

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JORDAN HALL	)	
	)	
_____	)	CASE NO.
	)	2021-00260
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Jordan Hall (Mr. Hall) 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).<sup>1</sup>

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,

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<sup>1</sup> 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. Hall 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 Mr. Hall 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. Hall shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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.

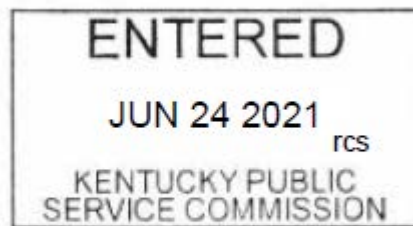
2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32635 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. Hall 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



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00260 DATED JUN 21 2021

SIX PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 5/23/2020 12:15:00 PM	<b>Incident ID</b> 32635 <b>Key</b> 7190 <b>Report Submitted</b> 6/9/2020 6:29:45 AM
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## OPERATOR INFORMATION

<b>Operator</b> Atmos Energy Corporation <b>Phone</b> (270) 779-4849 <b>Incident Location</b> 204 Chapman St., Franklin/Bowling Green 204 Chapman St Franklin, KY 42134 Simpson	<b>Reported By</b> Anthony Stallins <b>Email</b> anthony.stallins@atmosenergy. <b>Locate Ticket Number</b> 2005151171
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Hall, Jordan <b>Phone</b> 270-223-7688 <b>Excavator Address</b> N/A 204 Chapman St Franklin, KY 42134	<b>Organization ID</b> N/A <b>Email</b> jordanhall270@gmail.com <b>Locate Ticket Number</b>
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### INCIDENT

The Operator reports that the Excavator/Homeowner damaged a correctly marked ¾ inch service with a trencher. The Damage Report (DR) 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 / Non-mechanized /N/A	\$882.00	\$882.00

### 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
2005151171	Yes	05/15/20	06/05/20	05/23/20	0	Yes

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

### INVESTIGATION

On 02/03/21 the Excavator/Homeowner, Jordon Hall, stated that when he called 811 he was not made aware of the approximate location/ "tolerance zone" of 18 inches. Mr. Hall stated that if he was made aware of this restriction he would have made an effort to keep mechanized equipment out of the approximate location.

### 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 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Atmos Energy Corporation

Submitted 6/9/2020 Incident ID 32635

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32635\)](#)

### Reported By:

Name	Anthony Stallins
Phone	(270) 779-4849
Email	anthony.stallins@atmosenergy.com

### Gas Line Incident Occured:

Date	5/23/2020
Time	12:15 PM

### Details:

Reported Date	5/26/2020 6:03 AM
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### Incident Location Address:

Location	204 CHAPMAN ST , FRANKLIN/BOWLING GREEN
Address	204 Chapman St
City	Franklin
State	KY
County	Simpson
Zip	42134
Confirm Code	Y

Number of Customers out	1
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Was gas or hazardous liquids contained in the underground facility?	<input checked="" type="checkbox"/>
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Was gas or hazardous liquids released into the atmosphere?	<input checked="" type="checkbox"/>	*
		3/2020

Locate Request Ticket No.	2005151171
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Excavator	Home Owner
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### Excavator Address:

First Name	Jordan
Last Name	Hall
Phone	270-223-7688
Email	jordanhall270@gmail.com
Address	204 Chapman St
City	Franklin



<b>State</b>	KY
<b>Zip</b>	42134
<b>Confirm Code</b>	Y
<b>Excavation Damage</b>	Failure to use hand tools where required

**Description of Incident** Cut 3/4" PE service line. Locate ticket. One customer off. No injuries.

### Summary Information

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6/9/2020

<b>Full details such as the cause</b>	Jordan Hall, homeowner, installing a drainage system, cut a 3/4" PE service line with a trencher. Mr. Hall had a locate ticket (2005151171) and the service was correctly located. The damage occurred due to mechanized equipment (trencher) being used inside the 18" approximate location (tolerance zone). Mr. Hall did not hand expose the gas service before crossing it with his trencher.
<b>Extent of the damage</b>	The damage PE was repaired and service restored to the one affected customer.
<b>Cost of the damage</b>	\$882.00
<b>Steps taken to prevent re-occurrence</b>	Mr. Hall advised of the need to use non-mechanized equipment (shove) inside the 18" approximate location (tolerance zone).
<b>Amount billed to excavator</b>	\$882.00

# Attachment 2

NORMAL NOTICE

Ticket : 2005151171 Date: 05/15/2020 Time: 13:19 Oper: TCARNEY Chan:000

State: KY Cnty: SIMPSON City: FRANKLIN

Subdivision: GRAINGER VILLAGE

Address : 204

Street : CHAPMAN ST

Cross 1 : PHILLIPS ST

Location: FACING PROPERTY FROM STREET, LOCATE THE FRONT YARD AND LEFT  
SIDE OF  
PROPERTY

:

Boundary: n 36.727636 s 36.724585 w -86.592917 e -86.591262

Work type : INSTALLING DRAINAGE SYSTEM

Done for : JORDAN HALL

Start date: 05/19/2020 Time: 13:30 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 2 FEET

Company : JORDAN HALL Type: HOME

Co addr : 204 CHAPMAN STREET

City : FRANKLIN State: KY Zip: 42134

Caller : JORDAN HALL Phone: (270)223-7688

Contact : JORDAN HALL - CELL Phone:

Mobile : (270)223-7688

Email : JORDANHALL270@GMAIL.COM

Submitted date: 05/15/2020 Time: 13:19

Members: 0139 0217 0422 0434 0621

\*Jordon Hall  
204 Chapman St.  
Franklin, KENTUCKY 42134