

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVON ADAMS)	
)	
_____)	CASE NO.
)	2020-00074
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Davon Adams (Mr. Adams) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Mr. Adams for violation of the following provision 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.

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

IT IS THEREFORE ORDERED that:

1. Mr. Adams shall submit to the Commission, at PSCED@ky.gov, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.

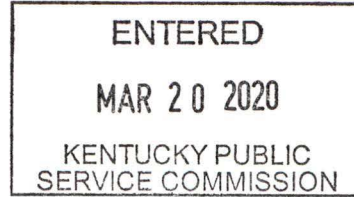
3. The Staff Incident Report 31603 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Mr. Adams once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00074 DATED **MAR 20 2020**

EIGHT PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31603
Incident Date 5/7/2019 7:32:00 PM	Report Submitted 5/24/2019 11:54:47 AM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company Phone (502) 364-8281 Incident Location 4222 Virginia Ave Louisville, KY 40211 Jefferson	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number NA
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EXCAVATOR INFORMATION

Name of Excavator Adams, Davon Phone 859-567-9692 or 502-567-9 Excavator Address 1708 Lafayette Dr Apt 2 Louisville, KY 40215	Organization ID Email Locate Ticket Number
--	---

INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
None	N/A	N/A	N/A	N/A	N/A	N/A

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	Mechanized	\$258.00	\$0.00

The operator reports that a friend of the homeowner was grading down to put in a driveway when they hit a .5" plastic customer gas service. There was no 811 request called in for the job.

INVESTIGATION

This would be Mr. Adams first violation.

November 18, 2019 called the above number, left a v.m.

November 26, 2019

- Per Mike Jones email, called 502.567.9692 – was not a working number.
- Called 859.567.9692 – message was person was not available, unable to leave a v.m.

December 5, 2019

- Called 502.567.9692 – again, not a working number.
- Called 859.567.9692 – message was the person was unavailable, please try again later.

December 11, 2019

- 502.567.9692 not a working number.
- 859.567.9692 unavailable right now, please try again later.

December 20, 2019

- 502.567.9692 not a working number.
- 859.567.9692 - message was the person was unavailable, please try again later.

January 13, 2020 the person you have called is unavailable right now, please try again later.

Reverse phone lookup has an address of 5550 Bayshore Ct, Louisville, KY 40258.

Research indicates that Mr. Adams mother owns the address of the damage.

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.

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 5/24/2019 Incident ID: 31603

[Set back to Edit](#) | [Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31603\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 5/7/2019
Time: 7:32 PM

Details:

Reported Date: 5/24/2019 11:54 AM

Incident Location Address:

Location:
Address: 4222 Virginia Ave
City: Louisville
State: KY
County: Jefferson
Zip: 40211
Confirm Code: Y
Number of Customers out: 1
Locate Request Ticket No.: NA
Excavator: Home Owner

Excavator Address:

First Name: Davon
Last Name: Adams
Phone: 859-567-9692 or 502-567-9
Email:
Address: 1708 Lafayette Dr Apt 2
City: Louisville
State: KY
Zip: 40215
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident ?Excavator damaged service while grading for driveway.
Summary Information

5/24/2019

Full details such as the cause	Friend of the homeowner was grading down to put in a driveway when they hit a .5" plastic customer gas service. There was no 811 request called in for the job.
Extent of the damage	1/2" plastic service
Cost of the damage	\$258.00
Steps taken to prevent re-occurrence	Explained dig law to excavator and gave him a sun visor handout about calling 811 before you dig.
Amount billed to excavator	\$0.00

(/)



Enter Name

Search by Number

Directory (/phone)

Home (<https://www.usphonebook.com>)

/ Davon Adams (<https://www.usphonebook.com/davon-adams>) / Davon Adams detailed

Davon Adams

Davon Adams lives in Louisville, KY

Below are the results we could find for Davon Adams. You can view 1 entry, complete with personal details, location history, phone numbers, relatives and locations for Davon Adams. See the links below for more info.

Davon Adams, Age 22

Current Address:

5550 Bayshore Ct; Louisville, KY 40258-4401

Full Background Report

- Arrest Records
- Court Records
- Marriage & Divorce Records
- Birth & Death Records
- Police Records
- Search Warrants
- Criminal Records Data
- Property Records
- Bankruptcies, Judgments, Liens
- Complete Background Check

Relatives:

Davon Adams

Tara Matthews

(<https://www.usphonebook.com/davon-adams/U3cTM0ITN1ADN5gzM>)

(<https://www.usphonebook.com/tara-matthews/U2MjM2EzN4YTN3gDO3YTMzcTO2>)

Angela Adams (https://www.usphonebook.cc/adams/UIjN2ATM5EDN1UzM1;	Clint Walker (https://www.usphonebook.com/clint-walker/UgTO0YjN5QjN5MDNwczM4MJNzMzR)
Aubrey Walker (https://www.usphonebook.cc/walker/UITOwADMzUjMxgTM)	Courtney Adams (https://www.usphonebook.com/courtney-adams/U3YTOxczMwQzN2QzMzAzN4cTO00yl)
Bobby Wright (https://www.usphonebook.cc/wright/U4UjNzYzNwgDO4ITNz)	Decoraria Walker (https://www.usphonebook.com/decoraria-walker/UAN0ITNxEzN0AzN1gDM4UD0y0yR)
Bridget Weedman (https://www.usphonebook.cc/weedman/U1czMyUjN5cTOzQ;	

Still looking for the correct Davon Adams? There are 10 pages of results for Davon Adams. Try getting more specific and search using the phone number, city, state, or specific location. USPhoneBook has millions of results. Let us help you find what you want!

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[6 \(/6xx-area-code\)](/6xx-area-code) **Enter Name** [7 \(/7xx-area-code\)](/7xx-area-code) [8 \(/8xx-area-code\)](/8xx-area-code) [9 \(/9xx-area-code\)](/9xx-area-code) [0 \(/phone\)](/phone)

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Gowins, John E (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Tuesday, November 19, 2019 7:37 AM
To: Gowins, John E (PSC)
Subject: RE: Incident # 31603

John,

This is what we have: 502/859/567-9692 It looks like we couldn't tell if it was 502 or 859.

From: Gowins, John E (PSC) <john.gowins@ky.gov>
Sent: Monday, November 18, 2019 10:06 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: Incident # 31603

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Mike,
This report has a second telephone number started, but it looks cut off.
Do you happen to have the rest of the number?
Thanks.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

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Davon Adams
5550 Bayshore Court
Louisville, KENTUCKY 40258