

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY TREE, LLC )  
\_\_\_\_\_ )

ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO. 2019-00303

NOTICE OF FILING

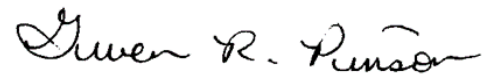
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on November 22, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on November 22, 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 November 22, 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/O2l04PKsRik>.

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

Done at Frankfort, Kentucky, this 10<sup>th</sup> day of January 2020.



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Gwen R. Pinson  
Executive Director  
Public Service Commission of Kentucky

Kentucky Tree LLC  
P.O. Box 863  
Prospect, KENTUCKY 40059

Kentucky Tree LLC  
Registered Agent, Kenneth L. Jones  
1500 W. Moody Ln.  
Crestwood, KENTUCKY 40014

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

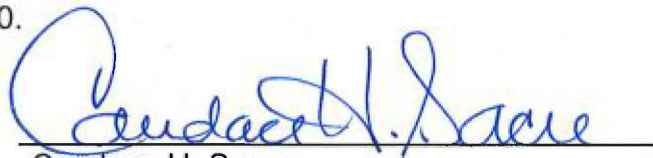
KENTUCKY TREE, LLC	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2019-00303
FACILITY DAMAGE PREVENTION ACT	)	

CERTIFICATION

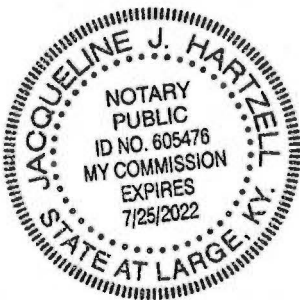
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on November 22, 2019. The Formal Hearing Log is included with the recording on November 22, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of November 22, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of November 22, 2019, and the time at which each occurred.

Signed this 9<sup>th</sup> day of January, 2020.



Candace H. Sacre  
Administrative Specialist III



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

Date:	Type:	Location:	Department:
11/22/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmitt  
 Clerk: Candace Sacre

Event Time	Log Event	
9:02:08 AM	Session Started	
9:02:11 AM	Session Paused	
9:02:18 AM	Session Resumed	
9:02:19 AM	Chairman Schmitt Note: Sacre, Candace	We're now on the record. This is the Kentucky Public Service Commission. My name is Michael Schmitt. I am Chairman of the Commission. Members also include Vice Chairman Robert Cicero, who is not here this morning, and Commissioner Talina Matthews. Dr. Mathews has recused herself from all cases involving the Underground Facilities Damage Prevention Act.
9:02:47 AM	Chairman Schmitt Note: Sacre, Candace	We're here this morning for the purpose of hearing evidence in cases where the investigative division of the Public Service Commission has issued a civil penalty assessment against individuals and business entities, alleging violations of the Kentucky Underground Facility Damage Prevention Act.
9:03:05 AM	Chairman Schmitt Note: Sacre, Candace	The Public Service Commission has been authorized by KRS 367.4917(6) to enforce and assess civil penalties provided for in the Act and to seek injunctive relief for any violation that results in damage to an underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws.
9:03:31 AM	Chairman Schmitt Note: Sacre, Candace	At this time, I think there are scheduled five cases to be heard this morning. I will call those cases now to see who is here and who isn't. For those who respond as being present, we'll then go off the record and come back on for each individual case, taking up the individuals or companies who are present here first, and, if others are not present, we will basically dispose of those cases afterward.
9:04:10 AM	Chairman Schmitt Note: Sacre, Candace	The first case is 2019-00283, Robert Wells d/b/a Well's Plumbing. Is Mr. Wells here or Well's Plumbing? No.
9:04:24 AM	Chairman Schmitt Note: Sacre, Candace	The second case is 2019-00303, Kentucky Tree, LLC. Is Kentucky Tree? Okay, would you identify yourself for the record, please?
9:04:38 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Renee Jones, Kentucky Tree, LLC, owner.
9:04:42 AM	Chairman Schmitt Note: Sacre, Candace	And who is with you?
9:04:43 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	My employee that was at the job site when the incident took place.
9:04:47 AM	Chairman Schmitt Note: Sacre, Candace	Okay, and what is his name?
9:04:49 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Tobin Walling.

9:04:52 AM	Chairman Schmitt Note: Sacre, Candace	All right. 2019-00333, Chris Sageser. Is Mr. Sageser here?
9:05:05 AM	Chairman Schmitt Note: Sacre, Candace	The next case, 2019-00339, Chad Peercy d/b/a Peercy Lawn Care, and no one here.
9:05:18 AM	Chairman Schmitt Note: Sacre, Candace	The last, 2019-00340, Sapp's Plumbing, Inc.
9:05:23 AM	Mr. Sapp Sapp's Plumbing Note: Sacre, Candace	Here.
9:05:24 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Sapp? You're Mr. Sapp?
9:05:25 AM	Mr. Sapp Sapp's Plumbing Note: Sacre, Candace	Yes.
9:05:26 AM	Chairman Schmitt Note: Sacre, Candace	Okay. Thank you. All right. We will now go off the record and then come back on and discuss with Kentucky Tree how to move forward with this case.
9:05:51 AM	Chairman Schmitt Note: Sacre, Candace	So, at this time, this matter will be in recess to be reconvened in less than five minutes.
9:06:03 AM	Session Paused	
9:07:24 AM	Session Ended	

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY TREE, LLC	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2019-00303
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 November 22, 2019. The Formal Hearing Log, Exhibit List, Exhibits, and Witness List are included with the recording on November 22, 2019;

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

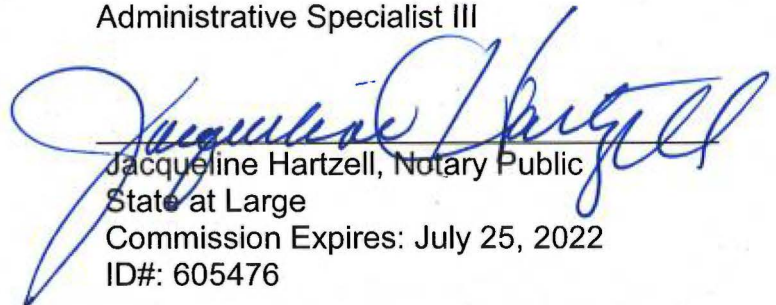
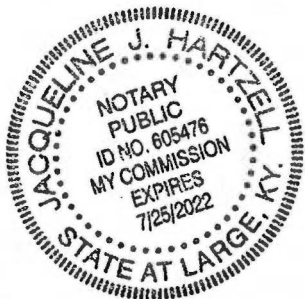
3. The digital recording accurately and correctly depicts the Formal Hearing of November 22, 2019; and

4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of November 22, 2019, and the time at which each occurred.

Signed this 9<sup>th</sup> day of January, 2020.



Candace H. Sacre  
Administrative Specialist III



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

<b>Date:</b>	<b>Type:</b>	<b>Location:</b>	<b>Department:</b>
11/22/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Renee Jones; Eric Tout; Tobin Walling  
 Judge: Michael Schmitt  
 Clerk: Candace Sacre

<b>Event Time</b>	<b>Log Event</b>	
9:10:11 AM	Session Started	
9:10:12 AM	Chairman Schmitt Note: Sacre, Candace	We're now back on the record for the purpose of considering Case No. 2019-00303, the alleged violation of the Underground Facility Damage Prevention Act by Kentucky Tree, LLC.
9:10:31 AM	Chairman Schmitt Note: Sacre, Candace	The allegation is that Kentucky Tree, LLC, violated the Kentucky Revised State 367.4911(1)(a) which provides that, "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."
9:11:17 AM	Chairman Schmitt Note: Sacre, Candace	On behalf of Kentucky Tree, LLC, Ms. Jones, would you identify yourself for the record?
9:11:28 AM	Chairman Schmitt Note: Sacre, Candace	And there's someone with you, Ms. Jones, and, for the record, would you please identify that person?
9:11:41 AM	Chairman Schmitt Note: Sacre, Candace	Now, Ms. Jones, we had a conversation before this hearing officially started, is that correct?
9:11:50 AM	Chairman Schmitt Note: Sacre, Candace	And, at that time, I advised you that since you and your husband are doing business as a limited liability company in Kentucky that, in order for you to officially represent the LLC, which is a separate legal entity, you must have a license as a practicing attorney in order to do that, is that correct?
9:12:12 AM	Chairman Schmitt Note: Sacre, Candace	And you are not a licensed practicing attorney, is that also correct?
9:12:17 AM	Chairman Schmitt Note: Sacre, Candace	And so I advised you that if you wanted the opportunity to obtain legal counsel that we would continue this hearing until a date sometime in January when you'd have an opportunity to be represented by counsel, is that also correct?



9:12:33 AM	Chairman Schmitt Note: Sacre, Candace	And I also told you that if you wanted to move forward today, if Kentucky Tree, LLC, wanted to move forward, that could be done by Mr. Walling testifying, but neither you nor he would be able to cross-examine the investigator for the division on what he did or what he heard or what he found, and you wouldn't be able to ask questions of Mr. Walling, although counsel for the division can ask questions and Mr. Walling can tell his story, and we'd let him have the opportunity to say everything else, and I'll try to ask him as many questions so he can get it all out.
9:13:14 AM	Chairman Schmitt Note: Sacre, Candace	With that understanding, on behalf of Kentucky Tree, LLC, would you like to move forward with this hearing or continue it until January so you'd have an opportunity to obtain legal counsel?
9:13:27 AM	Chairman Schmitt Note: Sacre, Candace	At this time on behalf of Division of Inspections, Counsel, would you please identify yourself, your client, and who your witnesses are?
9:13:37 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Mr. Chairman. Tina Frederick and John Park on behalf of the Commission's Division of Inspections. In this case, we will be calling Eric Tout.
9:13:47 AM	Chairman Schmitt Note: Sacre, Candace	The burden of proof in this case is on the Division of Inspections. It has to prove enough that basically the Act as violated. At this time, Ms. Frederick, would you like to call your first witness?
9:14:02 AM	Staff Attorney Frederick PSC Note: Sacre, Candace	Yes, Mr. Chairman. The Division of Inspections calls Eric Tout.
9:14:16 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:14:25 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, you may ask.
9:14:28 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Direct Examination. Please state your name for the record.
9:14:32 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And what is your current employment?
9:14:39 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And what are your current job duties and responsibilities?
9:14:48 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And are you familiar with an incident of damage to an underground gas line that took place on November 29, 2018, at 2418 Irish Bend Court in Fisherville, Kentucky?
9:15:04 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Could you describe for us, just sort of in general, the process that you used to investigate this incident?
9:15:35 AM	Staff Atty Frederick PSC Note: Sacre, Candace	May I approach, Your Honor?
9:15:36 AM	Chairman Schmitt Note: Sacre, Candace	Yes, you may.
9:16:02 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Mr. Tout, does this appear to be a true and accurate copy of your investigation report?
9:16:10 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, this has previously been filed, and it's marked as Exhibit 1. We would move that it be admitted.

9:16:17 AM	Chairman Schmitt Note: Sacre, Candace	Sustained. Let it be admitted as Exhibit 1.
9:16:19 AM	PSC Exhibit 1. Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS TOUT.
9:16:23 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout INCIDENT 21259 PIPELINE DAMAGE INVESTIGATION REPORT.
9:16:59 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Can you describe your findings as set forth in this investigation report?
9:17:12 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout When you made these calls, you said you left messages. Was there a message on their answering service or their machine that identified the number as belonging to Kentucky Tree?
9:17:16 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout So a demand letter was issued?
9:17:39 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Do you know to what address it was issued?
9:18:17 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Was it subsequently mailed to another address?
9:18:38 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout What provision of the statute did you cite Kentucky Tree as violating?
9:18:47 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Tout And the gas company in question here indicated there had not been such a locate ticket?
9:18:50 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout No further questions, Your Honor.
9:18:59 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout What was the name of the gas company?
9:19:11 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout And was there natural gas in the line at the time it was impacted by a backhoe?
9:19:25 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout And was this a gas line that had serviced customers or a customer?
9:19:30 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout So who reported the incident?
9:19:50 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout Is that Mike Jones as shown on the report?
9:20:07 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout But you never had an opportunity to speak to Mrs. Jones or her husband or Mr. Walling?
9:20:13 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout Her husband is apparently a member, Kenneth Jones, in the limited liability.
9:20:20 AM	Chairman Schmitt Note: Sacre, Candace	Tout You didn't speak with Kenneth Jones or Mrs. Jones, correct?
9:20:21 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Tout Renee Jones, right, is your name?
9:20:26 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout That's correct.
9:20:52 AM	Chairman Schmitt Note: Sacre, Candace	Tout How were you able to confirm there was no location request?
		Tout I have nothing further. Do you anything further, Ms. Frederick?

9:20:56 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further.
9:20:57 AM	Chairman Schmitt Note: Sacre, Candace	Now, Ms. Jones, normally, if you had a lawyer or if it was you individually, you'd be able to ask him questions. But I can't let you do that now because, if I do, you would be guilty of a misdemeanor and I would have to report you to the Bar Association.
9:21:12 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Yeah, I don't need to ask him any questions, but I do want to tell our side of the story. But we're the ones that called.
9:21:19 AM	Chairman Schmitt Note: Sacre, Candace	And I'll let you tell your side, if you want to.
9:21:20 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Okay, perfect.
9:21:21 AM	Chairman Schmitt Note: Sacre, Candace	May this witness be excused?
9:21:23 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, he may.
9:21:24 AM	Chairman Schmitt Note: Sacre, Candace	You may step down, Mr. Tout.
9:21:26 AM	Chairman Schmitt Note: Sacre, Candace	Do you have any other witnesses, Ms. Frederick?
9:21:28 AM	Staff Atty Frederick PSC Note: Sacre, Candace	No, we do not.
9:21:30 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Jones, why don't you take the stand first?
9:21:46 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:21:54 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Examination. You can tell what happened.
9:23:19 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	What is the name of the company you were working for?
9:23:24 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Elite Homes?
9:23:27 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Were you present at the time this incident took place?
9:23:32 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	After it took place, after it happened, did you ever talk to anybody at Elite Homes about it? Did they ever contact you or indicate –
9:23:45 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Who contacted you?
9:23:50 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	What's the name of the superintendent?
9:23:55 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	John Jordan?
9:24:00 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Where is Elite Homes located? What's their business address?
9:24:24 AM	Chairman Schmitt - witness Jones Note: Sacre, Candace	Who is the owner? Who runs the company?
9:24:37 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, any questions?
9:24:39 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, I have one question.

9:24:42 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	Cross Examination. I'm going to read to you the definition of excavation that appears in KRS 367.4903, and you just tell me if you were doing any of these things at this site.
9:25:01 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	"Excavation" means any activity that results in the movement, placement, probing, boring, or removal of earth, rock, or other material in or on the ground by the use of any tools or equipment, by the discharge of explosives, or by the harvesting of timber using mechanized equipment.
9:25:28 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	So you weren't moving any earth or rock on the ground?
9:25:42 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	Did you receive the various messages left for you by Mr. Eric Tout?
9:26:20 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	Did you receive the demand letter that was sent by the Division of Inspections?
9:26:28 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	And there was a phone number on there. Did you ever call that phone number?
9:26:49 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, I have no further questions for Ms. Jones.
9:26:51 AM	Chairman Schmitt Note: Sacre, Candace	I don't know if this ever happens again, but if you'd contacted somebody, you might have been able to resolve it before this, if there was somebody else, and maybe not. I don't know.
9:27:05 AM	Chairman Schmitt Note: Sacre, Candace	May this witness step down, or do you have other questions?
9:27:07 AM	Staff Atty Frederick PSC Note: Sacre, Candace	I do have one further question.
9:27:10 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	You mentioned that your company doesn't request locate tickets?
9:27:20 AM	Staff Atty Frederick PSC - witness Jones Note: Sacre, Candace	And that's with Elite Homes?
9:27:49 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, I have no further questions for Ms. Jones.
9:27:51 AM	Chairman Schmitt Note: Sacre, Candace	You may step down. Thank you.
9:27:53 AM	Chairman Schmitt Note: Sacre, Candace	All right. Mr. Walling, do you want to tell your story?
9:28:12 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:28:20 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	Examination. Mr. Walling, tell us what you were doing, who you worked for, and what was going on.
9:29:04 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	Okay, so the line, whatever it was, was already marked?
9:30:53 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	Do you know identity of the person who was operating the backhoe?
9:31:22 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	And you were working for Elite Homes, is that true?
9:31:26 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	I know, but Kentucky Tree was working for Elite Homes?
9:31:29 AM	Chairman Schmitt - witness Walling Note: Sacre, Candace	And, this other company, were they working for Elite Homes also?

9:31:45 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace So, the place where the line was broken or severed or punctured, was that the same place where you were using your jackhammer?

9:32:19 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace They were putting in a water line? Is that what you're saying?

9:32:23 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace A water meter?

9:32:30 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace I don't know if you know this, but was this a subdivision that Elite Homes was building or the entire subdivision?

9:32:37 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace Is that still in progress? Is that work still in progress now?

9:32:42 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace And the address of that is Fisherville, or wherever this –

9:32:53 AM Chairman Schmitt - witness Walling  
Note: Sacre, Candace Spencer County?

9:32:59 AM Chairman Schmitt  
Note: Sacre, Candace Ms. Frederick, questions?

9:33:01 AM Staff Atty Frederick PSC  
Note: Sacre, Candace Your Honor, I have no questions for this witness.

9:33:05 AM Chairman Schmitt  
Note: Sacre, Candace May this witness step down and be excused?

9:33:08 AM Staff Atty Frederick PSC  
Note: Sacre, Candace Yes, he may.

9:33:09 AM Chairman Schmitt  
Note: Sacre, Candace You may step down, sir. Thank you.

9:33:24 AM Chairman Schmitt  
Note: Sacre, Candace Ms. Jones, let me ask you. You're still under oath.

9:33:26 AM Ms. Jones Kentucky Tree  
Note: Sacre, Candace Yes, sir.

9:33:27 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace Examination. Let me ask you, if you could provide to Ms. Frederick or the Public Service Commission at the same address, do you still have this letter they sent, the demand letter?

9:33:40 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace There was a letter before that, wherever the address is, you need this, maybe when we take a recess, here, before we get to Mr. Sapp, you could provide Counsel with all the information you know about Elite Homes, all right?

9:33:58 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace Who runs it, their address, the contact information, and everything else, all right?

9:34:06 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace Anyway, I think we need to do that before we make a final decision here. I don't know if they had a locate request or not, but I know what Mr. Walling says is that he didn't hit the line and whoever did was running a backhoe, and you don't own a backhoe or a trackhoe or anything else. Didn't have one on site, correct?

9:34:41 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace As long as it's paid for, right?

9:35:05 AM Chairman Schmitt - witness Jones  
Note: Sacre, Candace All right, and I'd appreciate it if you would provide that to Ms. Frederick immediately when we slam the hammer down and recess this matter, okay?

9:35:15 AM	Chairman Schmitt Note: Sacre, Candace	You'll probably get a decision here in a couple of weeks, okay?
9:35:20 AM	Chairman Schmitt Note: Sacre, Candace	
9:35:34 AM	Session Ended	All right, thank you. This case is hereby adjourned.



## Exhibit List Report

2019-00303 22Nov2019

Kentucky Tree LLC (Kentucky Tree)

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**Name:**

**Description:**

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PSC EXHIBIT 1

INCIDENT 21259 PIPELINE DAMAGE INVESTIGATION REPORT

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

KY PSC Investigator(s) Eric V. Tout	Incident ID 21259
Incident Date 11/29/2018 10:56:00 AM	Report Submitted 12/29/2018 11:50:54 AM

## OPERATOR INFORMATION

Operator Louisville Gas and Electric Company Phone (502) 364-8281 Incident Location 2418 Irish Bend Ct Fisherville, KY 40023 Spencer	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number n/a
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## EXCAVATOR INFORMATION

Name of Excavator Jones, Kenny Phone 502-643-0829 Excavator Address Kentucky Tree 1500 W Moody Ln Crestwood, KY 40014	Organization ID 0784209 Active/Good Email Locate Ticket Number
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### Incident

The Operator reports that the Excavator was excavating with a backhoe when a 1/2" plastic gas service was damaged and no call was made to the Protection Notification Center (811).

### Investigation

On 06/24/19, 07/01/19, 07/02/19 and 07/03/19 voice messages were left with no return call as of today's date and on the second and third it was explained that if no response is received a Demand Letter would be sent requiring the penalty payment of \$1,250.00.

### 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.

2019-00303

PSC EXHIBIT 1



Kentucky Tree LLC  
P.O. Box 863  
Prospect, KENTUCKY 40059

Kentucky Tree LLC Registered Agent, Kenneth L.  
1500 W. Moody Ln.  
Crestwood, KENTUCKY 40014