

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LANDSCAPE SERVICES OF BOWLING GREEN, INC.)	
)	
_____)	CASE NO.
)	2021-00077
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)	
)	

OPENING ORDER

Landscape Services of Bowling Green, Inc. (Landscape Services) 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

¹ KRS 367.4901 through KRS 367.4917.

results in damage to an underground facility containing any flammable, toxic, corrosive, 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 Landscape Services 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 Landscape Services 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. Landscape Services 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 32235 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 Landscape Services 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:


Linda C. Andwell
Executive Director

Case No. 2021-00077

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00077 DATED MAR 01 2021

TEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32235
Incident Date 11/13/2019 2:30:00 PM	Report Submitted 12/12/2019 12:00:00 AM

OPERATOR INFORMATION

Operator Atmos Energy Corporation	Reported By Anthony Stallins
Phone (270) 779-4849	Email anthony.stallins@atmosenergy.
Incident Location 9151 POPLAR GROVE LN , BOWLING GREEN 9151 Poplar Grove Ln Bowling Green, KY 42104 Warren	Locate Ticket Number N/A

EXCAVATOR INFORMATION

Name of Excavator Carter, Lisa	Organization ID 0517730
Phone 270-779-6366	Email landscapeservicesbg.@gmail.co
Excavator Address Landscape Services of Bowling Green, Inc. 2213B Mount Victor Ln Bowling Green, KY 42103	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	N/A	N/A	N/A

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	N/A	\$370.00	\$0.00

The operator reports that Benny Jones, home builder and developer in Bowling Green, would build and sell the home at 9151 Poplar Grove Ln. The new home owners would contact Atmos Energy concerning no gas pressure after their heating and air folks attempted to light the gas

furnace and found no gas pressure at the meter set. The gas meter was set in September and sometime between the time of the meter set and the selling of the new house, landscapers would plant a tree and in the process, cut the 3/4" PE service line, most likely cut by a shovel, causing the EFV to trip. Because the EFV stopped the flow of gas immediately, the landscapers never knew they had cut the PE service. (Pipe lay on edge of excavation hole.) Atmos was advised that Landscape Services of Bowling Green was the landscaper for this new home. We could not find a locate ticket for this address from Landscape Services. Atmos Supervisor Doug Bower called Mrs. Carter and was advised that Landscape Services did not do the landscaping for 9151 Poplar Grove Ln. She did advise they did landscape other houses for Benny Jones and houses beside this house but not this particular home. Doug would call Benny Jones, developer and home builder, back and was advised that Landscape Services did landscape this home. Doug would call Mrs. Carter back and leave a message, but the call had not been returned at the day damage was submitted to the KY PSC.

INVESTIGATION

This would be the company's first violation.

August 11, 2020

- Atmos provided phone number for developer Bennie Jones: office: 270.842.4543, cell: 270.792.4757.

August 12, 2020

- Called 270.842.4543, no answer, no v.m.
- Called 270.792.4757, left a v.m.

August 13, 2020

- Received a v.m. from Mr. Jones. 270.792.4757.

August 14, 2020

- Called Mr. Jones back at 270.792.4757, Lovers Lane Landscaping did the work, he says it's the same company. Mr. Jones asked me to email him and he will look for the invoice showing the company that was paid to do the landscaping. benniejones@twc.com.

August 21, 2020

- Sent Mr. Jones a reminder email.

August 27, 2020

- Received invoice from Mr. Jones that describes work by Landscape Services for Lot 5.

August 28, 2020

- Sent Mr. Jones an email asking if there was some way to relate Lot 5 to the address of the incident – 9151 Poplar Grove Lane.
- Mr. Jones indicated by email that the address was assigned by the Warren County Planning Commission, and a contact there would be Tonya Colley.

- Called the WCPC at 270.842.1953, was told Ms. Colley worked from home and was given her email address: tonya.colley@bgky.org.
- Received an email from Ms. Colley that verifies Lot 5 is 9151.

August 31, 2020

- Called 270.779.6366, spoke to Ms. Carter, she has no recollection of hitting a gas line and believes they had a dig ticket, but has not saved the number. I indicated I would contact 811 to see if her company had a dig ticket.
- Called Ms. Carter back, there was no record of a dig ticket. She 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

Atmos Energy Corporation

Submitted 12/12/2019 Incident ID: 32235

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32235\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 11/13/2019
Time: 2:30 PM

Details:

Reported Date: 11/14/2019 6:57 AM

Incident Location Address:

Location: 9151 POPLAR GROVE LN , BOWLING GREEN
Address: 9151 Poplar Grove Ln
City: Bowling Green
State: KY
County: Warren
Zip: 42104

Confirm Code:

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.: N/A

Excavator: Contractor

Excavator Address:

First Name: Lisa
Last Name: Carter
Organization ID:
Company: Landscape Services
Phone: 270-779-6366
Email: landscapeservicesbg.@gmail.com

Address: 2213B Mount Victor Ln
City: Bowling Green
State: KY
Zip: 42103
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

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

Summary Information

12/12/2019

Full details such as the cause Benny Jones, home builder and developer in Bowling Green, would build and sell the home at 9151 Poplar Grove Ln. The new home owners would contact Atmos Energy concerning no gas pressure after their heating and air folks attempted to light the gas furnace and found no gas pressure at the meter set. The gas meter was set in September and sometime between the time of the meter set and the selling of the new house, landscapers would plant a tree and in the process, cut the 3/4" PE service line, most likely cut by a shovel, causing the EFV to trip. Because the EFV stopped the flow of gas immediately, the landscapers never knew they had cut the PE service. (Pipe lay on edge of excavation hole.) Atmos was advised that Landscape Services of Bowling Green was the landscaper for this new home. We could not find a locate ticket for this address from Landscape Services. Atmos Supervisor Doug Bower called Mrs. Carter and was advised that Landscape Services did not do the landscaping for 9151 Poplar Grove Ln. She did advise they did landscape other houses for Benny Jones and houses beside this house but not this particular home. Doug would call Benny Jones, developer and home builder, back and was advised that Landscape Services did landscape this home. Doug would call Mrs. Carter back and leave a message, but the call had not been returned at the day damage was submitted to the KY PSC.

Extent of the damage The damage PE was replaced and service restored to the one affected customer.

Cost of the damage \$370.00

Steps taken to prevent re-occurrence Atmos did not bill Landscape Services for this damage. We will invite Landscape Services to the next Atmos Energy Damage Prevention/KY 811 Dig Law Training Session in Bowling Green.

Amount billed to excavator \$0.00

LANDSCAPE SERVICES OF BOWLING GREEN, INC.

General Information

Organization Number	0517730
Name	LANDSCAPE SERVICES OF BOWLING GREEN, INC.
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	6/15/2001
Organization Date	6/15/2001
Last Annual Report	4/9/2020
Principal Office	2213 B MT VICTOR LANE BOWLING GREEN, KY 42103
Registered Agent	LISA CARTER 2213 B MT VICTOR LANE BOWLING GREEN, KY 42103
Authorized Shares	100

Current Officers

President	LISA CARTER
Vice President	DAVID BUCHMAN

Individuals / Entities listed at time of formation

Incorporator	LISA CARTER
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Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	4/9/2020	1 page	tiff	PDF
Annual Report	8/20/2019	1 page	tiff	PDF
Annual Report	4/27/2018	1 page	tiff	PDF
Annual Report	3/10/2017	1 page	tiff	PDF
Annual Report	3/7/2016	1 page	tiff	PDF
Annual Report	4/9/2015	1 page	tiff	PDF
Annual Report	3/26/2014	1 page	tiff	PDF
Annual Report	2/27/2013	1 page	tiff	PDF
Annual Report	2/13/2012	1 page	tiff	PDF
Annual Report	3/1/2011	1 page	tiff	PDF
Reinstatement	2/11/2010	4 pages	tiff	PDF
Principal Office Address Change	2/11/2010	1 page	tiff	PDF
Administrative Dissolution	11/3/2009	1 page	PDF	
Sixty Day Notice Return	9/16/2009	2 pages	tiff	PDF
Reinstatement	10/21/2008	4 pages	tiff	PDF
Registered Agent name/address change	10/21/2008	1 page	tiff	PDF
Administrative Dissolution Return	11/26/2003	2 pages	tiff	PDF
Administrative Dissolution	11/1/2003	1 page	tiff	PDF
Sixty Day Notice Return	9/1/2003	2 pages	tiff	PDF
Annual Report	4/10/2002	1 page	tiff	PDF

[Articles of Incorporation](#)

6/15/2001

4 pages

[tiff](#)[PDF](#)**Assumed Names**

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	4/9/2020 10:46:54 AM	4/9/2020	
Annual report	8/20/2019 12:57:38 PM	8/20/2019	
Annual report	4/27/2018 10:34:32 AM	4/27/2018	
Annual report	3/10/2017 9:32:26 AM	3/10/2017	
Annual report	3/7/2016 1:46:31 PM	3/7/2016	
Annual report	4/9/2015 3:13:08 PM	4/9/2015	
Annual report	3/26/2014 10:23:40 AM	3/26/2014	
Annual report	2/27/2013 2:50:21 PM	2/27/2013	
Annual report	2/13/2012 8:20:00 AM	2/13/2012	
Annual report	3/1/2011 3:27:47 PM	3/1/2011	
Principal office change	2/11/2010 10:55:30 AM	2/11/2010	
Reinstatement	2/11/2010 10:53:24 AM	2/11/2010	
Admin Dis. A. report not in	11/3/2009	11/3/2009	
Registered agent address change	10/21/2008 8:57:02 AM	10/21/2008	
Reinstatement	10/21/2008 8:53:36 AM	10/21/2008	
Admin Dis. A. report not in	11/1/2003	11/1/2003	
Add	6/15/2001 12:08:44 PM	6/15/2001	

Microfilmed Images

Microfilm images are not available online. They can be ordered by faxing a [Request For Corporate Documents](#) to the Corporate Records Branch at 502-564-5687.

Administrative Dissolution Return	11/26/2003	2 pages
Administrative Dissolution	11/1/2003	1 page
Sixty Day Notice Return	9/1/2003	2 pages
Annual Report	4/10/2002	1 page
Articles of Incorporation	6/15/2001	4 pages

Gowins, John E (PSC)

From: Ticket Research <ticketresearch2@usa811.org>
Sent: Friday, August 14, 2020 11:41 AM
To: Gowins, John E (PSC)
Cc: PSCrequest@Kentucky811.org
Subject: Re: Incident # 32235

Hi John,
I searched 10-19-19 to 11-30-19 and didn't find any tickets.
Have a great weekend!

On Fri, Aug 14, 2020 at 10:11 AM Gowins, John E (PSC) <john.gowins@ky.gov> wrote:

Hello,

I am looking to see if there was a dig ticket issued to either Landscape Services of Bowling Green, or Lovers Lane Landscaping, for the address of 9151 Poplar Grove Ln, Bowling Green, KY. The incident occurred on 11/13/19.

Thank you!

John E. Gowins

Consumer Complaints Investigator II

Division of Inspections

Kentucky Public Service Commission

502.782.2656

Gowins, John E (PSC)

From: benniejones@twc.com
Sent: Friday, August 28, 2020 10:31 AM
To: Gowins, John E (PSC)
Subject: RE: 9151 Poplar Grove Lane

The address for that lot number was assigned by the Warren County Planning Commission. I suppose that would be the best way to officially verify that information. The contact at planning and zoning would Tonya Colley.

Bennie Jones

From: Gowins, John E (PSC) <john.gowins@ky.gov>
Sent: Friday, August 28, 2020 5:31 AM
To: benniejones@twc.com
Subject: RE: 9151 Poplar Grove Lane

Thank you Mr. Jones.

Is there any way to relate Lot 5 as listed in this invoice to the address 9151 Poplar Grove Lane?
Thanks.

From: benniejones@twc.com <benniejones@twc.com>
Sent: Thursday, August 27, 2020 11:06 AM
To: Gowins, John E (PSC) <john.gowins@ky.gov>
Subject: 9151 Poplar Grove Lane

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hello Mr. Gowins,

I apologize for the delay. Attached is the landscape invoice for the above referenced address.

Best Regards,
Bennie Jones
Bennie Jones Construction
270.792.2721



Landscape Services of Bowling Green, Inc.

2213B Mt. Victor Lane, Bowling Green, KY 42103

Owners: Lisa Carter & David Buchanan

cell 270-779-6366 cell 270-535-4146

landscapeservicesbg@gmail.com

Customer Invoice

Customer: Bennie Joones Construction

Customer Phone #:

9/9/2019

Lot 5 Poplar Grove

1	Crape Myrtle Tuscorora	15gallon
8	Green Mound Yews	24"
1	Oakland Holly	15 gallon
5	Soft Touch Holly	3gallon
3	Encore Azalea white	3gallon
5	Encore Azalea autumn royalty	3gallon
5	Green Velvet Boxwood	3gallon
2	Maiden Grass	3gallon
4	Little Lime Hydrangea	3gallon
1	Little Gem Magnolia	15 gallon
1	White Crape Myrtle	15gallon
2	Red Maple	2 1/2"
3	gulf stream	3gallon
140	Mini Nuggets	
6	Spirea Limemound	3gallon
2	Nandina Domestica	36"
3	Otto Luyken Laurel	24"
7	Downspouots installed some nmaterial	

Total

Total \$4,858.00

4 zones Irrigation \$3,604.00
 front
 left side
 right side
 rear

Total \$8,462

PAID 423773
9/17/19

Landscape Services of Bowling Green, Inc. 2213
Bowling Green, KENTUCKY 42103