

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

SPRIGGS CONSTRUCTION LLC ALLEGED	)	CASE NO.
VIOLATION OF UNDERGROUND FACILITY	)	2021-00083
DAMAGE PREVENTION ACT	)	

SPRIGGS CONSTRUCTION LLC ALLEGED	)	CASE NO.
VIOLATION OF UNDERGROUND FACILITY	)	2021-00084
DAMAGE PREVENTION ACT	)	

SPRIGGS CONSTRUCTION LLC ALLEGED	)	CASE NO.
VIOLATION OF UNDERGROUND FACILITY	)	2021-00302
DAMAGE PREVENTION ACT	)	

ORDER

The Commission, on its own motion, finds that the Commission's Division of Inspections should file, in the above captioned proceedings, a brief that addresses certain issues regarding when an excavator is subject to penalties, pursuant to KRS 367.4917, for first and then subsequent violations of KRS 367.4911. The brief should specifically address whether it is permissible under the Underground Facility Damage Prevention Act for an excavator to be liable for the enhanced penalties in KRS 367.4917(1) for multiple violations of KRS 367.4911 prior to a determination that the excavator initially violated KRS 367.4911.

IT IS THEREFORE ORDERED that:

1. The Commission's Division of Inspections shall file a brief in this matter no later than January 15, 2022.

2. The brief shall address whether it is permissible under the Underground Facility Damage Prevention Act for an excavator to be liable for the enhanced penalties in KRS 367.4917(1) for multiple violations of KRS 367.4911 prior to a determination that the excavator initially violated KRS 367.4911.

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By the Commission

Commissioner Butler did not participate in the deliberations or decision concerning this case.



ATTEST:

  
Executive Director

Case No. 2021-00083  
Case No. 2021-00084  
Case No. 2021-00302

\*Spriggs Construction LLC  
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