

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REPUBLIC TELECOM SERVICES, INC.)	
)	
_____)	CASE NO.
)	2021-00078
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Republic Telecom Services, Inc. (Republic Telecom) 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 Republic Telecom for violation of the following provision of the Act:

KRS 367.4911(8)(b) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues

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

This proceeding was established on February 23, 2021 with the issuance of an Opening Order. The attempt to perfect service of process for the previously issued Opening Order was unsuccessful. The Opening Order is now being reissued with the intent to perfect service of process on Republic Telecom.

IT IS THEREFORE ORDERED that:

1. Republic Telecom shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, 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. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 31814 in the Appendix to this Order is made a part of the record in this case.

5. **Please note that notice of a hearing to be held in this matter will be mailed to Republic Telecom 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

ENTERED
SEP 29 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2021-00078

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00078 DATED SEP 29 2021

FIVE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31814
Incident Date 7/9/2019 7:16:00 PM	Report Submitted 7/31/2019 2:58:49 PM

OPERATOR INFORMATION

Operator Columbia Gas of Kentucky, Inc.	Reported By Tim McKune
Phone (859) 361-0344	Email tmckune@nisource.com
Incident Location 3214 Malone Dr Lexington, KY 40515 Fayette	Locate Ticket Number none

EXCAVATOR INFORMATION

Name of Excavator Fontenot, T.J.	Organization ID
Phone (214) 998-9905	Email none
Excavator Address Republic Telecom Services, Inc. PO Box 148 Wylie, TX 75098	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	\$500.00	\$500.00

The operator reports that Novestech was boring in an area without a locate ticket. While boring with mechanized equipment, Novestech struck a plastic half-inch natural gas service line.

INVESTIGATION

Novestech is not registered with either the Kentucky or Missouri Secretary of State's office.

This would be the company's first violation.

March 19, 2020

- Called 713.409.0802, sent to an automated voice mail system, the mailbox was full and could not take any messages at this time.

March 24, 2020

- Called 713.409.0802, mailbox was still full.
- Emailed Ryan Twait, he thought Novestech might be working for Metronet.
- Called George Kemp with Metronet at 812.213.1371, left a v.m.
- Dr. Kemp called me back, he will look into this and get back with me.
- Dr. Kemp sent an email indicating that Metronet records show the company was Nobis Technology.

April 2, 2020

- Spoke to Terry Fontenot with Nobis Technologies, he will look into this to see if they were doing work in that area on that date.
- Received an email from Mr. Fontenot indicating their subcontractor, Republic Telecom Services acknowledged working in the area. His contact information is: Terry Fontenot Jr, 214.998.9905.

April 3, 2020

- Called 214.998.9905, left a v.m.
- This would be the first violation for Republic Telecom Services.
- Received a call back from TJ Fontenot, he states that Metronet wants to be the entity that requests the dig tickets, and in this instance Republic was boring outside of the scope of the ticket. He agreed to the reduced penalty and remedial measure.

VIOLATION

KRS 367.4911 (8) (b) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if the excavator has changed the work plan or location previously filed.

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 7/31/2019 Incident ID 31814

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31814\)](#)

Reported By:

Name	Tim McKune
Phone	(859) 361-0344
Email	tmckune@nisource.com

Gas Line Incident Occured:

Date	7/9/2019
Time	7:16 PM

Details:

Reported Date	7/31/2019 2:58 PM
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Incident Location Address:

Location	
Address	3214 Malone Dr
City	Lexington
State	KY
County	Fayette
Zip	40515

Confirm Code

Number of Customers out	1
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Was gas or hazardous liquids contained in the underground facility?	<input type="checkbox"/>
---	--------------------------

Was gas or hazardous liquids released into the atmosphere?	<input type="checkbox"/>	*
		3/2020

Locate Request Ticket No.	none
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Excavator	Contractor
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Excavator Address:

First Name	Marco
Last Name	Martinez
Organization ID	
Company	Novestech
Phone	713-409-0802
Email	none

Address	2743 Hereford St
City	Saint Louis
State	MO
Zip	63139
Confirm Code	Y
Excavation Damage	No notification made to the One Call Center

Description of Incident Novestech struck a plastic half inch natural gas service line with mechanized equipment.

Summary Information

7/31/2019

Full details such as the cause	Novestech was boring in an area without a locate ticket. While boring with mechanized equipment, Novestech struck a plastic half inch natural gas service line.
Extent of the damage	A plastic half inch natural gas service line was punctured, and the damaged section was replaced.
Cost of the damage	\$500.00
Steps taken to prevent re-occurrence	While making repairs, CKY spoke with Novestech to educate them on the 811 dig law.
Amount billed to excavator	\$500.00

Gowins, John E (PSC)

From: Terry Fontenot <tfontenot@nobistechnology.com>
Sent: Thursday, April 2, 2020 4:22 PM
To: Gowins, John E (PSC)
Cc: Terry Fontenot
Subject: 3214 Malone Lexington KY
Attachments: PastedGraphic-2.tiff

Hi John,

I spoke to the sub-contractor and he did acknowledge working in the area. He is copied on this email. His contact information is :

Thanks,

Terry Fontenot Jr
Republic Telecom Services
214-998-9905

Terry Fontenot
President
Cell: 409-223-8628
Office: 513-817-4087
nobistechnology.com



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*Republic Telecom Services, Inc.
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Wylie, TEXAS 75098