

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|------------|
| PROWIRE TECH, INC. |) | |
| |) | |
| _____ |) | CASE NO. |
| |) | 2021-00258 |
| ALLEGED VIOLATION OF UNDERGROUND |) | |
| FACILITY DAMAGE PREVENTION ACT |) | |

OPENING ORDER

Prowire Tech, Inc. (Prowire) 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 Prowire for violation of the following provision of the Act:

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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Prowire 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. Prowire 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.

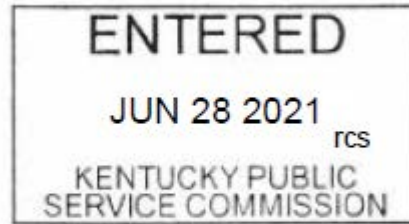
2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32349 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 Prowire 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00258 DATED JUN 28 2021

THIRTY-NINE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

| | |
|---|---|
| KY PSC Investigator(s) Eric V. Tout Incident Date 12/12/2019 10:35:00 AM | Incident ID 32349 Report Submitted 1/2/2020 8:16:47 AM |
|---|---|

OPERATOR INFORMATION

| | |
|---|--|
| Operator Columbia Gas of Kentucky, Inc. Phone (859) 533-4022 Incident Location Morning Glory Ln Lexington, KY 0 Fayette | Reported By Ryan Twait Email rmtwait@nisource.com Locate Ticket Number 1912031814 |
|---|--|

EXCAVATOR INFORMATION

| | |
|---|---|
| Name of Excavator Rodriguez, Paul Phone 832-326-0802 or 832-791-5 Excavator Address Prowire Tech Inc. 1310 Rayford Rd Ste. 204 Spring, TX 77386 | Organization ID 1070838 Email Locate Ticket Number |
|---|---|

INCIDENT

The Operator reports that the Excavator damaged a correctly marked four inch gas main with a boring machine. The Damage Report is include as Attachment 1.

Excavation Summary

| Excavation Within 18" (Approximate Location) | Type Of Equipment Used | Cost of Damage (Per Operator) | Amount Billed (Excavator) |
|--|-------------------------------|---|-------------------------------------|
| Yes | Mechanized / Boring | \$2,798.60 | \$2,798.60 |

Locate Ticket (LT) Summary

| Ticket # | Valid | Initial Date | Expiration Date (21 calendar days from Initial date) | Incident Date | # of Days Expired | Within Scope of Excavation |
|-----------------|--------------|---------------------|--|----------------------|--------------------------|-----------------------------------|
| 1912031814 | Yes | 12/03/19 | 12/24/19 | 12/12/19 | 0 | Yes |

The Locate Ticket(s) is/are include as Attachment 2.

INVESTIGATION

On 09/09/20 the Excavator Prowire Tech's Raul Rodriguez, stated that the incident location was not marked. Mr. Rodriguez stated that the Operator marked up to the permanent gas marker and stopped. Mr. Rodriguez stated that the damage occurred three foot past the permanent gas marker where no temporary markings were placed. Mr. Rodriguez stated that he would attempt to obtain photographs/reports by 09/10/20 from the general contractor Metronet.

On 09/10/20, via two emails, the Operator, Columbia's Ryan Twait, provided the following documents:

- **Photographs:** Indicating the damage occurred between the permanent marker and temporary markings within the approximate location / "tolerance zone" of 18 inches.
- **Damage Prevention Root Cause Analyses:** Indicating the damage occurred within in the approximate location / "tolerance zone" of 18 inches of the gas main.
- **Invoices:** Indicating the Operator billed the Excavator on 01/07/20 and 03/05/20 for the damage totaling \$2,798.67 and no payment has been made.

Mr. Twait's Documents are include as Attachment 3.

On 09/10/20, via email, Metronet's Vice President of Safety & Quality Assurance George Kemp, stated that the main was marked correctly and Prowire's inefficient potholing resulted in this damage.

Mr. Kemp's email is include as Attachment 4.

On 09/14, 15, 16 & 17/20 a follow up call to Mr. Rodriguez resulted in a message stating this is Raul, wherein a message was left.

On 09/18/20 Mr. Rodriguez, via voice mail, was informed if no contact is made Prowire Tech will be assessed a penalty

of \$1,250.00.

On 09/21/20 contact was made with Mr. Rodriguez, he stated that he was out of the county, he thought his research in this matter would be complete this afternoon. Mr. Rodriguez was informed of Mr. Kemp's statement and copies of the photographs were emailed to raulrod1981@prowiretech.com for Mr. Rodriguez's review and response.

On 09/23/20 a follow up call to Mr. Rodriguez resulted in a message being left.

On 09/28/20, via email, Mr. Rodriguez stated that Prowire Tech will pay the full penalty payment amount of \$1,250.00. **Mr. Rodriguez's email is include as Attachment 5.**

VIOLATION
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.

of Offences
(Including this incident)

| Excavator | Last Offence Incident # | Last Offence Incident Date | Last Offence Resolved Date |
|------------------|--------------------------------|-----------------------------------|-----------------------------------|
| 1 st | N/A | N/A | N/A |

Attachment 1

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 1/2/2020 Incident ID 32349

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32349\)](#)

Reported By:

| | |
|-------|---------------------|
| Name | Ryan Twait |
| Phone | (859) 533-4022 |
| Email | mtwait@nisource.com |

Gas Line Incident Occured:

| | |
|------|------------|
| Date | 12/12/2019 |
| Time | 10:35 AM |

Details:

| | |
|---------------|------------------|
| Reported Date | 1/2/2020 8:11 AM |
|---------------|------------------|

Incident Location Address:

| | |
|---|----------------------------|
| Location | |
| Address | Morning Glory Ln |
| City | Lexington |
| State | KY |
| County | Fayette |
| Zip | 0 |
| Confirm Code | |
| Number of Customers out | 0 |
| 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. | 1912031814 |
| Excavator | Contractor |

Excavator Address:

| | |
|-----------------|---------------------------|
| First Name | Paul |
| Last Name | Rodriquez |
| Organization ID | |
| Company | |
| Phone | 832-326-0802 or 832-791-5 |
| Email | |

Address 1310 Rayford Rd Ste 204
City Spring
State TX
Zip 77386
Confirm Code Y
Excavation Damage Failure to test-hole(pot hole)

Description of Incident ProWire Tech Inc bored into a plastic four inch natural gas main line with mechanized equipment.

Summary Information

1/2/2020

Full details such as the cause ProWire Tech Inc was excavating in an area with a locate ticket. ProWire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, ProWire Tech Inc severed a plastic four inch natural gas main line.

Extent of the damage A plastic four inch main line was severed, and the main line was repaired.

Cost of the damage \$2,108.00

Steps taken to prevent re-occurrence While making repairs, CKY advised ProWire Tech Inc of the KY 811 Dig Law and the proper methods to pot hole main lines prior to boring within the tolerance zone of a marked facility.

Amount billed to excavator \$2,108.00

Attachment 2

NORMAL NOTICE

Ticket : 1912031814 Date: 12/03/2019 Time: 16:21 Oper: MARY.ALLEN48.KY Chan:000

State: KY Cnty: FAYETTE City: LEXINGTON
Subdivision:

Address :

Street : MORNING GLORY LN

Cross 1 : SQUIRREL NEST LN

Location: STARTING AT THE INTERSECTION OF MORNING GLORY LN AND SQUIRREL NEST LN
TRAVEL EAST FOR APPROX 140 FEET - BEGIN LOCATING SOUTH FOR APPROX 75 FEET
CROSSING MORNING GLORY LN TO THE SOUTH SIDE ROW

:

Boundary: n 38.011110 s 38.004813 w -84.398616 e -84.390998

Work type : BORING TO INSTALL FIBER OPTICS

Done for : METRONET - LX164

Start date: 12/05/2019 Time: 16:45 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : PROWIRE TECH INC Type: CONT

Co addr : 1310 RAYFORD ROAD SUITE 204

City : SPRING State: TX Zip: 77386

Caller : MARY ALLEN Phone: (812)213-1379

Contact : RAUL RODRIGUEZ - CELL Phone:

Mobile : (832)326-0802

Email : RAULROD1981@PROWIRETECH.COM

Submitted date: 12/03/2019 Time: 16:21

Members: 0200 0237 0326 0370 0700 2621 WINKY

Attachment 3

Tout, Eric V (PSC)

From: rmtwait@nisource.com
Sent: Thursday, September 10, 2020 7:34 AM
To: Tout, Eric V (PSC)
Subject: Re: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Eric,

I've requested the billing/payment info from our damage collections group, and will forward that to you once they get it to me. Here are the pictures of the damage, and it shows temporary marks leading up to the permanent marker. I've also included the root cause analysis and tailgate documentation from our DP specialist, and she determined that they hand exposed the main 4' from the damage, which tells me that they lost track of the bore head and it crossed in a marked area that that they did not have uncovered:







Damage Prevention Root Cause Analysis

Morning Glory Lane, Lexington; 12/12/2019

JO#; 811 #; 1912031814

Columbia Gas
of Kentucky
A NiSource Company



Description

- 4" plastic main that was stuck by mechanized equipment (boring rod). They did hand spot the main but they didn't hand spot the main where they were going to be crossing our line the area they spotted was 4' away from the actual bore path.

Cause of Damage

- Didn't hand spot the facility where they were going to be working



Lessons Learned

- You must hand spot where you are crossing a gas facility and the bore must be a minimum of 12" away

For More Information

Company: Prowire Tech Inc.
Contact Name: Raul Rodriguez
Phone: (832) 326-0802
Address: 1310 Rayford Road Suite 204, Spring, TX. 77386

Follow Up Actions

Ryan Twait
Manager, Operations Compliance
Columbia Gas of Kentucky
Cell: 859-533-4022
Office: 859-288-0234



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From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,
Date: 09/09/2020 11:25 AM
Subject: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Hello Ryan

The excavator stated that the damage occurred three feet past the permanent gas marker where no temporary markings were placed. What are your thoughts, need photos, reports, billing invoice and proof of payment for the damages if paid.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*

Tout, Eric V (PSC)

From: rmtwait@nisource.com
Sent: Thursday, September 10, 2020 7:47 AM
To: Tout, Eric V (PSC)
Subject: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.
Attachments: KY19-1238, 19-7642739-00, Prowire Tech Inc. Correspondence.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Sorry, one more email here, this is the invoice and second letter that was sent:

Ryan Twait
Manager, Operations Compliance
Columbia Gas of Kentucky
Cell: 859-533-4022
Office: 859-288-0234



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----- Forwarded by Ryan M Twait/COH/Enterprise on 09/10/2020 07:46 AM -----

From: Sue Chislow/COH/Enterprise
To: Ryan M Twait/COH/Enterprise@NISOURCE,
Cc: Dawn Miller/COH/Enterprise@NISOURCE, James Rice/CKY/Enterprise@NISOURCE
Date: 09/10/2020 07:42 AM
Subject: Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Ryan - Please find the enclosed first letter, invoice and second letter.

Sue Chislow

Leader - Facility Damages
Investigation & Recovery - OH, KY, PA, MD, VA & MA
440.240.6194 office | 440.522.9469 cell | 440.240.6128 fax
schislow@nisource.com



From: Ryan M Twait/COH/Enterprise
To: Sue Chislow/COH/Enterprise@NISOURCE
Cc: Dawn Miller/COH/Enterprise@NISOURCE, James Rice/CKY/Enterprise@NISOURCE
Date: 09/10/2020 07:35 AM
Subject: Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Thank you Sue, do we have the invoice that was sent so I can show that we are attempting to collect?

Ryan Twait
Manager, Operations Compliance
Columbia Gas of Kentucky
Cell: 859-533-4022
Office: 859-288-0234



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From: Sue Chislow/COH/Enterprise
To: Ryan M Twait/COH/Enterprise@NISOURCE,

Cc: Dawn Miller/COH/Enterprise@nisource, James Rice/CKY/Enterprise@nisource
Date: 09/10/2020 07:34 AM
Subject: Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Good morning Ryan,

Enclosed is the pertinent information we received for this damage. They still have not paid this bill. Please let us know if you need more detail.

Take care!

Summary:

| Type | Created | Created By |
|---------|------------|-------------|
| General | 01/07/2020 | Dawn Miller |

Pro Wire Tech Inc was excavating in an area with a locate ticket. Pro Wire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, Pro Wire Tech Inc severed a plastic four inch natural gas main line.

PSC Gas Excavation Damage Report

Type **Created** **Created By**

General 01/06/2020 Dawn Miller

PSC Gas Excavation Damage Report

Date: 12/12/2019

Time: 10:35 AM

Incident Location: Morning Glory Ln., Lexington

Cust. Lost: 0

Locate #: 1912031814

JO #: 19-7642739-00

Excavator Name: ProWire Tech Inc.

Excavation Damage Cause (see drop down list at bottom): Failure to test-hole (pot hole)

Columbia – DIMP Root Cause: Failure to hand expose utility line.

Description of Incident: ProWire Tech Inc bored into a plastic four inch natural gas main line with mechanized equipment.

Full details such as the cause: ProWire Tech Inc was excavating in an area with a locate ticket. ProWire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, ProWire Tech Inc severed a plastic four inch natural gas main line.

Extent of the damage: A plastic four inch main line was severed, and the main line was repaired.

Steps taken to prevent re-occurrence: While making repairs, CKY advised ProWire Tech Inc of the KY 811 Dig Law and the proper methods to pot hole main lines prior to boring within the tolerance zone of a marked facility.

FDR and URG Comments:

| Type | Created | Created By |
|---------|------------|-------------|
| General | 01/06/2020 | Dawn Miller |

FDR COMMENTS:

PROWIRE TECH. WAS BORING IN FIBER AND TRUCK 4" P-MP GAS MAIN 32' RRB
40" BKBKB ODD 1044 SQUIRRELS NEST LN. GAS MAIN WAS SPOTTED BEFORE ARRIVAL
BUB WAS NOT SPOTTED IN PATH OF BORE SHOT. MAIN WAS STRUCK APPROXIMATELY
6'-8' FROM DEAD END.

Sue Chislow

Leader - Facility Damages

Investigation & Recovery - OH, KY, PA, MD, VA & MA

440.240.6194 office | 440.522.9469 cell | 440.240.6128 fax

schislow@nisource.com



Know what's below.
Call before you dig.

From: Ryan M Twait/COH/Enterprise
To: Dawn Miller/COH/Enterprise@NISOURCE, schislow@nisource.com
Cc: James Rice/CKY/Enterprise@NISOURCE
Date: 09/10/2020 07:12 AM
Subject: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Hi Dawn and Sue!

The PSC is inquiring on this damage:

JO NUM: 19-7642739-00 *JOB TYPE: 2412 *LOC
SUMMARY: FACIL DAMAGE TO MAIN D221770
*RESP: 18 PRIVATE CONTRACTOR
RESPONSIBLE FOR BILL (Y/N): Y
COMPANY NAME: PROWIRE TECH INC
INDIVIDUAL NM: FIRST: MI: LAST:
LOCATED AT: 1310 - - ROYFORD - RI
CITY: SPRING STATE: TX
ZIP CODE: 77386 -
PHONE: 832 - 326 - 0802
PCID: 20729423 SEQ: 001

Could we confirm if we billed and if they paid, and also provide proof of payment if that exists?

Thank you!

Ryan Twait
Manager, Operations Compliance
Columbia Gas of Kentucky
Cell: 859-533-4022
Office: 859-288-0234



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----- Forwarded by Ryan M Twait/COH/Enterprise on 09/10/2020 07:10 AM -----

From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,
Date: 09/09/2020 11:25 AM
Subject: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Hello Ryan

The excavator stated that the damage occurred three feet past the permanent gas marker where no temporary markings were placed. What are your thoughts, need photos, reports, billing invoice and proof of payment for the damages if paid.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*



Columbia Gas of Kentucky, Inc.
Damage Prevention Support

3101 N Ridge Road E
Lorain, Ohio 44055

01/07/2020

(440)240-6166

Prowire Tech Inc
1310 Rayford Rd suite 204
Spring, Texas 77386

Re: Our Claim: KY19-1238

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$2,798.67, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of Morning Glory Ln., Lexington, Kansas 40509. Our reports indicate that our facilities were damaged on 12/12/2019.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Dawn Miller
Facility Damage Coordinator

Enclosure

Columbia Gas/NiSource
INVOICE

CLAIM NO.: KY19-1238

JOB ORDER NO.: 19-7642739-00

DATE: January 07, 2020

MRA ACCOUNT NUMBER: 20729423-000-001-1

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Prowire Tech Inc
1310 Rayford Rd suite 204
Spring, Texas 77386

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

| AMOUNT DUE |
|------------|
| \$2,798.67 |

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 12/12/2019 in the vicinity of Morning Glory Ln., Lexington, Kansas 40509.

| ITEMS | AMOUNT |
|----------------------|-------------------|
| Labor | \$412.88 |
| Materials | \$22.11 |
| Equipment | \$616.24 |
| Gas Loss | \$382.70 |
| Contracted Fees | \$1,363.41 |
| Taxes | \$1.33 |
| TOTAL EXPENSE | \$2,798.67 |

Notes:

**If you have any questions regarding this bill, please contact Dawn Miller,
Facility Damage Coordinator, at (440)240-6166.**



Columbia Gas/NiSource
INVOICE

CLAIM NO.: KY19-1238

JOB ORDER NO.: 19-7642739-00

DATE: January 07, 2020



Columbia Gas of Kentucky, Inc.
Damage Prevention Support

3101 N Ridge Road E
Lorain, Ohio 44055

03/05/2020

(440)240-6166

Prowire Tech Inc
1310 Rayford Rd suite 204
Spring, Texas 77386

Re: Our Claim: KY19-1238

Gentlemen,

On 01/07/2020, we forwarded our damage claim invoice in the amount of \$2,798.67, which is the expense our company incurred as the result of your contact with our facilities located in the vicinity of Morning Glory Ln., Lexington, Kansas 40509, which occurred on 12/12/2019.

Unfortunately, we have not been contacted by you or your insurance carrier relative to the settlement of this claim and are once again directing this matter to your attention. We request that immediate arrangements be made to expedite this loss. For your convenience, we have enclosed a pre-addressed envelope for remittance of your payment. If you have insurance, please forward this correspondence and the enclosed envelope to your insurance carrier.

Sincerely,

Dawn Miller
Facility Damage Coordinator

Attachment 4

Tout, Eric V (PSC)

From: George Kemp <George.Kemp@metronetinc.com>
Sent: Thursday, September 10, 2020 11:59 AM
To: Tout, Eric V (PSC)
Subject: Re: PSC Incident: 32349, 12/12/2019, Morning Glory Ln., Lexington, Columbia Gas of Kentucky, & ProWire Tech Inc.

Good Morning Eric,

I am traveling at the moment but I was able to pull up our files and this is what we found for the utility hit in question.

On 12/12/2019 Prowire damaged a 4" Columbia Gas gas main. The damage was caused from a rock that was pushed up into the gas main, damaging it. The gas main was properly marked. If Prowire had done a better job of potholing the gas main they would have been able to avoid this damage. By law and by MetroNet requirements they must effectively pothole each utility to ensure it is safe while they working around it.

George

George Kemp, Ph.D.
Indiana 811 Board | Vice Chairman
Indiana 811 Board | Chairman of Damage Prevention Committee
North American Telecommunication Damage Prevention Council | Secretary
Metronet | Vice President of Safety & Quality Assurance
3701 Communications Way | Evansville, IN 47715
Office: 812.213.1371
www.MetronetInc.com

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, September 10, 2020 9:50:08 AM
To: George Kemp <George.Kemp@metronetinc.com>
Subject: PSC Incident: 32349, 12/12/2019, Morning Glory Ln., Lexington, Columbia Gas of Kentucky, & ProWire Tech Inc.

WARNING: This mail is from an external source

Good Morning Mr. Kemp,

Per my investigation regarding the above noted matter Metro Net contracted ProWire Tech Inc. to bore conduit for Metro Net in the area of Morning Glory Ln., Lexington, KY. The Commission received a report from Columbia Gas that on 12/12/19 ProWire damaged Columbia Gas's underground facility at the stated location. Does Metro Net have records/photographs/damage reports of this incident? If so please provide.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*

Attachment 5

Tout, Eric V (PSC)

From: Raul Rodriguez <raulrod1981@prowiretech.com>
Sent: Monday, September 28, 2020 11:51 AM
To: Tout, Eric V (PSC)
Subject: Re: FW: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Good morning sir,

Unfortunately I was not able to get any pictures from MetroNet supporting my claim, we'll have to go ahead and pay the total penalty amount of \$1,250.00. We've been done drilling in the state of KY and do not have anyone representing us for the monthly classes.

Please let me know where do I send the check to and who do I make it out to.

Thank you.

Raul Rodriguez

Operations Manager

Cell: [832-326-0802](tel:832-326-0802)

E: raulrod1981@prowiretech.com

W: www.prowiretech.com



On 2020-09-24 06:38, Tout, Eric V (PSC) wrote:

Mr. Rodriguez,

The below email was sent on 09/21/20 requesting a response and as of this email none has been received. This being your company's first offence there are three options to resolve this incident:

1. Pay the reduce penalty of \$250.00 and have a representative of the company attend the Damage Prevention course held in Frankfort at the Commission on the first Monday of each month from 1-3 p.m. (Postponed until further notice)
2. Pay the full penalty of \$1,250.00.
3. Request a hearing before the Commission. (Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

If you chose option one or two I will draft a letter outlining the details of the exact date of the course and 30 days to make the payment.

If no response is received by 09/28/20 option two will be chosen and in the event the penalty payment is no paid (30 days from the date of the letter to be sent) the hearing process will commence.

Please respond.

Respectfully

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

From: Tout, Eric V (PSC)

Sent: Monday, September 21, 2020 11:26 AM

To: raulrod1981@prowiretech.com

Subject: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Mr. Rodriguez,

As requested, photographs.







Awaiting your response.

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

*Prowire Tech, Inc.
20710 Sunshine Ln.
Spring, TEXAS 77388