

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STEVEN MEREDITH	)	
	)	
_____	)	CASE NO.
	)	2021-00438
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Steven Meredith 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,

---

<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. Meredith 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. Meredith 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. Meredith 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.

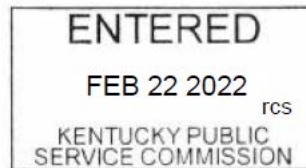
4. The Staff Incident Report 43086 in the Appendix to this Order is made a part of the record in this case.

5. **Please note that notice of a hearing to be held in this matter will be mailed to Mr. Meredith 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

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



ATTEST:

  
Executive Director

Case No. 2021-00438

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00438 DATED FEB 22 2021

TWENTY-FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43086 **Investigation** 7921  
**Incident Date** 9/18/2020 11:27:00 AM **Report Submitted** 10/9/2020

## Operator Information

**Operator** Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones  
**Phone** (502) 364-8281 **Email** Mike.Jones@lge-KU.com

**Incident Location** 4139 Wheeler Ave **Locate Ticket Number** NA  
 Louisville KY 40215

**County** Jefferson

## Excavator Information

**Excavator** Steven Meredith **Organization ID**  
**Phone** 859-342-0672 / 502-644-32 **Email**  
**Address** Not willing to give information- mother lives at damage address **Locate Ticket Number** NA  
 Not willing to give information- mother lives at d Not willing to give information- mother lives at d 0

## Damage Report (DR) Summary

Excavation Within18” (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Mechanized/ Teeth marks and pulled gas service	\$183.00	\$0.00

The Operator reports that the Excavator/Homeowner Sharon Green’s son, Steven Meredith, damaged a one-inch gas service with mechanized equipment and failed to contact the KY Contact Center (811). The Operator indicates deception occurred when it was conducting its investigation. Mr. Meredith only identified himself after discovering his mother would be held liable for the damage, he refused to provide his address and he claimed that the damage was caused by a shovel. The Operator reports teeth marks in the pit walls and the service being pulled apart indicates mechanized equipment.

**The DR is included as Attachment 1.**

### INVESTIGATION

On 08/24/21 a search of the Jefferson Co. PVA Office’s web site revealed Steven Meredith is the owner of 4139 Wheeler Ave.

**A Copy of the PVA web site is included as Attachment 2.**

On 08/24/21 an attempt to contact the Excavator at 859-342-0672 resulted in a message stating the number is not a working number.

On 08/24/21, via email, the Operator, LG&E’s Mike Jones, stated that the Excavator was not billed for this damage, he provided Ms. Green’s number, 502-644-3207, and the following documents:

Facts-Based Investigation: Which has been outlined above (See Attachment 1).

Three Photographs: Depicting the pulled gas service and mechanized equipment teeth marks on the pit walls.

## PIPELINE DAMAGE INVESTIGATION REPORT

**Mr. Jones's email, LG&E's investigation and photographs are included as attachment 3.**

On 08/25/21 an attempt to contact Ms. Green at 502-644-3207 resulted in a message stating your call did not go through, therefore a Letter to Contact was sent to Mr. Meredith c/o Ms. Green to the incident location address.

**The Letter to Contact is included as Attachment 4.**

On 08/26/21, 811, Carly Dunsmore, searched from 03/01/20 thru 10/31/20 and was unable to find Locate Tickets (LT) submitted by Steven Meredith or Sharon Green for address 4139 Wheeler Ave.

**Ms. Dunsmore's email is included as Attachment 5.**

On 09/11/21 the Letter to Contact Certified Hard Copy was signed by Sharon Green indicating delivery (See Attachment 4). As of today's date no response has been received, therefore a Demand Letter imposing the penalty of \$100.00 and requiring the attendance to the Damage Prevention Course will be mailed.

### VIOLATIONS

**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.

#### # 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 10/9/2020 Incident ID: 43086

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43086\)](#)

### Reported By:

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

### Gas Line Incident Occured:

**Date:** 9/18/2020  
**Time:** 11:27 AM

### Details:

**Reported Date:** 10/9/2020 9:55 AM

### Incident Location Address:

#### Location:

**Address:** 4139 Wheeler Ave  
**City:** Louisville  
**State:** KY  
**County:** Jefferson  
**Zip:** 40215  
**Confirm Code:** Y

**Number of Customers out:** 1

**Was gas or hazardous liquids contained in the underground facility?**

**Was gas or hazardous liquids released into the atmosphere?**  \*

3/2020

**Locate Request Ticket No.:** NA

**Excavator:** Home Owner

### Excavator Address:

**First Name:** Steven  
**Last Name:** Meredith  
**Phone:** 859-342-0672 / 502-644-32  
**Email:**  
**Address:** Not willing to give information- mother lives at damage address  
**City:** Not willing to give information- mother lives at d

State: Not willing to give information- mother lives at d  
 Zip: 0  
 Confirm Code:  
 Excavation Damage: No notification made to the One  
 Call Center

**Description of Incident** ?Excavator damaged gas line without locate request.

Summary Information

---

10/9/2020

**Full details such as the cause** Homeowners adult son, Steven Meredith, was removing an old chain-link fence from the front of the property when he damaged the unmarked 1" gas service. He told LG&E trouble tech, Jamarr Swain, that the excavators took off after they hit the service with a shovel. Tooth marks in the pit walls and the plastic service being pulled apart told us a different story. No sign of any equipment on-site. Mr. Meredith left for a short time. I was able to get his name from his mother and homeowner, Sharon Green. She said she didn't know his cell phone number!?! Upon the return of two men in the rear of the property, I approached and asked to speak with Steven Meredith. He said they were not there. When he asked why I wanted to know, I replied that I needed the excavator information for my report. He said they left. "They damaged the service and took off". He also said he didn't know who they were. I said, "you hired a contractor and don't even know who they were?" I said without their info, the property owner would be responsible for damages. That's when he decided to be honest with me and admitted he was Steven and he was the excavator.

**Extent of the damage** 1" gas service  
**Cost of the damage** \$183.00  
**Steps taken to prevent re-occurrence** Gave a Safe Digging Brochure and explained the Dig Law.  
**Amount billed to excavator** \$0.00

# Attachment 2

# JEFFERSON COUNTY PVA

---

**4139 WHEELER AVE**

<b>Owner</b>	MEREDITH STEVEN
<b>Parcel ID</b>	066E01100000
<b>Assessed Value</b>	36,000
<b>Acres</b>	0.0985
<b>Neighborhood</b>	502106 / HAZELWOOD

to get more detailed property information.

Property is assessed per KRS 132.20 on January 1st of each year. The current year assessments are updated and posted on the website in mid April. Information deemed reliable but not guaranteed. Data last updated: 08/24/2021.



Built by VIA Studio

# Attachment 3

## Tout, Eric V (PSC)

---

**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Tuesday, August 24, 2021 12:19 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 43086, 9/18/2020, 4139 Wheeler Ave., Louisville, Steven Meredith

Eric,

Either because this was a homeowner or because the information wasn't clear, we did not bill the excavator.

---

**From:** Jones, Mike (Auburndale)  
**Sent:** Tuesday, August 24, 2021 11:03 AM  
**To:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Subject:** RE: 43086, 9/18/2020, 4139 Wheeler Ave., Louisville, Steven Meredith

Eric,

The other number we have is 502-644-3207. I will send the payment information along when I have it.

---

**From:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Sent:** Tuesday, August 24, 2021 7:06 AM  
**To:** Jones, Mike (Auburndale) <[Mike.Jones@lge-ku.com](mailto:Mike.Jones@lge-ku.com)>  
**Subject:** 43086, 9/18/2020, 4139 Wheeler Ave., Louisville, Steven Meredith

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

Hello Mile,

Will need billing and payment info, report, and photos of the teeth marks and pulled pipe.

*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*

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



## Facts-Based Investigation

Internal Claim ID: INC-20200918-002 Customer Claim ID: \_\_\_\_\_  
Site Investigator: Tracy Reesor Notified At: 09/18/20 12:35:00  
Notified By: Gas Operations Dispatch 5025891444  
Damage Location: 4139 Wheeler Ave Louisville KY 40215  
Incident Time: 09/18/20 11:30:00

Original Locate Request: None found Assigned Locator: \_\_\_\_\_  
Locate Request Due: \_\_\_\_\_ Locate Request Completed: \_\_\_\_\_  
Photos Taken Before Damage? N  
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 0.5

Depth: 18" to < 36" (0.5 to < 1m)

Description and Extent of Damage: Homeowners adult son, Steven Meredith, was removing an old chain-link fence from the front of property when he damaged the unmarked 1" gas service. He told LG&E trouble tech, Jamarr Swain, that the excavators took off after they hit the service with a shovel. Tooth marks in the pit walls and the plastic service being pulled apart told us a different story. No sign of any equipment on-site. Mr. Meredith left for a short time. I was able to get his name from his mother and homeowner, Sharon Green. She said she didn't know his cell phone number!?! Upon the return of two men in the rear of the property, I approached and asked to speak with Steven Meredith. He said they were not there. When he asked why I wanted to know, I replied that I needed the excavator information for my report. He said they left. "They damaged the service and took off". He also said he didn't know who they were. I said, "you hired a contractor and don't even know who they were?" I said without their info, the property owner would be responsible for damages. That's when he decided to be honest with me and admitted he was Steven (I knew it was) and he was the excavator. He said he thought LG&E should be paying "us" to bury lines in the yard and making money off "us" selling gas. I tried to explain the Dig Law and advised him to call 811 before digging. I asked for his address and telephone number again and he refused and responded, " I don't want no part of that". He was adamant that LG&E should be paying them to bury their lines. I stopped the questions and moved on.

Equipment Used: Backhoe/Trackhoe

Excavation Company Name: Steven Meredith

Company Address: 4139 Wheeler Ave, Louisville, KY 40215

Phone: 5555555555 Contact Name: Steven Meredith

Working For: \_\_\_\_\_

Repair Company: LG&E

Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: \_\_\_\_\_





### Facts-Based Investigation

Was Locate requested?:	<u>  N  </u>	Facilities located?:	<u>  N  </u>
Locate Accurate (Within Tolerance Zone):	<u>  N/A  </u>	If No, Distance Markings Off:	<u>  N/A  </u>
Marks Visible at Time of Damage:	<u>  N  </u>	Damage Within Scope of Ticket:	<u>  N  </u>



## Facts-Based Investigation

Repair Contact Name: Jamarr Swain Phone: \_\_\_\_\_

Repair Comments: George Kok arrived to make repairs.

Witness: \_\_\_\_\_ Phone: \_\_\_\_\_

Comments: \_\_\_\_\_

Witness: \_\_\_\_\_ Phone: \_\_\_\_\_

Comments: \_\_\_\_\_

Root Cause Explanation: \_\_\_\_\_

Responsible Party: Steven Meredith

Responsible Party Comments: Steven Meredith, excavator 859-342-0672 refused to give contact info. possible address' per Google Search; 835 Denmark St #4 40215 Steve A Meredith 1602 Bluegrass Ave Sharron Green. mother of excavator and occupant. 502-644-3207

Date of Investigation: 09/18/20 Investigation Time (Hours): \_\_\_\_\_

Site Investigator's Name: Tracy Reesor Phone: 5022694079

Site Investigator's Signature: Tracy Reesor Date: 09/20/2020

Damage Status: One Call Notification Issue

Cause Code: No notification made to One-Call Center / 811

Damage Claims Manager: \_\_\_\_\_



2020-09-16 12:41:02





# Attachment 4



Andy Beshear  
Governor

Rebecca W. Goodman  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Michael J. Schmitt  
Chairman

Kent A. Chandler  
Vice Chairman

Talina R. Mathews  
Commissioner

August 25, 2021

Steven Meredith  
c/o Sharon Green  
4139 Wheeler Ave.  
Louisville, KY 40215

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **43086**

Dear Mr. Meredith:

The Kentucky Public Service Commission (Commission) received a report of damage occurring on September 18, 2020 to a natural gas or hazardous liquid facility located at 4139 Wheeler Ave., Louisville, KY 40215 owned and/or operated by Louisville Gas and Electric Company. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) attempted to contact you at 859-342-0672 and 859-342-0672 which has been disconnected, is out of service, not accepting calls and/or the mailbox is full. To obtain all information regarding this matter it is imperative that contact is made. If there is no contact a penalty of \$1,250.00 could be imposed, therefore please contact me at 502-782-2622.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric V. Tout", written over a white rectangular background.

Eric V. Tout  
Consumer Complaint Investigator  
Division of Inspections / Damage Prevention

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 3.05
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$

1.16

**Total Postage and Fees**

\$

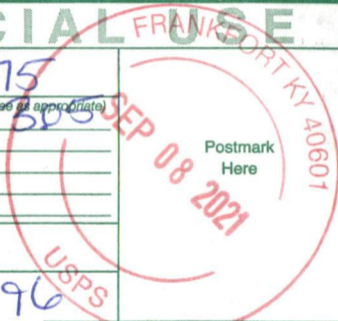
7.96

Sent

Street

City

Steven Meredith  
c/o Sharon Green  
4139 Wheeler Ave.  
Louisville KY 40215



Inc 400  
42871

04LC LCTD TNNH NPTC NCHY



## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail Item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. *Inc 42871*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Address

Steven Meredith  
c/o Sharon Green  
4139 Wheeler Ave.  
Louisville, KY 40215



9590 9402 6901 1104 3991 99

2. Article Number (Transfer from service label)

7020 3160 0001 8129 5948

COMPLETE THIS SECTION ON DELIVERY

A. Signature

*Sharon Green*

- Agent
- Addressee

B. Received by (Printed Name)

*Sharon Green*

C. Date of Delivery

*09/11*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Full Restricted Delivery

# Attachment 5

## Tout, Eric V (PSC)

---

**From:** Carly Dunsmore <cdunsmore@usa811.org>  
**Sent:** Thursday, August 26, 2021 1:22 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** PSCrequest@kentucky811.org  
**Subject:** Re: 43086

Good afternoon Eric,

We searched between 3/1/2020 - 10/31/2020, but were unable to find any tickets submitted by Steven Meredith or Sharon Green for address 4139 Wheeler Ave., in Jefferson County. If you have any more information, we would be happy to further assist you.

Thank you,

Carly Dunsmore  
Member Services  
P: 833-538-0923  
F: 317-386-7820



On Thu, Aug 26, 2021 at 12:36 PM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Please provide locate ticket for:

Incident Date: 9/18/2020

Operator: Louisville Gas and Electric Company

Incident Location: 4139 Wheeler Ave., Louisville  
County: Jefferson  
Excavator: Steven Meredith or homeowner Sharon Green

*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*

Steven Meredith  
4139 Wheeler Ave  
Louisville, KENTUCKY 40215