

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MICHAEL KNOPF	)	
	)	
_____	)	CASE NO.
	)	2021-00352
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Michael Knopf (Mr. Knopf) 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. Knopf 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. Knopf 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. Knopf 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. 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 42955 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 Mr. Knopf 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

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



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00352 DATED SEP 15 2021

SEVENTEEN PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 8/4/2020 6:00:00 PM	<b>Incident ID</b> 42955 <b>Report Submitted</b> 9/1/2020 10:40:03 AM	<b>Key</b> 7590
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## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company (LG&E) <b>Phone</b> (502) 364-8281 <b>Incident Location</b> 2515 Bradley Ave Louisville, KY 40217 Jefferson	<b>Reported By</b> Mike Jones <b>Email</b> Mike.Jones@lge-KU.com <b>Locate Ticket Number</b> 2007271932
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Knopf, Michael <b>Phone</b> 502-794-3005 <b>Excavator Address</b> 2515 Bradley Ave Louisville, KY 40217	<b>Organization ID</b> <b>Email</b> <b>Locate Ticket Number</b>
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## INCIDENT

The Operator reports that the Excavator/Homeowner damaged a correctly marked one-inch gas service with a mini-track hoe replacing a waterline.

**The Damage Report (DR) is included as Attachment 1.**

## DR Summary

Excavation Within 18" (Approximate Location)	Gas / Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized / Mini-Track Hoe	\$527.00	\$0.00

## 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
2007271932	Yes	07/27/20	08/17/20	08/04/20	0	Yes

**The LT(s) is/are included as Attachment 2.**

## INVESTIGATION

On 06/02, 09 & 11/21 an attempt to contact the Excavator at 502-794-3005 resulted in a message that you have reached Michael, wherein a message was left.

On 06/11/21 an email was sent to the Excavator at [MKNOPF14@GMAIL.COM](mailto:MKNOPF14@GMAIL.COM). Mr. Knopf responded to the email via telephone and stated that the markings were off by a foot and he would provide photographs. Mr. Knopf stated that a tree was in the way, the service loop around the tree and the markings did not illustrate the loop.

On 06/11/21, via email, the Operator, LG&E's Mike Jones, stated that the markings around the tree were well within the approximate location/"tolerance zone" of 18 inches. Mr. Jones provide a pre-excavation photograph and three damage photographs which indicate the damage occurred within the approximate location as defined in KRS 367.4903 (11)(a).

**Mr. Jones's email and photographs are include an Attachment 3.**

On 06/14/21, via email, the photographs provided by LG&E (See Attachment 3) were sent to Mr. Knopf, options were offered to resolve this incident and a response by 06/18/21.

**Email to Mr. Knopf is include as Attachment 4.**

On 06/21/21 follow up call to Mr. Knopf resulted in a message being left.

Due to no response from Mr. Knopf a Demand Letter offering the Damage Prevention Course and reduced penalty of \$100.00 will be sent.

## 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)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +365 Days)
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1



# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 9/1/2020 Incident ID 42955

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=42955\)](#)

### Reported By:

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

### Gas Line Incident Occured:

Date	8/4/2020
Time	6:00 PM

### Details:

Reported Date	9/1/2020 10:36 AM
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### Incident Location Address:

Location	
Address	2515 Bradley Ave
City	Louisville
State	KY
County	Jefferson
Zip	40217
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.	2007271932
Excavator	Home Owner

### Excavator Address:

First Name	Michael
Last Name	Knopf
Phone	502-794-3005
Email	
Address	2515 Bradley Ave
City	Louisville

<b>State</b>	KY
<b>Zip</b>	40217
<b>Confirm Code</b>	Y
<b>Excavation Damage</b>	Failure to use hand tools where required

**Description of Incident** ?Excavator/Homeowner damaged service with mini-trackhoe.

### Summary Information

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9/1/2020

<b>Full details such as the cause</b>	Homeowner/occupant damaged accurately marked 1" plastic customer gas service . He was using a mini track-hoe to replace his water line. He and his mother initially said the marks were off but I showed them a few remaining paint marks that were not destroyed. Those marks were in line with the exposed gas service.
<b>Extent of the damage</b>	1" plastic service
<b>Cost of the damage</b>	\$527.00
<b>Steps taken to prevent re-occurrence</b>	An explanation of the Dig Law as related to hand-digging within tolerance and preserving the marks was provided.
<b>Amount billed to excavator</b>	\$0.00

# Attachment 2

## NORMAL NOTICE

Ticket : 2007271932 Date: 07/27/2020 Time: 16:05 Oper: SHUNTER Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE  
Subdivision:

Address : 2515  
Street : BRADLEY AVE  
Cross 1 : DUVALL ST  
Location: LOCATE STARTING FROM THE FRONT OF HOUSE AND GO TO THE STREET  
:  
Boundary: n 38.209074 s 38.207104 w -85.746558 e -85.744809

Work type : WATER SERVICE LINE REPAIR  
Done for : MICHAEL KNOPF  
Start date: 07/29/2020 Time: 16:15 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 4 FEET

Company : MICHAEL KNOPF Type: HOME  
Co addr : 2515 BRADLEY AVE  
City : LOUISVILLE State: KY Zip: 40217  
Caller : MICHAEL KNOPF Phone: (502)794-3005  
Contact : MICHAEL KNOPF - CELL Phone:  
Mobile : (502)794-3005  
Email : MKNOPF14@GMAIL.COM

Submitted date: 07/27/2020 Time: 16:05  
Members: 0002 0004 0006 0054 0139

\* Responses are current as of 05/26/2021 11:41 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	
MCI 0054	FIBER OPTIC		
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Friday, June 11, 2021 2:28 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 42955, 8/4/2020, 2515 Bradley Ave., Louisville, Knopf, Michael  
**Attachments:** DigTix Incident INC-20200804-002 2020-08-04 19\_07\_38.111.jpg; DigTix Incident INC-20200804-002 2020-08-04 19\_07\_41.137.jpg; DigTix Incident INC-20200804-002 2020-08-04 19\_06\_22.193.jpg

The markings around the tree, in particular where the damage occurred, are well within tolerance. I think these three photos will bear that out.





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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Friday, June 11, 2021 12:30 PM  
**To:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Subject:** 42955, 8/4/2020, 2515 Bradley Ave., Louisville, Knopf, Michael

**EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.**

Hello Mike,

The Excavator stated that the markings were off by a foot, a tree was in the way, the service loop around the tree and the markings did not illustrate the loop. Is this correct? If not provided evidence stating otherwise.

*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*

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2020-08-04 19:07:38  
38.2082741,-85.7456058





2020-08-04 19:07:41  
38.2082741,-85.7456058

2



# Attachment 4

## Tout, Eric V (PSC)

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**From:** Tout, Eric V (PSC)  
**Sent:** Monday, June 14, 2021 7:44 AM  
**To:** MKNOPF14@GMAIL.COM  
**Subject:** 42955, 8/4/2020, 2515 Bradley Ave., Louisville, Louisville Gas and Electric  
**Attachments:** Attach 3- Email & Photos.pdf

Mr. Knopf,

The attached information was obtained from LG&E. The pre-excavation photograph and three damage photographs indicate the damage occurred within the approximant location (18 inches) as defined in KRS 367.4903 (11)(a).

If you have evidence to indicating otherwise, send. If no evidence is available and this being your first offence there are three options offered for resolution:

1. Pay the reduce penalty of \$100.00 and attend the Damage Prevention Course held on line. Typically on the first Monday of each month from 9:00 am to 11:00am (EST).
2. Pay the full penalty of \$500.00.
3. In writing request a hearing before the Commission.

If you chose option one or two I will draft a letter and send it to 2515 Bradley Ave., Louisville, KY 40217, outlining the details of how to register for the course and/or how to make the penalty payment.

Please respond on or before June 18, 2021.

*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*

\*Michael Knopf  
2515 Bradley Avenue  
Louisville, KENTUCKY 40217