

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ERIC ADAMS)	
)	
_____)	CASE NO.
)	2021-00273
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Eric 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, 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.

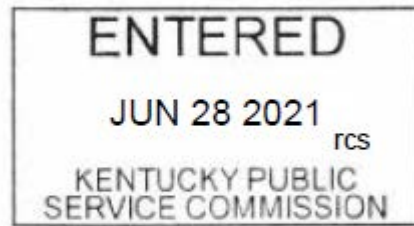
2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32700 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



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00273 DATED JUN 28 2021

FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32700
Incident Date 5/20/2020 5:30:00 PM	Report Submitted 6/16/2020 10:46:02 AM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company	Reported By Mike Jones
Phone (502) 364-8281	Email Mike.Jones@lge-KU.com
Incident Location 17403 Robin Ln Louisville, KY 40245 Jefferson	Locate Ticket Number NA

EXCAVATOR INFORMATION

Name of Excavator Adams, Eric	Organization ID
Phone 502-417-0526	Email
Excavator Address 17403 Robin Ln Louisville, KY 40245	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	5/20/20	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	\$0.00	\$0.00

The operator reports that the occupant (renter) of 17403 Robin Ln, Eric Adams, was digging to install a permanent post to attach an umbrella for his deck. The damage occurred on the right hand side of the home approximately 2' off of the deck and 10' off the house. Mr. Adams was using a gas powered auger to dig the hole in order to install a deck umbrella. The gas was

damaged on the customer side of the gas service (service # 353012) at a depth of 19". There was a release of gas.

INVESTIGATION

This would be Mr. Adams' first violation.

January 28, 2021

- Called 502.417.0526, spoke with Mr. Adams. He acknowledged that he did not have a dig ticket and agreed to the reduced penalty and remedial measure.

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 6/16/2020 Incident ID 32700

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32700\)](#)

Reported By:

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

Gas Line Incident Occured:

Date	5/20/2020
Time	5:30 PM

Details:

Reported Date	6/16/2020 10:43 AM
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Incident Location Address:

Location	
Address	17403 Robin Ln
City	Louisville
State	KY
County	Jefferson
Zip	40245
Confirm Code	Y
Number of Customers out	1
Was gas or hazardous liquids contained in the underground facility?	<input checked="" type="checkbox"/>
Was gas or hazardous liquids released into the atmosphere?	<input checked="" type="checkbox"/> *
	3/2020
Locate Request Ticket No.	NA
Excavator	Home Owner

Excavator Address:

First Name	Eric
Last Name	Adams
Phone	502-417-0526
Email	
Address	17403 Robin Ln
City	Louisville

State KY
Zip 40245
Confirm Code Y
Excavation Damage No notification made to the One Call Center

Description of Incident ?Occupant (Renter)/excavator damaged service with powered auger.

Summary Information

6/16/2020

Full details such as the cause The occupant (renter) of 17403 Robin Ln, Eric Adams, was digging to install a permanent post to attach an umbrella for his deck. The damage occurred on the right hand side of the home approximately 2' off of the deck and 10' off the house. Mr. Adams was using a gas powered auger to dig the hole in order to install a deck umbrella. The gas was damaged on the customer side of the gas service (service # 353012) at a depth of 19". There was a release of gas.
Extent of the damage 1/2" plastic gas service
Cost of the damage \$562.00
Steps taken to prevent re-occurrence Gave Eric Adams, the occupant (renter) and operator of the auger, a brochure on 811. I explained to Eric the 811 process as well as the dangers of digging without a bud ticket.
Amount billed to excavator \$0.00

Eric Adams
17403 Robin Ln
Louisville, KENTUCKY 40245