

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

A hearing was held before the Kentucky Public Service Commission (Commission) on October 29, 2021, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Spriggs Construction LLC (Spriggs Construction) violated KRS 367.4911(10) when, on May 30, 2019, at approximately 9:21 a.m. at 1200 Hull Street, Louisville, Kentucky 40204, it conducted excavation activities within the approximate location of an underground facility using mechanized equipment and thereby caused damage to an underground gas main line owned and operated by Louisville Gas and Electric Company (LG&E) and used to serve the public. Spriggs Construction failed to appear at the hearing. Following a review of the record and the taking of testimony the Commission determined that Spriggs Construction caused damage to an underground gas main line owned, operated, and used by LG&E to serve the public. This was Spriggs Construction's second violation of KRS 367.4911(1) through KRS 367.4917 (the Act).

FINDINGS OF FACT

The testimony presented at the hearing as well as the exhibits filed in the record establish that:

1. Spriggs Construction, at the time the damage occurred on May 30, 2019, was an excavator as defined by KRS 367.4903(4) who caused damage to a natural gas main line by means of excavation as defined by KRS 367.4903(2) and (6).

2. The natural gas main line was an underground facility owned and operated by LG&E to serve the public.

3. The main line contained natural gas at the time it was damaged by Spriggs Construction, and four customers temporarily lost service.

4. Spriggs Construction's excavation work was not emergency work within the scope of KRS 367.4907 or the definition of "Emergency" as defined in KRS 367.4903(7), and no exception to the call requirement is applicable to this case.

5. Spriggs Construction failed when conducting excavation operations to hand dig or use non-intrusive means to avoid damage to the underground facility in violation of KRS 367.4911(10).

6. There are no known mitigating factors which would merit the imposition of a civil penalty less than the maximum provided by law. This violation is Spriggs Construction's second violation of the Act.

#### CONCLUSIONS OF LAW

1. Spriggs Construction violated KRS 367.4911(10) when it failed to hand-dig or use nonintrusive means when conducting excavation activity within the approximate location of an underground facility.

2. As a consequence, Spriggs Construction was digging with a track hoe when it damaged a 2-inch plastic gas main.

3. Because the gas main contained gas at the time of the damage, four customers temporarily lost service.

4. Spriggs Construction is subject to a civil penalty of \$2,000 for this violation by operation of KRS 367.4917(1) and KRS 367.4914(4).

IT IS THEREFORE ORDERED that:

1. Spriggs Construction LLC is assessed a civil penalty of \$2,000 for violation of KRS 367.4911(10).

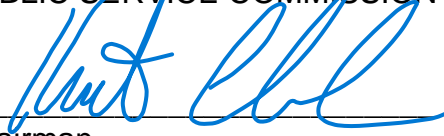
2. Spriggs Construction LLC shall pay \$2,000 within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.

3. This case is closed and removed from the Commission's docket.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the Commission to act or, within 20 days after service of the final Order, as set out in KRS 278.410.

PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner

ENTERED  
AUG 23 2022  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Spriggs Construction LLC  
6130 Hwy 70 N  
Crossville, TENNESSEE 38571