: Warfield, KaBrenda Okay.

9:14:20 AM 2019-00168 - PRODIGY CONSTRUCTION CORPORATION, INC.
Note: Warfield, KaBrenda Yes sir, okay.

9:14:40 AM 2019-00235 - DEREK ENGINEERING, INC.
Note: Warfield, KaBrenda Okay. Thank you.

9:14:54 AM 2019-00236 - MARCUS HENSLEY
Note: Warfield, KaBrenda You're Mr. Hensley. Thank you.

9:15:04 AM Chairman Schmitt
Note: Warfield, KaBrenda Alright. I guess Mr. Russell, Scott Excavation, Premier Underground, LLC, Mr. Tapp, and Hayden Construction are all before the Commission, but have not appeared at least today. So what we will do is pass those cases until the end. And if they appear we'll proceed and give them the opportunity to participate.

9:15:44 AM Chairman Schmitt
Note: Warfield, KaBrenda And if not. Mr. Park I'll ask you to go ahead and put on the evidence on behalf of the investigation division.

9:16:08 AM Chairman Schmitt - witness Hensley
Note: Warfield, KaBrenda Let me ask first. Mr. Hensley are you here by yourself? And you are not represented by counsel?

9:16:14 AM Chairman Schmitt - witness Hensley
Note: Warfield, KaBrenda And you don't have any witnesses other than yourself? Correct?

9:16:19 AM Chairman Schmitt - witness Mattingly
Note: Warfield, KaBrenda And Prodigy Construction will you identify yourself for the record please?

9:16:30 AM Chairman Schmitt - witness Mattingly
Note: Warfield, KaBrenda Are you here by yourself?

9:16:33 AM Chairman Schmitt - witness Mattingly
Note: Warfield, KaBrenda Are you an owner of Prodigy?

9:16:37 AM Chairman Schmitt - witness Mattingly
Note: Warfield, KaBrenda That's another issue. Wheter or not you are required to have a attorney.

9:16:48 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda But then Derek Engineering, Inc. Mr. Blandford correct?

9:17:00 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda So you're here and you have a witness? Correct?

9:17:03 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda Because of that I will probably let you go first. Or let Mr. Park put on his case first and you'll have a chance to cross examine and then put on your witness. Unless there is something else you would like to bring to the attention of the Commission before we start?

9:17:58 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda Alright that's fine.

9:18:01 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda We have tried to avoid any communication between inspections and the Commission because of the way that we are divided.

9:18:22 AM Chairman Schmitt - Atty Blandford Derek Engineering
Note: Warfield, KaBrenda Are you satisfied at this time that you have sufficient information?

9:18:56 AM Chairman Schmitt
Note: Warfield, KaBrenda Alright. Thank you.

9:18:57 AM Chairman Schmitt
Note: Warfield, KaBrenda That being the case why don't we take a five minute break and let Mr. Blandford come up front here and get situated with his client. And then we will begin and follow up with Mr. Hensley, and then Prodigy Construction.

9:19:17 AM Chairman Schmitt
Note: Warfield, KaBrenda So we are going off the record here for five minutes. Until say twenty five minutes after nine am.

9:19:26 AM Session Paused

9:24:05 AM Session Ended

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

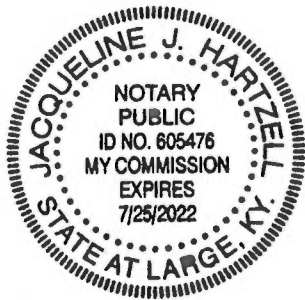
MARCUS HENSLEY – ALLEGED VIOLATION OF)
UNDERGROUND FACILITY DAMAGE) CASE NO.
PREVENTION ACT) 2019-00236

CERTIFICATION

I, KaBrenda L. Warfield, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on August 09, 2019. Hearing Log, Exhibit List, Exhibit(s), and Witness List are included with the recording on August 09, 2019.
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of August 09, 2019.
4. The Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of August 09, 2019 and the time at which each occurred.

Signed this 21st day of August, 2019.



KaBrenda L. Warfield
KaBrenda L. Warfield, CKP
Paralegal Consultant

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



Date:	Type:	Location:	Department:
8/9/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: John Lyons
 Judge: Michael Schmitt
 Clerk: KaBrenda Warfield

Event Time	Log Event	
10:14:49 AM	Session Started	
10:14:49 AM	Chairman Schmitt Note: Warfield, KaBrenda	We are now back on the record and the next case is 2019-00236 Marcus Hensley alleged violation of underground facility damage prevention act.
10:15:06 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Hensley will you please come up and have a seat at the table?
10:15:20 AM	Chairman Schmitt Note: Warfield, KaBrenda	The allegations Mr. Hensley are let me read them before we start. Incident Report and the Initiating Order cite Marcus Hensley for violations of the following provisions 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. And 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.
10:16:35 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Park these are the two and the only two allegations involving Mr. Hensley is that correct?
10:16:46 AM	Chairman Schmitt Note: Warfield, KaBrenda	And you understand that to be the case Mr. Hensley?
10:16:48 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Park for the purposes of this record will you please identify yourself your client and the witness who will testify on behalf of the Division of Inspections this morning in Mr. Hensley's case?
10:17:20 AM	Chairman Schmitt Note: Warfield, KaBrenda	Okay Mr. Hensley you are representing yourself this morning is that correct?
10:17:24 AM	Chairman Schmitt Note: Warfield, KaBrenda	Would you please identify your full name and address for the record please?
10:17:38 AM	Chairman Schmitt Note: Warfield, KaBrenda	Alright thank you.
10:17:39 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Park will call his witness you heard the other case who will basically set out what the allegations are you'll have an opportunity to ask the witness questions if you like and then when they are through you'll have an opportunity to take the stand and assert what position you have. Okay?

10:18:05 AM	Chairman Schmitt Note: Warfield, KaBrenda	Alright Mr. Park you may call your witness?
10:18:11 AM	Chairman Schmitt - witness Lyons Note: Warfield, KaBrenda	Swearing the witness in.
10:18:29 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Park.
10:18:30 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Mr. Lyons what is your current position with the Public Service Commission?
10:18:43 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	What has been your role in developing and administering the Commission's program to enforce the Underground Facilities Damage Prevention Act?
10:19:09 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Do you oversee and supervise employees of the Commission who investigate incidents of excavation damage?
10:19:15 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And do you also investigate incidents yourself?
10:19:34 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Are you familiar incident that occurred August 3, 2018 at 4830 Kollman Ave. in Taylor Mill Kentucky?
10:19:48 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Your Honour may I approach?
10:19:53 AM	PSC EXHIBIT 01 Note: Warfield, KaBrenda Note: Warfield, KaBrenda	Staff Atty Park PSC - witness Lyons PIPELINE DAMAGE INVESTIGATION REPORT
10:20:19 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Mr. Lyons are you familiar with this document that I handed you?
10:20:24 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And what is this document?
10:20:32 AM	Staff Atty Park PSC Note: Warfield, KaBrenda	Staff moves that this document be admitted as PSC Exhibit 01.
10:20:39 AM	Chairman Schmitt Note: Warfield, KaBrenda	Have you seen the report Mr. Hensley?
10:20:46 AM	Chairman Schmitt Note: Warfield, KaBrenda	Let it be admitted as PSC Exhibit 01.
10:20:52 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And could you tell me the substance of your investigation?
10:23:01 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Was a demand letter issued for this incident?
10:23:05 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And what were the terms of the demand letter to resolve this incident?
10:24:36 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And did Mr. Hensley agree to the terms that were set forth in the demand letter?
10:24:41 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Did he pay the proposed penalty of one hundred dollars?
10:24:45 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And did he attend the mandatory training?
10:24:56 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	And which training session was this?
10:25:10 AM	Staff Atty Park PSC - witness Lyons Note: Warfield, KaBrenda	Nothing further your honour.

10:25:16 AM	Chairman Schmitt - witness Lyons Note: Warfield, KaBrenda	Are there training sessions scheduled for the remainder of this year?
10:25:40 AM	Chairman Schmitt Note: Warfield, KaBrenda	Nothing further. You may ask Mr. Hensley?
10:25:44 AM	Mr. Hensley - witness Lyons Note: Warfield, KaBrenda	If you remember our conversation?
10:26:15 AM	Mr. Hensley - witness Lyons Note: Warfield, KaBrenda	And then I waited back on ugh, maybe I should of got back in touch with you about another class date.
10:26:34 AM	Mr. Hensley - witness Lyons Note: Warfield, KaBrenda	Thank you. That's all I have. I'm guilty I did bust the line.
10:26:48 AM	Staff Atty Park PSC Note: Warfield, KaBrenda	I have nothing further.
10:26:49 AM	Chairman Schmitt Note: Warfield, KaBrenda	You may step down Mr. Lyons
10:26:51 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Hensley would you like to tell your side?
10:26:58 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Swearing the witness in.
10:27:12 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Now I guess you don't have to ask yourself questions and then try to answer. But you can go ahead and tell about what you were doing and why. And if you are wanting to explain on the record about your non attendance at the training please go ahead and do so.
10:28:16 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	You didn't call in advance?
10:28:28 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	What was the Duke contractor doing?
10:28:40 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	And was the line damaged by a backhoe?
10:28:46 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	I know what you said earlier, but now you are under oath, so tell us why you didn't attend?
10:29:41 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	I guess what Mr. Lyons said about the investigative divisions position about home owners as opposed to contractors that's not our position especially. Once the case comes here. They are separate from us. You stand subject to an additional eleven hundred dollars or so. But apparently there is a program here in early September. September ninth.
10:30:29 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	What time is that Mr. Lyons? Do you know?
10:30:34 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	How far do you live from Frankfort?
10:30:40 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	So you can get here in a couple of hours anyway?
10:30:43 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Well if Commissioner Cicero and I enter an Order that lets you keep the same deal you made if you attend this September 9th training here. Will you do that?
10:31:05 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	And if you do we'll probably enter an Order dismissing this matter. But if you don't based on your testimony you might get a penalty assessment that's a great deal higher than one hundred dollars.

10:31:23 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Alright is there anything else that you would like to say?
10:31:26 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Mr. Park any additional information that you would like to provide?
10:31:32 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	Thank you. You may step down Mr. Hensley?
10:31:38 AM	Chairman Schmitt - witness Hensley Note: Warfield, KaBrenda	No apology necessary
10:31:40 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Park do you have anything to say before we conclude the matter and adjourn this case?
10:31:49 AM	Chairman Schmitt Note: Warfield, KaBrenda	Mr. Hensley anything you'd like to say other than what you have already said?
10:31:55 AM	Chairman Schmitt Note: Warfield, KaBrenda	You're going to be here on the ninth?
10:31:58 AM	Chairman Schmitt Note: Warfield, KaBrenda	Alright if there is nothing further then this hearing is adjourned. Lets take a five minute break before we start Prodigy.
10:32:13 AM	Session Ended	



Exhibit List Report

2019-00236 09Aug2019

Marcus Hensley

Name:**Description:**

PSC EXHIBIT 01

Pipeline Damage Investigation Report

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John Lyons	Incident ID 20865
Incident Date 8/3/2018 5:03:00 PM	Report Submitted 8/29/2018 2:16:16 PM

OPERATOR INFORMATION

Operator Duke Energy Kentucky, Inc. Phone (513) 287-2594 Incident Location 4830 Kollman Rd 4830 Kollman Ave Taylor Mill, KY 41015 Kenton	Reported By Laura Mate Email Laura.Mate@duke-energy.com Locate Ticket Number None
---	--

EXCAVATOR INFORMATION

Name of Excavator Marcus Hensley Phone 859-394-7713 Excavator Address 4830 Kollman Ave Taylor Mill, KY 41015	Organization ID Email Locate Ticket Number
---	---

Operator reports homeowner hit service digging with a backhoe and did not have a ticket. Homeowners 1" plastic service was cut.

Investigator Lyons contacted Mr. Hensley on October 16, 2018. Mr. Hensley stated that he was doing work on his home's foundation when the incident occurred. He had hand dug the line around the meter set and foundation then proceeded to do work with the backhoe when an unexpected loop in the line was outside the expected alignment from the meter to the marked tap to the main at the street. Mr. Hensley stated that the loop was outside of 18" of where he thought the line was and that the line was only about 4" deep. Mr. Hensley also stated that a Duke contractor was doing gas line work on his street and also pointed out where the line was expected to be from the street back to his meter; however, this was not an official locate on behalf of Duke.

Investigator Lyons asked Mr. Hensley to provide any information he had such as pictures and information from the subcontractor and provide them by email.

Mr. Hensley left Investigator Lyons a voice mail on October 19, 2018 informing that his mother had passed away and he had been unable to get the information sent to the Commission but would do so over the weekend.

Mr. Hensley submitted pictures of the incident area. Commission staff determined that a violation of KRS 367.4911(1)(a) and 367.4911(10) had been committed. An explanation of the violations were transmitted to Mr. Hensley on November 1, 2018 via email.

Mr. Hensley responded to the November 1 email that he would pay the penalty and attend the class.

Violation(s)

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.

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.

Marcus Hensley
4830 Kollman Avenue
Taylor Mill, KENTUCKY 41015