

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVIS COMMUNICATIONS LLC	)	
	)	
_____	)	CASE NO.
	)	2021-00236
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Davis Communications LLC (Davis Communications) 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 Davis Communications for violation of the following provisions 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.

and,

KRS 367.4911(2) – Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Davis Communications 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. Davis Communications 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.**

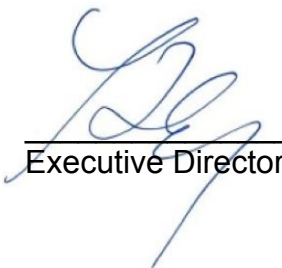
3. The Staff Incident Report 32357 in the Appendix to this Order is made a part of the record in this case.

**4. Please note that notice of a hearing to be held in this matter will be mailed to Davis Communications 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.**

By the Commission

ENTERED  
JUN 21 2021 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director for

Case No. 2021-00236

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00236 DATED JUN 21 2021

EIGHT PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 1/7/2020 11:30:00 AM	<b>Incident ID</b> 32357 <b>Report Submitted</b> 2/5/2020 7:37:54 AM
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## OPERATOR INFORMATION

<b>Operator</b> Atmos Energy Corporation <b>Phone</b> (270) 779-4849 <b>Incident Location</b> 728 Smith Ridge Rd., Campbellsville, originally 862 728 Smith Ridge Rd Campbellsville, KY 42718 Taylor	<b>Reported By</b> Anthony Stallins <b>Email</b> anthony.stallins@atmosenergy. <b>Locate Ticket Number</b> N/A
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Davis, Jason <b>Phone</b> 606-303-5447/606-219-5937 <b>Excavator Address</b> Davis Communications LLC 2125 Ryans Way Somerset, KY 42503	<b>Organization ID</b> 0973285 <b>Email</b> daviscommunications@contract <b>Locate Ticket Number</b>
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## INCIDENT

The Operator reports that the Excavator damaged a four-inch gas main drilling to install an anchor for a guide wire. The Excavator's Locate Ticket (LT) (1911061605) was expired and the Excavator called in a LT (2001071164) the day of the damage.

The Damage Report is include as Attachment 1.

## Excavation Summary

<b>Excavation Within 18"</b> (Approximate Location)	<b>Type Of Equipment Used</b>	<b>Cost of Damage</b> (Per Operator)	<b>Amount Billed</b> (Excavator)
Expired ticket/ Not waiting 2 days	Mechanized / Drill	\$4,591.00	\$4,591.00

## LT Summary

<b>Ticket #</b>	<b>Valid</b>	<b>Initial Date</b>	<b>Expiration Date</b> (21 calendar days from Initial date)	<b>Incident Date</b>	<b># of Days Expired</b>	<b>Within Scope of Excavation</b>
1911061605	No	11/06/19	11/27/19	01/07/20	41	Yes
2001071164	No	01/07/20 11:58	Called in 28 minutes after the incident.	01/07/20 11:30	N/A	Yes

The Locate Ticket(s) is/are include as Attachment 2.

## INVESTIGATION

A review of the above LTs revealed:

- LT...1605: Obtained by Davis Communications on 11/06/19, expired 11/27/19, 41 days after the incident date of 01/07/20.
- LT...1164: Obtained by Davis Communications on the incident date, 01/07/20, 28 minutes after the incident.

On 09/30/20 the Excavator, Davis Communications' Danielle Davis (606-303-5497), stated that research is warranted and will call back on 10/01/20.

On 10/05/20 Ms. Davis stated no valid LT was available and she was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

## 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.

(2) Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

**# of Offences**  
(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Last Offence Resolved Date</b>
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1



# Gas Excavation Damage Report

## Atmos Energy Corporation

Submitted 2/5/2020 Incident ID 32357

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32357\)](#)

### Reported By:

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

### Gas Line Incident Occured:

Date	1/7/2020
Time	11:30 AM

### Details:

Reported Date	1/8/2020 3:54 PM
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### Incident Location Address:

Location	728 Smith Ridge Rd., CAMPBELLSVILLE, originally 862 Smith Ridge Rd	
Address	728 Smith Ridge Rd	
City	Campbellsville	
State	KY	
County	Taylor	
Zip	42718	
Confirm Code	Y	
Number of Customers out	96	
Was gas or hazardous liquids contained in the underground facility?	<input type="checkbox"/>	
Was gas or hazardous liquids released into the atmosphere?	<input type="checkbox"/>	* 3/2020
Locate Request Ticket No.	N/A	
Excavator	Contractor	

### Excavator Address:

First Name	Jason
Last Name	Davis
Organization ID	
Company	Davis Communications
Phone	606-303-5447/606-219-5937
Email	daviscommunications@contractor.net

<b>Address</b>	2125 Ryans Way
<b>City</b>	Somerset
<b>State</b>	KY
<b>Zip</b>	42503
<b>Confirm Code</b>	Y
<b>Excavation Damage</b>	One Call notification practices not sufficient

**Description of Incident** Cut 4" HDPE main. Locate ticket expired. Ninety-six customers off. No injuries.

### Summary Information

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2/5/2020

<b>Full details such as the cause</b>	Davis Communications, drilling to install an anchor for a guide wire, drilled into a 4" HDPE gas main. Davis Communication locate ticket was expired (1911061605). I could find no other locate tickets for Davis Communication. Davis Communication would call in a locate ticket the day of the damage (2001071164).
<b>Extent of the damage</b>	Damage 4" HDPE was repaired with a 5' pretested 4" HDPE Repair Stick. Service was restored to the ninety-six affected customers.
<b>Cost of the damage</b>	\$4,591.00
<b>Steps taken to prevent re-occurrence</b>	We will invite Davis Communications to our next contractor Safety meeting in the Campbellsville area.
<b>Amount billed to excavator</b>	\$4,591.00

# Attachment 2

NORMAL NOTICE

Ticket : 1911061605 Date: 11/06/2019 Time: 16:12 Oper: AFRUITS Chan:000

State: KY Cnty: TAYLOR City: CAMPBELLSVILLE  
Subdivision:

Address :

Street : SMITH RIDGE RD

Cross 1 : VIRGIL PERKINS LN

Location: FROM THE INTERSECTION - TRAVEL NORTHWEST FOR APPROX 342 FEET - TO THE  
TREE LINE ON THE NORTHEAST SIDE OF THE ROAD - THEN TRAVEL NORTHEAST - INTO THE  
FIELD FOR 132 FEET - LOCATE NORTHWEST - IN THE FIELD - FOR 600 FEET - MARKING A  
20 FOOT RADIUS OF THE 4 STAKES - WITHIN THE DISTANCE

:

Boundary: n 37.325100 s 37.321700 w -85.324141 e -85.320224

Work type : INSTALL TELEPHONE POLES

Done for : WINDSTREAM

Start date: 11/08/2019 Time: 16:30 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 6 FEET

Company : DAVIS COMMUNICATIONS Type: CONT

Co addr : 2125 RYANS WAY

City : SOMERSET State: KY Zip: 42503

Caller : JASON DAVIS Phone: (606)303-5447

Contact : ERIC ROSS - CELL Phone:

Mobile : (606)416-6089

Email : DAVISCOMMUNICATIONS@CONTRACTOR.NET

Submitted date: 11/06/2019 Time: 16:12

Members: 0312 0319 WINKY

NORMAL NOTICE

Ticket : 2001071164 Date: 01/07/2020 Time: 11:58 Oper: AFRUITS Chan:000

State: KY Cnty: TAYLOR City: CAMPBELLSVILLE  
Subdivision:

Address :

Street : SMITH RIDGE RD

Cross 1 : VIRGIL PERKINS LN

Location: FROM THE INTERSECTION - TRAVEL NORTHWEST FOR APPROX 342 FEET - TO THE  
TREE LINE ON THE NORTHEAST SIDE OF THE ROAD - THEN TRAVEL NORTHEAST - INTO THE  
FIELD FOR 132 FEET - LOCATE NORTHWEST - IN THE FIELD - FOR 600 FEET - MARKING A  
20 FOOT RADIUS OF THE 4 STAKES - WITHIN THE DISTANCE

:

Boundary: n 37.325100 s 37.321700 w -85.324141 e -85.320224

Work type : INSTALL TELEPHONE POLES

Done for : WINDSTREAM

Start date: 01/09/2020 Time: 12:15 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 6 FEET

Company : DAVIS COMMUNICATIONS Type: CONT

Co addr : 2125 RYANS WAY

City : SOMERSET State: KY Zip: 42503

Caller : JASON DAVIS Phone: (606)303-5447

Contact : ERIC ROSS - CELL Phone:

Mobile : (606)416-6089

Email : DAVISCOMMUNICATIONS@CONTRACTOR.NET

Submitted date: 01/07/2020 Time: 11:58

Members: 0312 0319 WINKY

Davis Communications LLC  
2125 Ryans Way  
Somerset, KENTUCKY 42503

Jason Davis  
5158 HWY 761  
Nancy, KENTUCKY 42544