

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ANTONIO LOZANO )

\_\_\_\_\_  
ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

)  
)  
) CASE NO.  
) 2021-00253  
)  
)

NOTICE OF FILING

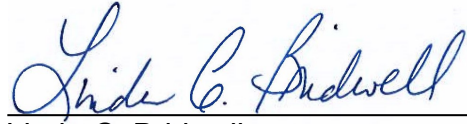
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on August 19, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on August 19, 2021 in this proceeding;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on August 19, 2021.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at [https://youtu.be/IJ5aEJ\\_UhjY](https://youtu.be/IJ5aEJ_UhjY).

Parties wishing an annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of September 2021.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a large initial "L".

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Linda C. Bridwell  
Executive Director  
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

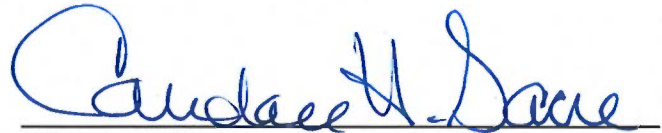
ANTONIO LOZANO –	)	
	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2021-00253
FACILITY DAMAGE PREVENTION ACT	)	

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on August 19, 2021. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on August 19, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of August 19, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of August 19, 2021, and the time at which each occurred.

Signed this 7<sup>th</sup> day of September, 2021.



Candace H. Sacre  
Administrative Specialist III



Stephanie Schweighardt  
Notary Public State at Large  
Commission Expires: January 14, 2023  
ID#: 614400



# Session Report - Detail

2021-00162 00202 00253 00256  
00258 19Aug2021

## Damage Prevention Session 1

Date:	Type:	Location:	Department:
8/19/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Eric Tout  
Judge: Kent Chandler; Amy Cubbage  
Clerk: Candace Sacre

Event Time	Log Event	
9:49:44 AM	Session Started	
9:49:46 AM	Chairman Chandler Note: Sacre, Candace	Back on record. This is the Kentucky Public Service Commission. My name is Kent Chandler. I am Chairman of the Commission. Joining me today is Vice Chair Amy Cubbage. We will be presiding over this hearing.
9:49:52 AM	Camera Lock Deactivated	
9:50:00 AM	Chairman Chandler Note: Sacre, Candace	Have not called cases earlier, listed cases earlier, call cases to see who in attendance.
9:50:12 AM	Chairman Chandler Note: Sacre, Candace	Case No. 2021-00162, International, Inc., Incident Number 31758. Anyone here on behalf of International, Inc.?
9:50:33 AM	Chairman Chandler Note: Sacre, Candace	Hearing no one, there is 2021-00202, Fer-Co Enterprises, or Jeffery Ferguson, Incident Number 32414, anyone here on behalf of Fer-Co Enterprises, Inc.?
9:51:00 AM	Chairman Chandler Note: Sacre, Candace	2021-00253, Antonio Lozano. Do we have Antonio Lozano?
9:51:10 AM	Respondent Lozano Note: Sacre, Candace	Yes.
9:51:13 AM	Chairman Chandler Note: Sacre, Candace	Mr. Lozano, will come back to you first.
9:51:20 AM	Chairman Chandler Note: Sacre, Candace	2021-00256, Moody Excavating, LLC, anyone on behalf of Moody Excavating, LLC, Incident Number 32150, Case No. 2021-00256?
9:51:42 AM	Chairman Chandler Note: Sacre, Candace	Case No. 2021-00258, Prowire Tech, Inc., or Raul Rodriguez, Incident Number 32349, anyone here on behalf of Prowire Tech, Inc.?
9:52:02 AM	Chairman Chandler Note: Sacre, Candace	Case No. 2021-00260, Jordan Hall, Incident Number 32635, is Jordan Hall here?
9:52:19 AM	Staff Atty Park PSC Note: Sacre, Candace	DOI move Case No. 2021-00260 held in abeyance.
9:52:33 AM	Chairman Chandler Note: Sacre, Candace	Enter order to that effect. Hold in abeyance indefinitely?
9:52:43 AM	Staff Atty Park PSC Note: Sacre, Candace	Yes.
9:52:51 AM	Chairman Chandler Note: Sacre, Candace	Sustained.

9:52:57 AM	Chairman Chandler Note: Sacre, Candace	Next case, 2021-00080, Showtime Construction, LLC, or Nate Arnold, Incident Number 31938, anyone here on behalf of Showtime Construction, LLC?
9:53:14 AM	Respondent Arnold Note: Sacre, Candace	Yes, this is Nate.
9:53:17 AM	Chairman Chandler Note: Sacre, Candace	Will come back to you after finish Lozano.
9:53:24 AM	Chairman Chandler Note: Sacre, Candace	Next, Case No. 2021-00083, Spriggs Construction, LLC, or Jim Spriggs, Incident Number 31674, anyone here on behalf of Spriggs Construction, LLC?
9:53:50 AM	Respondent Gentry Note: Sacre, Candace	Yes,
9:53:53 AM	Chairman Chandler Note: Sacre, Candace	Will come back to that third.
9:54:00 AM	Chairman Chandler Note: Sacre, Candace	Additional incident, 2021-00084, Spriggs Construction, LLC, assume here both?
9:54:10 AM	Respondent Gentry Note: Sacre, Candace	Correct.
9:54:11 AM	Chairman Chandler Note: Sacre, Candace	Next, 2021-00268, Nichols Contracting, LLC, or Brandon Nichols, Incident Number 32452, anyone here on behalf of Nichols Contracting, LLC?
9:54:28 AM	Chairman Chandler Note: Sacre, Candace	Hearing no one, next two, Case Nos. 2021-00269 and 2021-00270, Incident Numbers 32502 and 32503, Boss Construction, LLC, or Brian Ormes, anyone here on behalf of Boss Construction, LLC?
9:55:01 AM	Chairman Chandler Note: Sacre, Candace	Not hear anyone.
9:55:04 AM	Chairman Chandler Note: Sacre, Candace	Call Case No. 2021-00253, Antonio Lozano, still with us?
9:55:40 AM	Respondent Lozano Note: Sacre, Candace	Yes.
9:55:45 AM	Chairman Chandler Note: Sacre, Candace	Turn camera on? (Click on link for further comments.)
9:57:13 AM	Chairman Chandler Note: Sacre, Candace	Case No. 2021-00253 alleged by DOI violated Underground Damage Prevention Act, KRS 367.4911(1)(a) , reading (click on link for further comments).
9:58:05 AM	Chairman Chandler Note: Sacre, Candace	Records indicate paid reduced penalty, stated would attend training, not taken training class by time designated, correct?
9:58:30 AM	Chairman Chandler Note: Sacre, Candace	Reason not attended?
9:58:43 AM	Chairman Chandler Note: Sacre, Candace	Saying not receive notification how participate in training?
9:58:51 AM	Chairman Chandler Note: Sacre, Candace	DOI have any proposal in matter?
9:59:07 AM	Staff Atty Park PSC Note: Sacre, Candace	If not receive notice how participate, when was, still interested, DOI not object to continuing hearing.
9:59:22 AM	Chairman Chandler Note: Sacre, Candace	When next training?

9:59:38 AM	Staff Atty Park PSC Note: Sacre, Candace	Tuesday, September 7, 9 am, remote.
9:59:48 AM	Chairman Chandler Note: Sacre, Candace	At 9 am on Tuesday, September 7, next training can be attended remotely, and next hearing is later in September. If you will attend this next training, continue hearing until next hearing in September. If attend, Commission determine matter satisfied. Able attend training?
10:01:10 AM	Chairman Chandler Note: Sacre, Candace	Already paid reduced penalty?
10:01:12 AM	Staff Atty Park PSC Note: Sacre, Candace	Correct.
10:01:14 AM	Chairman Chandler Note: Sacre, Candace	Attend training September 7, no additional penalty. (Click on link for further comments.)
10:01:31 AM	Staff Atty Park PSC Note: Sacre, Candace	Training 9 am Eastern time, in case witness on Central.
10:01:46 AM	Chairman Chandler Note: Sacre, Candace	First offense, \$250 penalty paid, failure to take training, entirety penalty?
10:02:05 AM	Staff Atty Park PSC Note: Sacre, Candace	Correct, reduction of penalty contingent upon attending training.
10:02:10 AM	Chairman Chandler Note: Sacre, Candace	Training or \$1,000?
10:02:14 AM	Chairman Chandler Note: Sacre, Candace	As long as attend training, \$1,000 not charged. Failure to attend risk assigned entire penalty of additional \$1,000 that is waived.
10:02:35 AM	Chairman Chandler Note: Sacre, Candace	Additional questions?
10:02:40 AM	Chairman Chandler Note: Sacre, Candace	Have Opening Order in this case? Twelve-page Order case number at top 2021-00253 provided by mail.
10:03:08 AM	Chairman Chandler Note: Sacre, Candace	Have any documentation provided has contact information?
10:03:16 AM	Chairman Chandler Note: Sacre, Candace	Email?
10:03:25 AM	Chairman Chandler Note: Sacre, Candace	Send email today to psced@ky.gov, someone from DOI will provide information to participate in September 7th training.
10:05:08 AM	Chairman Chandler Note: Sacre, Candace	Paid \$250, correct?
10:05:19 AM	Chairman Chandler Note: Sacre, Candace	Choice have now pay \$1,000 and not attend or attend training and no additional penalty. As long as attend training on September 7, next hearing dismiss case with no additional penalties.
10:05:51 AM	Chairman Chandler Note: Sacre, Candace	Additional information need can be received by requesting information from email address sent to you.
10:06:07 AM	Chairman Chandler Note: Sacre, Candace	Any other questions, Mr. Lozano?
10:06:19 AM	Chairman Chandler Note: Sacre, Candace	Next case, Case No. 2021-00080, Showtime Construction, LLC, Nate Arnold?
10:06:43 AM	Respondent Arnold Note: Sacre, Candace	Yes.

10:06:44 AM	Chairman Chandler Note: Sacre, Candace	Able turn camera on?
10:07:41 AM	Chairman Chandler Note: Sacre, Candace	Violation against Showtime, entity in which directly involved?
10:07:53 AM	Chairman Chandler Note: Sacre, Candace	Only member of Showtime?
10:08:00 AM	Chairman Chandler Note: Sacre, Candace	Provided service?
10:08:06 AM	Chairman Chandler Note: Sacre, Candace	Wish to contest penalty assessed?
10:08:31 AM	Chairman Chandler Note: Sacre, Candace	Object to penalty, as assessed against entity, to participate in case, requires be represented by attorney. Not an attorney, correct?
10:09:16 AM	Chairman Chandler Note: Sacre, Candace	Given Arnold intend object to penalty, DOI position?
10:09:26 AM	Staff Atty Park PSC Note: Sacre, Candace	Not object Arnold presenting side of story.
10:09:32 AM	Chairman Chandler Note: Sacre, Candace	Not know if can.
10:09:44 AM	Chairman Chandler Note: Sacre, Candace	Next hearing in October, object to penalty and be heard, need to be represented by attorney, willing enter continuance until next hearing. (Click on link for further comments.)
10:10:32 AM	Chairman Chandler Note: Sacre, Candace	Showtime Construction, LLC, opportunity have penalty reduced by participating in training?
10:10:41 AM	Staff Atty Park PSC Note: Sacre, Candace	Option presented, and DOI open to resolving that way.
10:10:48 AM	Chairman Chandler Note: Sacre, Candace	Did you hear that Mr. Arnold?
10:10:52 AM	Chairman Chandler Note: Sacre, Candace	Any additional questions?
10:11:06 AM	Chairman Chandler Note: Sacre, Candace	Three options. (Click on link for further comments.)
10:12:42 AM	Chairman Chandler Note: Sacre, Candace	Indicate to Mr. Arnold next steps regarding DOI position?
10:12:56 AM	Staff Atty Park PSC Note: Sacre, Candace	In touch and provide contact information provided and how to pay reduced fine and next training.
10:13:08 AM	Chairman Chandler Note: Sacre, Candace	Email address provided earlier, second location provide information to attend training, send email to psced@ky.gov so have address for you.
10:13:54 AM	Vice Chairwoman Cubbage Note: Sacre, Candace	On page 2 of Order.
10:14:00 AM	Chairman Chandler Note: Sacre, Candace	Send email address indicating name and reason sending email, will have email address on record to send extra copy information need to attend hearing.
10:14:20 AM	Chairman Chandler Note: Sacre, Candace	Enter hearing order continuing case until next hearing in October to determine Arnold satisfied training. (Click on link for further comments.)

10:16:17 AM	Chairman Chandler Note: Sacre, Candace	As long as paid amount and attend training in September, notice of satisfaction be sent to indicate not have to attend October hearing.
10:16:44 AM	Chairman Chandler Note: Sacre, Candace	Additional questions, Mr. Arnold? (Click on link for further comments.)
10:17:24 AM	Chairman Chandler Note: Sacre, Candace	Spriggs Construction, LLC, Case Nos. 2021-00083 and 2021-00084, identify yourself for record?
10:17:47 AM	Respondent Gentry Note: Sacre, Candace	Wendy Gentry.
10:17:48 AM	Chairman Chandler Note: Sacre, Candace	Wendy Gentry, relationship Spriggs?
10:18:04 AM	Chairman Chandler Note: Sacre, Candace	Hear conversation with Arnold appearance on behalf business entity?
10:18:14 AM	Chairman Chandler Note: Sacre, Candace	Attorney licensed in State of Kentucky?
10:18:32 AM	Chairman Chandler Note: Sacre, Candace	Spriggs seeks to fight two penalties?
10:19:12 AM	Chairman Chandler Note: Sacre, Candace	Spriggs violation before?
10:19:18 AM	Staff Atty Park PSC Note: Sacre, Candace	Have not, two before Commission today and additional incident not yet processed. Incident 31674 first one.
10:19:31 AM	Chairman Chandler Note: Sacre, Candace	Incident Number 31674 first, May 21st, and 31694 on May 30th, both 2019, correct?
10:19:33 AM	Staff Atty Park PSC Note: Sacre, Candace	Cannot speak to lack of knowledge.
10:19:53 AM	Staff Atty Park PSC Note: Sacre, Candace	May 21st first one, DOI have position as relates to Spriggs Construction and Gentry appearance today?
10:20:09 AM	Staff Atty Park PSC Note: Sacre, Candace	Involves excavator with three separate incidents, and opportunity to resolve paying reduced fine and attending training was offered, DOI not inclined extend same treatment, alleged third violation, one of three.
10:20:31 AM	Chairman Chandler Note: Sacre, Candace	Appreciate concern, First 21st of May, second 30th of May of 2019, appear not probably opportunity attend training before subsequent violations, lack of knowledge what .367 required, correct?
10:21:02 AM	Chairman Chandler Note: Sacre, Candace	Not given opportunity after first violation to receive additional education through training?
10:21:10 AM	Staff Atty Park PSC Note: Sacre, Candace	That's correct.
10:21:18 AM	Chairman Chandler Note: Sacre, Candace	Best way move forward, heard what have spoken about, heard position of DOI, think opportunity prior to October hearing Spriggs determine what path forward be, satisfy both by paying penalty each amount or continue contest proceeding at October hearing if order for continuance, understand options?
10:22:02 AM	Chairman Chandler Note: Sacre, Candace	Additional questions today?



10:22:07 AM	Chairman Chandler Note: Sacre, Candace	Enter order continuing both case numbers until October hearings, served on Spriggs in timely manner.
10:22:37 AM	Chairman Chandler Note: Sacre, Candace	Additional questions?
10:22:47 AM	Chairman Chandler Note: Sacre, Candace	Two penalties paid before October hearing, enough time ahead of hearing, likely not called, notice of satisfaction, two incidents resolved.
10:23:20 AM	Staff Atty Park PSC Note: Sacre, Candace	Before she gets off, get another contact information?
10:23:27 AM	Chairman Chandler Note: Sacre, Candace	Send contact information to email address, easier provide information to Spriggs? (Click on link for further comments.)
10:23:55 AM	Chairman Chandler Note: Sacre, Candace	Is that it for these two cases?
10:23:59 AM	Staff Atty Park PSC Note: Sacre, Candace	Yes.
10:24:04 AM	Chairman Chandler Note: Sacre, Candace	Review of cases resolved. (Click on link for further comments.)
10:25:37 AM	Chairman Chandler Note: Sacre, Candace	Call 2021-00162, International, Inc., appears no one here, your case?
10:25:50 AM	Staff Atty Park PSC Note: Sacre, Candace	Yes.
10:25:53 AM	Chairman Chandler Note: Sacre, Candace	Call witness.
10:25:54 AM	Staff Atty Park PSC Note: Sacre, Candace	Eric Tout.
10:26:08 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
10:26:17 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Name and address?
10:26:25 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Direct Examination. Current occupation?
10:26:42 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Investigate incident of damage July 2, 2019, located at 4529 Windstar Way, Lexington, Kentucky?
10:27:02 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Incident assigned number?
10:27:08 AM	Staff Atty Park PSC Note: Sacre, Candace	What was that?
10:27:12 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Display Investigation Report Incident Number 31758, identify what document is?
10:27:44 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	True and accurate copy?
10:27:48 AM	Staff Atty Park PSC Note: Sacre, Candace	Move introduce DOI Division Exhibit 1.
10:28:01 AM	Chairman Chandler Note: Sacre, Candace	Please mark, entered.
10:28:02 AM	DOI STAFF EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS TOUT INCIDENT 31758 PIPELINE DAMAGE INVESTIGATION REPORT

10:28:04 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Describe investigation?
10:28:24 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Determine location properly marked?
10:28:59 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Contain gas at time of incident?
10:29:10 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	Based upon investigation, violation occurred?
10:29:20 AM	Atty Park PSC - witness Tout Note: Sacre, Candace	What provision violated?
10:29:44 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:29:58 AM	Chairman Chandler Note: Sacre, Candace	Additional statements?
10:30:05 AM	Staff Atty Park PSC Note: Sacre, Candace	Do not.
10:30:06 AM	Chairman Chandler Note: Sacre, Candace	Submit on record?
10:30:08 AM	Staff Atty Park PSC Note: Sacre, Candace	Yes.
10:30:15 AM	Chairman Chandler Note: Sacre, Candace	No briefs, post-hearing documents?
10:30:19 AM	Chairman Chandler Note: Sacre, Candace	Service on April 23 2021?
10:30:51 AM	Chairman Chandler Note: Sacre, Candace	Additional witnesses?
10:30:56 AM	Chairman Chandler Note: Sacre, Candace	Happy to submit it.
10:30:57 AM	Chairman Chandler Note: Sacre, Candace	Next case Fer-Co Enterprises, Inc., 2021-00202, alleged to have violated the Underground Damage Prevention Act and, specifically, KRS 367.4911(2), reading, (click on link for further comments).
10:31:38 AM	Chairman Chandler Note: Sacre, Candace	First witness?
10:31:41 AM	Staff Atty Park PSC Note: Sacre, Candace	Eric Tout.
10:31:45 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
10:31:54 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Previously stated name and address on record?
10:32:01 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Direct Examination. Current occupation?
10:32:09 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Job duties?
10:32:21 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	As investigator, investigate incident of damage Jan 21 2020 at 1728 Hilton Avenue, Ashland, Kentucky?
10:32:44 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Display Investigation Report Incident 32414, identify document?
10:33:19 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	True and accurate copy?
10:33:24 AM	Staff Atty Park PSC Note: Sacre, Candace	Report previously filed, move to introduce DOI Exhibit 1.

10:33:32 AM	Chairman Chandler Note: Sacre, Candace	Let it be marked.
10:33:33 AM	DOI STAFF EXHIBIT 1 Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS TOUT
	Note: Sacre, Candace	INCIDENT 32414 PIPELINE DAMAGE INVESTIGATION REPORT
10:33:36 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Describe investigation of incident?
10:34:06 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Locate ticket issued?
10:34:18 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	When dig ticket issued?
10:34:30 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Incident occurred Jan 21 2020?
10:34:36 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Ticket invalid time of excavation?
10:34:45 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Gas in pipeline time of incident?
10:34:52 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Excavator violated Act?
10:34:58 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Which provision?
10:35:13 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	First offense?
10:35:23 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:35:25 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Gas in pipe when damage occurred?
10:35:34 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Gas escaped?
10:35:39 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
10:35:43 AM	Chairman Chandler Note: Sacre, Candace	Brief, final comments?
10:35:53 AM	Chairman Chandler Note: Sacre, Candace	Next case, Case No. 2021-00256, Moody Excavating, LLC, did not have anybody show on behalf.
10:36:19 AM	Chairman Chandler Note: Sacre, Candace	Ready to proceed?
10:36:24 AM	Staff Atty Park PSC Note: Sacre, Candace	Yes.
10:36:28 AM	Chairman Chandler Note: Sacre, Candace	Moody Excavating, LLC, alleged violated Underground Damage Prevention Act, specifically KRS 367.4911(1)(a), reading, (click on link for further comments), and KRS 367.4911(2), reading, (click on link for further comments).
10:37:24 AM	Chairman Chandler Note: Sacre, Candace	Witness?
10:37:29 AM	Staff Atty Park PSC Note: Sacre, Candace	Eric Tout.
10:37:34 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
10:37:42 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Name and address already in record?

10:37:49 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Direct Examination. Current occupation?
10:38:06 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Investigate incident of damage occurred Sept 23 2019 at 625 Beaumont Avenue, Lexington, Kentucky?
10:38:23 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Assigned Incident Number?
10:38:31 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Display Investigation Report 32150, and identify document?
10:39:10 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	True and accurate copy?
10:39:15 AM	Staff Atty Park PSC Note: Sacre, Candace	Move admission as DOI Exhibit 1.
10:39:24 AM	Chairman Chandler Note: Sacre, Candace	Let it be marked.
10:39:25 AM	DOI STAFF EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS TOUT INCIDENT 32150 PIPELINE DAMAGE INVESTIGATION REPORT
10:39:28 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Describe incident?
10:39:50 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Locate ticket issued?
10:40:06 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	When dig ticket issued other company?
10:40:20 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	When expired?
10:40:26 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Dig ticket issued EHI that ticket expired?
10:40:44 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	At time pipeline damaged, contain gas?
10:40:52 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Make finding excavator violated Act?
10:41:06 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Which provisions violated?
10:41:47 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Excavator first alleged violation?
10:42:02 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:42:05 AM	Vice Chairwoman Cubbage - witness Tout Note: Sacre, Candace	Examination. Moody factual dispute employee of EHI or independent contractor?
10:42:21 AM	Vice Chairwoman Cubbage - witness Tout Note: Sacre, Candace	Attachment 2 to report appears be bills from Moody to EHI, right?
10:42:40 AM	Vice Chairwoman Cubbage - witness Tout Note: Sacre, Candace	Look to be typical subcontractor bills?
10:42:55 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Gas in line at time of damage?
10:43:03 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Gas escape?
10:43:06 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Had discussions with Moody, correct?
10:43:25 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Any party indicate actually damaged underground line, any party indicate to you they actually did damage?

10:44:02 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
10:44:10 AM	Chairman Chandler Note: Sacre, Candace	Would DOI file brief in this case? (Click on link for further comments.)
10:44:52 AM	Staff Atty Park PSC Note: Sacre, Candace	Resolve inconsistencies?
10:45:24 AM	Chairman Chandler Note: Sacre, Candace	Whether somebody in violation both at same time. (Click on link for further comments.)
10:46:16 AM	Chairman Chandler Note: Sacre, Candace	Anything else?
10:46:22 AM	Chairman Chandler Note: Sacre, Candace	Next case, Case No. 2021-00258, Prowire Tech, Inc., alleged to have violated the Act, specifically KRS 367.4991(10), reading, (click on link for further comments).
10:47:30 AM	Chairman Chandler Note: Sacre, Candace	Call first witness.
10:47:34 AM	Staff Atty Park PSC Note: Sacre, Candace	Eric Tout.
10:47:37 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
10:47:45 AM	Chairman Chandler Note: Sacre, Candace	Examination. Address and name in record previously?
10:47:54 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Direct Examination. Current occupation?
10:48:19 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Investigate incident occurred Dec 12 2019 at Morning Glory Lane, Lexington, Kentucky?
10:48:36 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Display report Incident Number 32349, review document, identify for record?
10:49:08 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	True and accurate copy?
10:49:12 AM	Staff Atty Park PSC Note: Sacre, Candace	Move to introduce as DOI Exhibit 1.
10:49:21 AM	Chairman Chandler Note: Sacre, Candace	So marked.
10:49:22 AM	DOI STAFF EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS TOUT INCIDENT 32349 PIPELINE DAMAGE INVESTIGATION REPORT
10:49:27 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Describe incident 32349?
10:49:48 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Damage occur by use mechanized equipment within tolerance zone?
10:49:59 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Find excavator violated Act?
10:50:27 AM	Staff Atty Park PSC - witness Tout Note: Sacre, Candace	Valid locate ticket and proper temporary marking of pipeline?
10:50:41 AM	Chairman Chandler Note: Sacre, Candace	Questions?

10:50:44 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Email in record on behalf of Prowire Tech indicated where send check would send check for \$1,250, respond, providing Rodriguez location could send check?
10:52:19 AM	Chairman Chandler Note: Sacre, Candace	Would ask if email available, record supplemented with email from Tout whether responded to Rodriguez where check be sent.
10:52:43 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
10:52:46 AM	Chairman Chandler Note: Sacre, Candace	Brief or closing statement?
10:54:44 AM	Chairman Chandler Note: Sacre, Candace	End this hearing and take five-minute break.
10:55:16 AM	Session Ended	



---

Witness: Eric Tout  
Judge: Kent Chandler; Amy Cubbage  
Clerk: Candace Sacre

<b>Name:</b>	<b>Description:</b>
DOI STAFF EXHIBIT 1	INCIDENT 31758 PIPELINE DAMAGE INVESTIGATION REPORT
DOI STAFF EXHIBIT 1	INCIDENT 32349 PIPELINE DAMAGE INVESTIGATION REPORT
DOI STAFF EXHIBIT 1	INCIDENT 32414 PIPELINE DAMAGE INVESTIGATION REPORT
DOI STAFF EXHIBIT 1	INCIDENT 32150 PIPELINE DAMAGE INVESTIGATION REPORT

**PIPELINE DAMAGE INVESTIGATION REPORT**

**Investigation Information**

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 7/2/2019 8:40:00 AM	<b>Incident ID</b> 31758 <b>Report Submitted</b> 7/15/2019 4:35:00 PM
--	--

**OPERATOR INFORMATION**

<b>Operator</b> Delta Natural Gas Company, Inc. <b>Phone</b> 859-744-6171 ext. 1160 <b>Incident Location</b> 4529 Windstar Way Lexington, KY 40515 Fayette	<b>Reported By</b> Mary Virginia Rupard <b>Email</b> mvrupard@deltagas.com <b>Locate Ticket Number</b> 1906210360
---	---

**EXCAVATOR INFORMATION**

<b>Name of Excavator</b> Aragon, Ray <b>Phone</b> 908-656-4729 <b>Excavator Address</b> Aragon Synergy LLC 5395 Cogswell Rd Wayne, MI 48184	<b>Organization ID</b> 1026559 <b>Email</b> <b>Locate Ticket Number</b>
--	---

**INCIDENT**

The Operator reports that the Excavator damaged a correctly marked ¾ inch gas service with a hole-hog installing underground conduit. More specifically there were three pipelines in the work area, two were energized, the other was dead and all three lines were located and marked correctly. The Excavator exposed one pipeline and found another line when they dug six-feet on the other side of the exposed pipe. The Excavator assumed that the lines were not marked correctly since two lines were exposed. The service line was damaged when the Excavator ran the hole-hog next to the open hole which was in the vicinity of the third pipeline.

**The Damage Report is include as Attachment 1.**

**Locate Ticket 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>
1906210360	Yes	06/21/19	07/11/19	07/02/19	0	Yes

**The Locate Ticket is include as Attachment 2.**

**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)
Yes	Mechanized / Hole-Hog	\$136.00	No bill was sent

**INVESTIGATION**

On 03/10/19 an attempt to contact the Excavator resulted in speaking to a representative (unable to understand name) of Internattional Inc. (586-675-4169) whom stated Aragon Synergy was subcontracted and he would have someone call back.

On 03/11/20 a representative of Internattional Inc. (unable to understand name) left a voice message to return his call, 313-784-0972.

On 03/17/20 a representative of International, Ciprian Virlan, stated that Aragon Synergy was working as International Inc. Mr. Virlan stated that the line damaged was not marked, but he would need additional time to research before making a statement and would call back this afternoon.

On 03/21/20 the Operator, Delta's Mary Virginia Rupard, stated via email, there were three pipelines in the work area. Two of the lines were energized and one was dead. Ms. Rupard stated that all three lines were located, marked correctly by a Delta employee and the excavator exposed one of the three pipelines. Ms. Rupard stated that the Excavator found another line when they dug six-feet on the other side of the exposed pipe. Ms. Rupard stated that the Excavator assumed the lines were not marked correctly since the Excavator already exposed two lines. Ms. Rupard stated that the Excavator punctured the service line when the Excavator ran the hole-hog next to the open hole which was in the vicinity of the third pipeline. Ms. Rupard provided a picture indicating the pipeline damaged was marked correctly.



**Ms. Rupard's email and photograph are include as Attachment 3.**

On 03/23/20, via email, Delta's email and photograph (See Attachment 3) were sent to Mr. Virlan and a follow-up call was made on 03/25/20 resulting in Mr. Varlan stating additional time to research was needed and he would email any information discovered on 03/27/20.

On 03/30/20 Mr. Varlan (313-784-0972, [cvirlan@mileniumbors.com](mailto:cvirlan@mileniumbors.com)) stated that Internattional Inc. has no evidence to dispute the evidence provided by Delta, Mr. Varlan was receptive to attending the Damage Prevention Course and paying the reduce penalty of \$250.00.

**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.

<b># of Previous Offences</b>		
<b>Excavator</b>	<b>Last Offence Incident Date</b>	<b>Last Offence Incident #</b>
1 <sup>st</sup>	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

Delta Natural Gas Company, Inc.

Submitted 7/18/2019 Incident ID: 31758

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31758\)](#)

## Reported By:

---

**Name:** Mary Virginia Rupard  
**Phone:** 859-744-6171 ext. 1160  
**Email:** mvrupard@deltagas.com

## Gas Line Incident Occured:

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**Date:** 7/2/2019  
**Time:** 8:40 AM

## Details:

---

**Reported Date:** 7/15/2019 4:35 PM

## Incident Location Address:

---

**Location:** 4529 Windstar Way  
**Address:** 4529 Windstar Way  
**City:** Lexington  
**State:** KY  
**County:** Fayette  
**Zip:** 40515  
**Confirm Code:** Y  
**Number of Customers out:** 0  
**Locate Request Ticket No.:** 1906210360  
**Excavator:** Contractor

## Excavator Address:

---

**First Name:** Ray  
**Last Name:** Aragon  
**Organization ID:**  
**Company:** Aragon Synergy International, Inc.  
**Phone:** 908-656-4729  
**Email:**  
**Address:** 5395 Cogswell Rd  
**City:** Wayne  
**State:** MI  
**Zip:** 48184

**Confirm Code:** Y

**Excavation Damage:** Failure to use hand tools where required

**Description of Incident** Samuel Herman with Aragon Synergy was using a hole-hog to install underground conduit when he hit and punctured a 3/4-inch plastic service line.

**Summary Information**

---

7/18/2019

**Full details such as the cause** Aragon Synergy employees called 811 to request a line location prior to excavating. There were three pipelines in the work area. Two of the lines were energized and the other line was dead. All three lines were located and marked correctly by a Delta employee. Aragon Synergy employees exposed one of the three pipelines. They found another line when they dug six-feet on the other side of the exposed pipe. At that point, they assumed that the lines were not marked correctly since they already had two lines exposed. The service line was damaged when they ran the hole-hog next to the open hole which was in the vicinity of the third pipeline that was marked correctly. There were no injuries or property damage attributable to this incident. Delta employees replaced two feet of 3/4-inch plastic pipe and installed two socket couplings.

**Extent of the damage** employees replaced two feet of 3/4-inch plastic pipe and installed two socket couplings.

**Cost of the damage** \$136.00

**Steps taken to prevent re-occurrence** Samuel Herman was advised that when excavation is necessary within the approximate location of the pipeline (18-inches on either side) the law requires hand-digging or the use of non-intrusive means to avoid damage to the pipeline. He was also told that hand digging is required in all areas marked with flags and paint.

**Amount billed to excavator** \$0.00

# Attachment 2

NORMAL NOTICE

Ticket : 1906210360 Date: 06/21/2019 Time: 08:53 Oper: MARY.ALLEN8.KY Chan:000

State: KY Cnty: FAYETTE City: LEXINGTON  
Subdivision:

Address :

Street : WINDSTAR WAY

Cross 1 : BILTMORE PL

Location: LOCATE STARTING AT 4517 WINDSTAR WAY HEADING SOUTHWEST ALONG FRONT  
EASEMENTS FOR APPROX 2525FEET ENDING AT AND INCLUDING 4529 WINDSTAR WAY

:

Boundary: n 37.959623 s 37.954911 w -84.517452 e -84.511937

Work type : BORING TO INSTALL UNDERGROUND CONDUIT

Done for : METRONET - LX013

Start date: 06/25/2019 Time: 09:15 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : INTERNATIONAL INC Type: CONT

Co addr : 24474 TELEGRAPH ROAD

City : SOUTHFIELD State: MI Zip: 48034

Caller : MARY ALLEN Phone: (586)675-4169

Contact : REY ARAGON - CELL Phone:

Mobile : (908)656-4729

Email : ARAGONSYNERGY.LOCATES@GMAIL.COM

Submitted date: 06/21/2019 Time: 08:53

Members: 0200 0237 0278 0326 0370 0700 2621 WINKY

# Attachment 3

## Tout, Eric V (PSC)

---

**From:** Mary V Rupard <MVRUPARD@DeltaGas.com>  
**Sent:** Saturday, March 21, 2020 11:36 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 31758, 7/2/2019, 4529 Windstar Way, Lexington, Aragon Synergy LLC  
**Attachments:** 0835\_001.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Eric,

There were three pipelines in the work area. Two of the lines were energized and one was dead. **ALL** three lines were located and marked correctly by a Delta employee. The excavator exposed one of the three pipelines. They found another line when they dug six-feet on the other side of the exposed pipe. They assumed that the lines were not marked correctly since they already had two lines exposed. They punctured the service line when they ran the hole-hog next to the open hole which was in the vicinity of the third pipeline.

Attached is a picture showing that the pipeline that was damaged was marked correctly. I do not have any additional information concerning this incident other than what was submitted on the Gas Excavation Damage Report sent to the PSC. We did not bill Aragon Synergy for this incident.

*Mary Virginia Rupard*

Director - Safety and Operation Services  
Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391  
859-744-6171 ext. 1160



---

**From:** Tout, Eric V (PSC) [mailto:ericv.tout@ky.gov]  
**Sent:** Tuesday, March 17, 2020 11:01 AM  
**To:** Mary V Rupard  
**Subject:** 31758, 7/2/2019, 4529 Windstar Way, Lexington, Aragon Synergy LLC

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Mary Virginia,

The excavator is stating this was missed marked. Will need reports photos, billing and payment information.

*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*

Our mission is to provide premier natural gas services while having a positive impact on customers, employees and shareholders. In achieving our mission, we act with integrity and ethics and we expect those with whom we do business to adhere to such standards. Visit <http://www.deltagas.com/governance> to view copies of both our Employee Business Code of Conduct and Ethics and our Vendor Code of Conduct and Ethics.

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## PIPELINE DAMAGE INVESTIGATION REPORT

### Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 12/12/2019 10:35:00 AM	<b>Incident ID</b> 32349 <b>Report Submitted</b> 1/2/2020 8:16:47 AM
---	---

### OPERATOR INFORMATION

<b>Operator</b> Columbia Gas of Kentucky, Inc. <b>Phone</b> (859) 533-4022 <b>Incident Location</b> Morning Glory Ln Lexington, KY 0 Fayette	<b>Reported By</b> Ryan Twait <b>Email</b> rmtwait@nisource.com <b>Locate Ticket Number</b> 1912031814
---	--

### EXCAVATOR INFORMATION

<b>Name of Excavator</b> Rodriguez, Paul <b>Phone</b> 832-326-0802 or 832-791-5 <b>Excavator Address</b> Prowire Tech Inc. 1310 Rayford Rd Ste. 204 Spring, TX 77386	<b>Organization ID</b> 1070838 <b>Email</b> <b>Locate Ticket Number</b>
---	---

### INCIDENT

The Operator reports that the Excavator damaged a correctly marked four inch gas main with a boring machine. **The Damage Report is include as Attachment 1.**

#### Excavation Summary

Excavation Within 18" <small>(Approximate Location)</small>	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
Yes	Mechanized / Boring	\$2,798.60	\$2,798.60

#### Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from Initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
1912031814	Yes	12/03/19	12/24/19	12/12/19	0	Yes

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

### INVESTIGATION

On 09/09/20 the Excavator Prowire Tech's Raul Rodriguez, stated that the incident location was not marked. Mr. Rodriguez stated that the Operator marked up to the permanent gas marker and stopped. Mr. Rodriguez stated that the damage occurred three foot past the permanent gas marker where no temporary markings were placed. Mr. Rodriguez stated that he would attempt to obtain photographs/reports by 09/10/20 from the general contractor Metronet.

On 09/10/20, via two emails, the Operator, Columbia's Ryan Twait, provided the following documents:

- Photographs: Indicating the damage occurred between the permanent marker and temporary markings within the approximate location / "tolerance zone" of 18 inches.
- Damage Prevention Root Cause Analyses: Indicating the damage occurred within in the approximate location / "tolerance zone" of 18 inches of the gas main.
- Invoices: Indicating the Operator billed the Excavator on 01/07/20 and 03/05/20 for the damage totaling \$2,798.67 and no payment has been made.

**Mr. Twait's Documents are include as Attachment 3.**

On 09/10/20, via email, Metronet's Vice President of Safety & Quality Assurance George Kemp, stated that the main was marked correctly and Prowire's inefficient potholing resulted in this damage.

**Mr. Kemp's email is include as Attachment 4.**

On 09/14, 15, 16 & 17/20 a follow up call to Mr. Rodriguez resulted in a message stating this is Raul, wherein a message was left.

On 09/18/20 Mr. Rodriguez, via voice mail, was informed if no contact is made Prowire Tech will be assessed a penalty

of \$1,250.00.

On 09/21/20 contact was made with Mr. Rodriguez, he stated that he was out of the county, he thought his research in this matter would be complete this afternoon. Mr. Rodriguez was informed of Mr. Kemp's statement and copies of the photographs were emailed to [raulrod1981@prowiretech.com](mailto:raulrod1981@prowiretech.com) for Mr. Rodriguez's review and response.

On 09/23/20 a follow up call to Mr. Rodriguez resulted in a message being left.

On 09/28/20, via email, Mr. Rodriguez stated that Prowire Tech will pay the full penalty payment amount of \$1,250.00. **Mr. Rodriguez's email is include as Attachment 5.**

**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>Last Offence Resolved Date</b>
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Columbia Gas of Kentucky, Inc.

Submitted 1/2/2020 Incident ID: 32349

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32349\)](#)

### Reported By:

**Name:** Ryan Twait  
**Phone:** (859) 533-4022  
**Email:** rmtwait@nisource.com

### Gas Line Incident Occured:

**Date:** 12/12/2019  
**Time:** 10:35 AM

### Details:

**Reported Date:** 1/2/2020 8:11 AM

### Incident Location Address:

**Location:**

**Address:** Morning Glory Ln  
**City:** Lexington  
**State:** KY  
**County:** Fayette  
**Zip:** 0

**Confirm Code:**

**Number of Customers out:** 0

**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.:** 1912031814

**Excavator:** Contractor

### Excavator Address:

**First Name:** Paul  
**Last Name:** Rodriquez  
**Organization ID:**  
**Company:**  
**Phone:** 832-326-0802 or 832-791-5  
**Email:**

**Address:** 1310 Rayford Rd Ste 204  
**City:** Spring  
**State:** TX  
**Zip:** 77386  
**Confirm Code:** Y  
**Excavation Damage:** Failure to test-hole(pot hole)

**Description of Incident** ProWire Tech Inc bored into a plastic four inch natural gas main line with mechanized equipment.

Summary Information

---

1/2/2020

**Full details such as the cause** ProWire Tech Inc was excavating in an area with a locate ticket. ProWire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, ProWire Tech Inc severed a plastic four inch natural gas main line.

**Extent of the damage** A plastic four inch main line was severed, and the main line was repaired.

**Cost of the damage** \$2,108.00

**Steps taken to prevent re-occurrence** While making repairs, CKY advised ProWire Tech Inc of the KY 811 Dig Law and the proper methods to pot hole main lines prior to boring within the tolerance zone of a marked facility.

**Amount billed to excavator** \$2,108.00

# Attachment 2



NORMAL NOTICE

Ticket : 1912031814 Date: 12/03/2019 Time: 16:21 Oper: MARY.ALLEN48.KY Chan:000

State: KY Cnty: FAYETTE City: LEXINGTON  
Subdivision:

Address :

Street : MORNING GLORY LN

Cross 1 : SQUIRREL NEST LN

Location: STARTING AT THE INTERSECTION OF MORNING GLORY LN AND SQUIRREL NEST LN  
TRAVEL EAST FOR APPROX 140 FEET - BEGIN LOCATING SOUTH FOR APPROX 75 FEET  
CROSSING MORNING GLORY LN TO THE SOUTH SIDE ROW

:

Boundary: n 38.011110 s 38.004813 w -84.398616 e -84.390998

Work type : BORING TO INSTALL FIBER OPTICS

Done for : METRONET - LX164

Start date: 12/05/2019 Time: 16:45 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : PROWIRE TECH INC Type: CONT

Co addr : 1310 RAYFORD ROAD SUITE 204

City : SPRING State: TX Zip: 77386

Caller : MARY ALLEN Phone: (812)213-1379

Contact : RAUL RODRIGUEZ - CELL Phone:

Mobile : (832)326-0802

Email : RAULROD1981@PROWIRETECH.COM

Submitted date: 12/03/2019 Time: 16:21

Members: 0200 0237 0326 0370 0700 2621 WINKY

# Attachment 3

## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Thursday, September 10, 2020 7:34 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

Eric,

I've requested the billing/payment info from our damage collections group, and will forward that to you once they get it to me. Here are the pictures of the damage, and it shows temporary marks leading up to the permanent marker. I've also included the root cause analysis and tailgate documentation from our DP specialist, and she determined that they hand exposed the main 4' from the damage, which tells me that they lost track of the bore head and it crossed in a marked area that that they did not have uncovered:









# Damage Prevention Root Cause Analysis

Morning Glory Lane, Lexington; 12/12/2019

JO#; 811 #; 1912031814

Columbia Gas<sup>®</sup>  
of Kentucky  
*A NiSource Company*



## Description

- 4" plastic main that was stuck by mechanized equipment (boring rod). They did hand spot the main but they didn't hand spot the main where they were going to be crossing our line the area they spotted was 4' away from the actual bore path.

## Cause of Damage

- Didn't hand spot the facility where they were going to be working



## Lessons Learned

- You must hand spot where you are crossing a gas facility and the bore must be a minimum of 12" away

## For More Information

Company: Prowire Tech Inc.  
Contact Name: Raul Rodriguez  
Phone: (832) 326-0802  
Address: 1310 Rayford Road Suite 204, Spring, TX. 77386

## Follow Up Actions



Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,  
Date: 09/09/2020 11:25 AM  
Subject: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello Ryan

The excavator stated that the damage occurred three feet past the permanent gas marker where no temporary markings were placed. What are your thoughts, need photos, reports, billing invoice and proof of payment for the damages if paid.

*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*

## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Thursday, September 10, 2020 7:47 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.  
**Attachments:** KY19-1238, 19-7642739-00, Prowire Tech Inc. Correspondence.pdf

---

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

---

Sorry, one more email here, this is the invoice and second letter that was sent:

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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----- Forwarded by Ryan M Twait/COH/Enterprise on 09/10/2020 07:46 AM -----

**From:** Sue Chislow/COH/Enterprise  
**To:** Ryan M Twait/COH/Enterprise@NISOURCE,  
**Cc:** Dawn Miller/COH/Enterprise@NISOURCE, James Rice/CKY/Enterprise@NISOURCE  
**Date:** 09/10/2020 07:42 AM  
**Subject:** Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

Ryan - Please find the enclosed first letter, invoice and second letter.

**Sue Chislow**

Leader - Facility Damages  
Investigation & Recovery - OH, KY, PA, MD, VA & MA  
440.240.6194 office | 440.522.9469 cell | 440.240.6128 fax  
schislow@nisource.com



From: Ryan M Twait/COH/Enterprise  
To: Sue Chislow/COH/Enterprise@NISOURCE  
Cc: Dawn Miller/COH/Enterprise@NISOURCE, James Rice/CKY/Enterprise@NISOURCE  
Date: 09/10/2020 07:35 AM  
Subject: Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

Thank you Sue, do we have the invoice that was sent so I can show that we are attempting to collect?

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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From: Sue Chislow/COH/Enterprise  
To: Ryan M Twait/COH/Enterprise@NISOURCE,

Cc: Dawn Miller/COH/Enterprise@nisource, James Rice/CKY/Enterprise@nisource  
Date: 09/10/2020 07:34 AM  
Subject: Re: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

Good morning Ryan,

Enclosed is the pertinent information we received for this damage. They still have not paid this bill. Please let us know if you need more detail.

Take care!

## Summary:

Type	Created	Created By
General	01/07/2020	Dawn Miller

Pro Wire Tech Inc was excavating in an area with a locate ticket. Pro Wire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, Pro Wire Tech Inc severed a plastic four inch natural gas main line.

# PSC Gas Excavation Damage Report

**Type**    **Created**    **Created By**

General   01/06/2020   Dawn Miller

PSC Gas Excavation Damage Report

Date: 12/12/2019

Time: 10:35 AM

Incident Location: Morning Glory Ln., Lexington

# Cust. Lost: 0

Locate #: 1912031814

JO #: 19-7642739-00

Excavator Name: ProWire Tech Inc.

Excavation Damage Cause (see drop down list at bottom): Failure to test-hole (pot hole)

Columbia – DIMP Root Cause: Failure to hand expose utility line.

Description of Incident: ProWire Tech Inc bored into a plastic four inch natural gas main line with mechanized equipment.

Full details such as the cause: ProWire Tech Inc was excavating in an area with a locate ticket. ProWire Tech Inc was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, ProWire Tech Inc severed a plastic four inch natural gas main line.

Extent of the damage: A plastic four inch main line was severed, and the main line was repaired.

Steps taken to prevent re-occurrence: While making repairs, CKY advised ProWire Tech Inc of the KY 811 Dig Law and the proper methods to pot hole main lines prior to boring within the tolerance zone of a marked facility.

## FDR and URG Comments:

Type	Created	Created By
General	01/06/2020	Dawn Miller

### FDR COMMENTS:

PROWIRE TECH. WAS BORING IN FIBER AND TRUCK 4" P-MP GAS MAIN 32' RRB  
40" BKBKB ODD 1044 SQUIRRELS NEST LN. GAS MAIN WAS SPOTTED BEFORE ARRIVAL  
BUB WAS NOT SPOTTED IN PATH OF BORE SHOT. MAIN WAS STRUCK APPROXIMATELY  
6'-8' FROM DEAD END.

### **Sue Chislow**

Leader - Facility Damages  
Investigation & Recovery - OH, KY, PA, MD, VA & MA  
440.240.6194 office | 440.522.9469 cell | 440.240.6128 fax  
schislow@nisource.com



From: Ryan M Twait/COH/Enterprise  
To: Dawn Miller/COH/Enterprise@NISOURCE, schislow@nisource.com  
Cc: James Rice/CKY/Enterprise@NISOURCE  
Date: 09/10/2020 07:12 AM  
Subject: Fw: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

Hi Dawn and Sue!

The PSC is inquiring on this damage:

JO NUM: 19-7642739-00 \*JOB TYPE: 2412 \*LOC  
SUMMARY: FACIL DAMAGE TO MAIN D221770  
\*RESP: 18 PRIVATE CONTRACTOR  
RESPONSIBLE FOR BILL (Y/N): Y  
COMPANY NAME: PROWIRE TECH INC  
INDIVIDUAL NM: FIRST: MI: LAST:  
LOCATED AT: 1310 - - ROYFORD - RI  
CITY: SPRING STATE: TX  
ZIP CODE: 77386 -  
PHONE: 832 - 326 - 0802  
PCID: 20729423 SEQ: 001

Could we confirm if we billed and if they paid, and also provide proof of payment if that exists?

Thank you!

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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----- Forwarded by Ryan M Twait/COH/Enterprise on 09/10/2020 07:10 AM -----

From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,  
Date: 09/09/2020 11:25 AM  
Subject: 32349, 12/12/2019, Morning Glory Ln. Lex, Prowire Tech Inc.

---

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello Ryan

The excavator stated that the damage occurred three feet past the permanent gas marker where no temporary markings were placed. What are your thoughts, need photos, reports, billing invoice and proof of payment for the damages if paid.

*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*





**Columbia Gas of Kentucky, Inc.**  
**Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

01/07/2020

(440)240-6166

Prowire Tech Inc  
1310 Rayford Rd suite 204  
Spring, Texas 77386

Re: Our Claim: KY19-1238

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$2,798.67, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of Morning Glory Ln., Lexington, Kansas 40509. Our reports indicate that our facilities were damaged on 12/12/2019.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Dawn Miller  
Facility Damage Coordinator

Enclosure

**Columbia Gas/NiSource**  
**INVOICE**

**CLAIM NO.:** KY19-1238

**JOB ORDER NO.:** 19-7642739-00

**DATE:** January 07, 2020

**MRA ACCOUNT NUMBER:** 20729423-000-001-1

PAYMENT DUE 28 DAYS FROM ABOVE DATE  
PLEASE MAKE REMITTANCE PAYABLE TO:

Prowire Tech Inc  
1310 Rayford Rd suite 204  
Spring, Texas 77386

Columbia Gas / NiSource  
3101 N. Ridge Rd. E.  
Lorain, Ohio 44055  
ATTN: Damage Prevention Support

AMOUNT DUE
\$2,798.67

-----  
PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 12/12/2019 in the vicinity of Morning Glory Ln., Lexington, Kansas 40509.

ITEMS	AMOUNT
Labor	\$412.88
Materials	\$22.11
Equipment	\$616.24
Gas Loss	\$382.70
Contracted Fees	\$1,363.41
Taxes	\$1.33
<b>TOTAL EXPENSE</b>	<b>\$2,798.67</b>

Notes:

**If you have any questions regarding this bill, please contact Dawn Miller,  
Facility Damage Coordinator, at (440)240-6166.**



**Columbia Gas/NiSource**  
**INVOICE**

**CLAIM NO.:** KY19-1238

**JOB ORDER NO.:** 19-7642739-00

**DATE:** January 07, 2020



**Columbia Gas of Kentucky, Inc.**  
**Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

03/05/2020

(440)240-6166

Prowire Tech Inc  
1310 Rayford Rd suite 204  
Spring, Texas 77386

Re: Our Claim: KY19-1238

Gentlemen,

On 01/07/2020, we forwarded our damage claim invoice in the amount of \$2,798.67, which is the expense our company incurred as the result of your contact with our facilities located in the vicinity of Morning Glory Ln., Lexington, Kansas 40509, which occurred on 12/12/2019.

Unfortunately, we have not been contacted by you or your insurance carrier relative to the settlement of this claim and are once again directing this matter to your attention. We request that immediate arrangements be made to expedite this loss. For your convenience, we have enclosed a pre-addressed envelope for remittance of your payment. If you have insurance, please forward this correspondence and the enclosed envelope to your insurance carrier.

Sincerely,

Dawn Miller  
Facility Damage Coordinator

# Attachment 4

## Tout, Eric V (PSC)

---

**From:** George Kemp <George.Kemp@metronetinc.com>  
**Sent:** Thursday, September 10, 2020 11:59 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: PSC Incident: 32349, 12/12/2019, Morning Glory Ln., Lexington, Columbia Gas of Kentucky, & ProWire Tech Inc.

Good Morning Eric,

I am traveling at the moment but I was able to pull up our files and this is what we found for the utility hit in question.

On 12/12/2019 Prowire damaged a 4" Columbia Gas gas main. The damage was caused from a rock that was pushed up into the gas main, damaging it. The gas main was properly marked. If Prowire had done a better job of potholing the gas main they would have been able to avoid this damage. By law and by MetroNet requirements they must effectively pothole each utility to ensure it is safe while they working around it.

George

George Kemp, Ph.D.  
Indiana 811 Board | Vice Chairman  
Indiana 811 Board | Chairman of Damage Prevention Committee  
North American Telecommunication Damage Prevention Council | Secretary  
Metronet | Vice President of Safety & Quality Assurance  
3701 Communications Way | Evansville, IN 47715  
Office: 812.213.1371  
[www.MetronetInc.com](http://www.MetronetInc.com)

---

**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Thursday, September 10, 2020 9:50:08 AM  
**To:** George Kemp <George.Kemp@metronetinc.com>  
**Subject:** PSC Incident: 32349, 12/12/2019, Morning Glory Ln., Lexington, Columbia Gas of Kentucky, & ProWire Tech Inc.

**WARNING: This mail is from an external source**

Good Morning Mr. Kemp,

Per my investigation regarding the above noted matter Metro Net contracted ProWire Tech Inc. to bore conduit for Metro Net in the area of Morning Glory Ln., Lexington, KY. The Commission received a report from Columbia Gas that on 12/12/19 ProWire damaged Columbia Gas's underground facility at the stated location. Does Metro Net have records/photographs/damage reports of this incident? If so please provide.

*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*

# Attachment 5

## Tout, Eric V (PSC)

---

**From:** Raul Rodriguez <raulrod1981@prowiretech.com>  
**Sent:** Monday, September 28, 2020 11:51 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: FW: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Good morning sir,

Unfortunately I was not able to get any pictures from MetroNet supporting my claim, we'll have to go ahead and pay the total penalty amount of \$1,250.00. We've been done drilling in the state of KY and do not have anyone representing us for the monthly classes.

Please let me know where do I send the check to and who do I make it out to.

Thank you.

---

**Raul Rodriguez**

*Operations Manager*

Cell: [832-326-0802](tel:832-326-0802)

E: [raulrod1981@prowiretech.com](mailto:raulrod1981@prowiretech.com)

W: [www.prowiretech.com](http://www.prowiretech.com)





On 2020-09-24 06:38, Tout, Eric V (PSC) wrote:

Mr. Rodriguez,

The below email was sent on 09/21/20 requesting a response and as of this email none has been received. This being your company's first offence there are three options to resolve this incident:

1. Pay the reduce penalty of \$250.00 and have a representative of the company attend the Damage Prevention course held in Frankfort at the Commission on the first Monday of each month from 1-3 p.m. (Postponed until further notice)
2. Pay the full penalty of \$1,250.00.
3. Request a hearing before the Commission. (Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

If you chose option one or two I will draft a letter outlining the details of the exact date of the course and 30 days to make the payment.

If no response is received by 09/28/20 option two will be chosen and in the event the penalty payment is no paid (30 days from the date of the letter to be sent) the hearing process will commence.

Please respond.

*Respectfully*

*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

---

**From:** Tout, Eric V (PSC)

**Sent:** Monday, September 21, 2020 11:26 AM

**To:** raulrod1981@prowiretech.com

**Subject:** 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Mr. Rodriguez,

As requested, photographs.













Awaiting your response.

*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*

## PIPELINE DAMAGE INVESTIGATION REPORT

### Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 1/21/2020 6:45:00 PM	<b>Incident ID</b> 32414 <b>Report Submitted</b> 2/6/2020 1:20:41 PM
---	---

### OPERATOR INFORMATION

<b>Operator</b> Columbia Gas of Kentucky, Inc. <b>Phone</b> (859) 533-4022 <b>Incident Location</b> 1728 Hilton Ave Ashland, KY 41101 Boyd	<b>Reported By</b> Ryan Twait <b>Email</b> rmtwait@nisource.com <b>Locate Ticket Number</b> n/a
---	---

### EXCAVATOR INFORMATION

<b>Name of Excavator</b> Unknown, Unknown <b>Phone</b> 606-922-2322 <b>Excavator Address</b> Fer-Co Enterprises, Inc. 7731 McComis Dr. Catlettsburg, KY 41129	<b>Organization ID</b> 0433919 <b>Email</b> hhmbc@gmail.com <b>Locate Ticket Number</b>
--	---

### INCIDENT

The Operator reports that the Excavator damaged a one-inch gas service line, with mechanized equipment, conducting demolition and failed to contact the Protection Notification Center (811).

On 10/12/20, via email, the Operator, Columbia's Ryan Twait stated that this damage occurred underground.

**The Damage Report & Mr. Twait's email are include as Attachment 1.**

### Excavation Summary

Excavation Within 18" <small>(Approximate Location)</small>	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
No call to 811	Mechanized / No specified	\$669.00	\$669.00

### Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from Initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
1911120962	No	11/12/19	12/03/19	01/21/20	49	Yes

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

### INVESTIGATION

On 10/12/20 the Excavator, Fer-Co Enterprise's Jeffery Fergusson, stated that a LT 1911120962 was obtained, he received an all-clear email and the technician from United States Infrastructure Corporation (USIC) before excavation. Mr. Ferguson stated that he received a call from a neighbor, up in the night that his equipment was being moved at the incident location. Mr. Ferguson stated that when he investigated his equipment was intact, but was moved and he noticed excavation across the street from the incident location.

On 10/12/20, via email, 811, Carly Dunsmore, stated that between 09/01/19 and 02/29/20 LT... 0962 was the only LT issued to the Excavator for this incident location.

**The 811 email is include as Attachment 3.**

A review of LT... 0962 reveled the Excavator obtained it on 11/12/19, with an expiration date of 12/03/19, indicating said LT was expired 49 days prior to the incident date of 01/21/20.

On 10/13/20 the Operator, Columbia's Ryan Twait, provide photographs indicting the damage occurred on the same side of the street as 1728 Hilton Ave. Mr. Twait was unable to state if the damage was associated with the movement of the equipment as describe by Mr. Ferguson.

**Mr. Twait Photos are include as Attachment 4.**

On 10/15/20, via email, Mr. Twait provided a positive response dated 11/15/19 regarding LT... 0962 indicating an abandon service line on the property, a curb box is marked with paint by another employee and a four-inch main is

across the street.

**The Positive Response is included as Attachment 5.**

On 10/15/20 an attempt to contact Mr. Ferguson resulted in a message being left.

On 10/16/20 Mr. Ferguson provided LT...0962 which has been outlined above.

**Mr. Ferguson's LT is include as Attachment 6.**

On 10/27/20 Mr. Ferguson stated he felt he did what was needed to avoid this damage and was not responsible. Mr. Ferguson was informed of his options and was reluctant, but did accept the Damage Prevention Course and reduced penalty of \$250.00. Mr. Ferguson stated he did not want attorney fees.

**VIOLATION**

**KRS 367.4911**

**(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

## Columbia Gas of Kentucky, Inc.

Submitted 2/6/2020 Incident ID: 32414

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32414\)](#)

### Reported By:

**Name:** Ryan Twait  
**Phone:** (859) 533-4022  
**Email:** rmtwait@nisource.com

### Gas Line Incident Occured:

**Date:** 1/21/2020  
**Time:** 6:45 PM

### Details:

**Reported Date:** 2/6/2020 1:12 PM

### Incident Location Address:

#### Location:

**Address:** 1728 Hilton Ave  
**City:** Ashland  
**State:** KY  
**County:** Boyd  
**Zip:** 41101  
**Confirm Code:** D

**Number of Customers out:** 0

**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:** Unknown  
**Last Name:** Unknown  
**Organization ID:**  
**Company:** Fer-Co  
**Phone:** 606-922-2322  
**Email:** hhmbc@gmail.com

**Address:** 7731 McComis Dr  
**City:** Catlettsburg  
**State:** KY  
**Zip:** 41129  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One Call Center

**Description of Incident** Fer-Co struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

---

2/6/2020

**Full details such as the cause** Fer-Co was conducting demolition with mechanized equipment without a locate ticket. While conducting demolition work, Fer-Co severed a plastic one inch natural gas service line.  
**Extent of the damage** A plastic one inch natural gas service line was damaged, and the service line was abandoned at the main.  
**Cost of the damage** \$669.00  
**Steps taken to prevent re-occurrence** CKY employees advised Fer-Co to always call 811 prior to any excavating activities.  
**Amount billed to excavator** \$669.00

## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Monday, October 12, 2020 8:10 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 32414,1/21/2020, 1728 Hilton Ave Ashland, Fer-Co

Hi Eric,

The damaged occurred below ground.

Thanks,

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,  
Date: 10/09/2020 08:35 AM  
Subject: 32414,1/21/2020, 1728 Hilton Ave Ashland, Fer-Co

---

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Hello Ryan,

Where did this occur, above or below ground?

*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*



# Attachment 2

NORMAL NOTICE

Ticket : 1911120962 Date: 11/12/2019 Time: 13:29 Oper: MMOELLER Chan:000

State: KY Cnty: BOYD City: ASHLAND  
Subdivision:

Address : 1728

Street : HILTON AVE

Cross 1 : ASHLAND AVE

Location: LOCATE THE FRONT OF THE PROPERTY - FROM HILTON AVE UP THE HILL TO THE  
TOP OF THE BANK

:

Boundary: n 38.473087 s 38.471117 w -82.643360 e -82.640292

Work type : CUT DOWN BANK FOR ACCESS DRIVE / DEMOLITION

Done for : CITY OF ASHLAND

Start date: 11/14/2019 Time: 13:45 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 6 FEET

Company : FER-CO ENTERPRISES INC Type: CONT

Co addr : 7731 MCCOMIS DRIVE

City : CATLETTSBURG State: KY Zip: 41129

Caller : JEFF FERGUSON Phone: (606)922-2322

Contact : JEFF FERGUSON CELL Phone:

Mobile : (606)922-2322

Email : HHMBC10@GMAIL.COM

Submitted date: 11/12/2019 Time: 13:29

Members: 0023 0165 0173 0367

# Attachment 3

## Tout, Eric V (PSC)

---

**From:** Carly Dunsmore <cdunsmore@usa811.org>  
**Sent:** Monday, October 12, 2020 1:52 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 32414  
**Attachments:** 1911120962.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Hello Eric,

We searched between 9/1/2019 and 2/29/2020 and only found ticket 1911120962, which was submitted by Fer-Co Enterprises for address 1728 Hilton Ave. There were no other tickets submitted for this address during that time frame.

The member utilities notified on the ticket were not participating in our Electronic Positive Response at that time, so we are unaware of any Clear/Marked responses. They may have responded to the excavator directly, but we wouldn't have record of that.

If you have any further questions, please let us know.

Thank you,

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



On Mon, Oct 12, 2020 at 12:52 PM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Hello Carly,

Do you have any records for this this address? The excavator called when I was typing this and gave the Ticket 1911120962. He stated that he was given the all clear that no facilities were at this address. He thinks this may have been given in November 2019?

Please provide the above noted ticket and expand your research to September 2019 involving the Excavator, to include any responses for this address indicating if this was clear or not.

Thanks,

Eric

**From:** Carly Dunsmore <[cdunsmore@usa811.org](mailto:cdunsmore@usa811.org)>

**Sent:** Monday, October 12, 2020 12:29 PM

**To:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>

**Cc:** [PSCrequest@kentucky811.org](mailto:PSCrequest@kentucky811.org)

**Subject:** Re: 32414

Good afternoon,

We searched between 12/1/19 and 2/29/20 but we were unable to find any tickets submitted by Fer-Co Enterprises, for address 1728 Hilton Ave. If you have any other information we would be happy to assist you further.

Thank you,

Carly Dunsmore

Member Services

P: 833-538-0923

F: 317-386-7820



On Mon, Oct 12, 2020 at 12:22 PM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Please provide locate ticket for:

Incident Date: 1/21/2020

Operator: Columbia Gas of Kentucky

Incident Location: 1728 Hilton Ave, Ashland

County: Boyd

Excavator: Fer-Co Enterprises

*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*

# Attachment 4



## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Tuesday, October 13, 2020 9:05 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 32414, 1/21/2020, 1728 Hilton Ave Ashland, Fer-Co Enterprises, Inc.

Hi Eric,

I cannot find any records for LT 1911120962, do you have a copy of the locate ticket?

I have no if the moving of the equipment had anything to do with the damage, but the service line was for the house being demolished:





Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,  
Date: 10/12/2020 02:27 PM  
Subject: 32414, 1/21/2020, 1728 Hilton Ave Ashland, Fer-Co Enterprises, Inc.

---

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Hello Ryan,

The Excavator stated that a Loacte Ticket 1911120962 was obtained. (This ticket expired 49 day prior to the incident). I need to know if he received an all clear/no facilities email and/or the USIC technician gave an all clear/no facilities for this ticket. He stated he received a call from a neighbor at the incident location, stating one night his equipment was being moved. He stated that when he investigated his equipment was intact, but was moved and he noticed excavation across the street from the incident location. Could this have been where the damage occurred?

*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*

# Attachment 5

## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Thursday, October 15, 2020 1:01 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 32414, 1/21/2020, 1728 Hilton Ave Ashland, Fer-Co Enterprises, Inc.

Eric,

See below for proof of locate execution on the first locate request:

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



DISCLAIMER: The information contained in this e-mail may be confidential and is intended solely for the named addressee. Access, copying or re-use of the e-mail or any information contained herein by any other person is not authorized. If you are not the intended recipient please notify me immediately by returning the e-mail to the originator.

----- Forwarded by Ryan M Twait/COH/Enterprise on 10/15/2020 12:58 PM -----

From: <cl\_irth\_comm@irth.com>  
To: <rmtwait@nisource.com>,  
Date: 10/15/2020 12:51 PM  
Subject: Seq# 1: 1911120962 for 0165

---

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

0165 00011 KUPIa 11/12/2019 13:36:53 1911120962-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 1911120962 Date: 11/12/2019 Time: 13:29 Oper: MMOELLER Chan:000

State: KY Cnty: BOYD City: ASHLAND  
Subdivision:

Address : 1728  
Street : HILTON AVE  
Cross 1 : ASHLAND AVE  
Location: LOCATE THE FRONT OF THE PROPERTY - FROM HILTON AVE UP THE HILL TO THE  
TOP OF THE BANK  
:  
Boundary: n 38.473087 s 38.471117 w -82.643360 e -82.640292

Work type : CUT DOWN BANK FOR ACCESS DRIVE / DEMOLITION  
Done for : CITY OF ASHLAND  
Start date: 11/14/2019 Time: 13:45 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 6 FEET

Company : FER-CO ENTERPRISES INC Type: CONT  
Co addr : 7731 MCCOMIS DRIVE  
City : CATLETTSBURG State: KY Zip: 41129  
Caller : JEFF FERGUSON Phone: (606)922-2322  
Contact : JEFF FERGUSON CELL Phone:  
Mobile : (606)922-2322  
Email : HHMBC10@GMAIL.COM

Submitted date: 11/12/2019 Time: 13:29  
Members: 0023 0165 0173 0367

Ticket History (All Times in Eastern Time):

11/12/2019 1:36:54 PM: Received  
Details: Ticket received for registration code 0165

11/12/2019 1:36:54 PM: Ticket Score Calculated  
Details: Risk Percentile calculated. Score value: 0

11/12/2019 1:36:54 PM: Ticket Queued  
Details: Ticket queued for delivery

11/12/2019 1:40:51 PM: Ticket Delivered  
Details: Ticket successfully sent to a web request device at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_integrator-2Ddns.optimainxdr.com\\_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j\\_ldSfxgDo0sGOe5WE0gQ-](https://urldefense.proofpoint.com/v2/url?u=https-3A_integrator-2Ddns.optimainxdr.com_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j_ldSfxgDo0sGOe5WE0gQ-)



[rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__integrator-2Dns.optimainxdr.com_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j_ldSfxgDo0sGOe5WE0gQ-rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=)

11/12/2019 1:51:58 PM: Smart Score Saved

Details: Risk Percentile saved. Score value: 62

11/12/2019 2:27:41 PM: Put in Folder

Details: Put in \*\*Ashland- In House Locates by Jack Johnson

11/12/2019 2:27:42 PM: Ticket Queued

Details: Ticket queued for delivery

11/12/2019 2:27:48 PM: Ticket Delivered

Details: Ticket successfully sent to a web request device at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_integrator-2Dns.optimainxdr.com\\_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j\\_ldSfxgDo0sGOe5WE0gQ-rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__integrator-2Dns.optimainxdr.com_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j_ldSfxgDo0sGOe5WE0gQ-rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=)

11/15/2019 8:39:05 AM: Responded

Details: Clear - CKY: added by Brian Cyrus, Locate Time: {2019-11-15 08:37:32}

Notes: Abandon service line on property curb box is marked with paint by another employee 4in main is across the street

11/15/2019 8:39:05 AM: Ticket Queued

Details: Ticket queued for delivery

11/15/2019 8:39:05 AM: Positive Response to Excavator Queued

Details: Positive Response to Excavator queued for delivery

11/15/2019 8:39:05 AM: Positive Response to Excavator Delivered

Details: Positive Response to Excavator successfully sent to HHMBC10@GMAIL.COM

11/15/2019 8:39:18 AM: Ticket Delivered

Details: Ticket successfully sent to a web request device at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_integrator-2Dns.optimainxdr.com\\_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j\\_ldSfxgDo0sGOe5WE0gQ-rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__integrator-2Dns.optimainxdr.com_ticket&d=DwIFaQ&c=Y0zCdXTMOJcLV4Fef-GHbw&r=j_ldSfxgDo0sGOe5WE0gQ-rlzkplMILsxagZEigTY-8&m=GkZ-Ixe7noTH9exj0RbLXCQCpR9KPofbdOhtzNp9kH4&s=Z7UeT0JAFrSEWQrCeTrWgCgvwHVlyiNKXAYhzG3LgSE&e=)

11/15/2019 8:39:27 AM: Smart Score Saved

Details: Risk Percentile saved. Score value: 20

# Attachment 6

NORMAL NOTICE

Ticket : 1911120962 Date: 11/12/2019 Time: 13:29 Oper: MMOELLER Chan:000

State: KY Cnty: BOYD City: ASHLAND  
 Subdivision:

Address : 1728  
 Street : HILTON AVE  
 Cross 1 : ASHLAND AVE  
 Location: LOCATE THE FRONT OF THE PROPERTY - FROM HILTON AVE UP THE HILL TO THE TOP OF THE BANK  
 :  
 Boundary: n 38.473087 s 38.471117 w -82.643360 e -82.640292

Work type : CUT DOWN BANK FOR ACCESS DRIVE / DEMOLITION  
 Done for : CITY OF ASHLAND  
 Start date: 11/14/2019 Time: 13:45 Hours notice: 48/48 Priority: NORM  
 Ug/Oh/Both: U Blasting: NO Emergency: N  
 Duration : N/A Depth: 6 FEET

Company : FER-CO ENTERPRISES INC Type: CONT  
 Co addr : 7731 MCCOMIS DRIVE  
 City : CATLETTSBURG State: KY Zip: 41129  
 Caller : JEFF FERGUSON Phone: (606)922-2322  
 Contact : JEFF FERGUSON CELL Phone:  
 Mobile : (606)922-2322  
 Email : HHMBC10@GMAIL.COM

Submitted date: 11/12/2019 Time: 13:29  
 Members: 0023 0165 0173 0367

Member Name	Facility Types
CITY OF ASHLAND	WATER, SEWER
COLUMBIA GAS	PIPELINE
KENTUCKY POWER - AEP	ELECTRIC
TIME WARNER CABLE	COMMUNICATIONS

**PIPELINE DAMAGE INVESTIGATION REPORT**

**Investigation Information**

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 9/23/2019 2:22:00 PM	<b>Incident ID</b> 32150 <b>Report Submitted</b> 10/22/2019 10:54:20 AM
---	--

**OPERATOR INFORMATION**

<b>Operator</b> Columbia Gas of Kentucky, Inc. <b>Phone</b> (859) 361-0344 <b>Incident Location</b> 625 Beaumont Ave Lexington, KY 40502 Fayette	<b>Reported By</b> Tim McKune <b>Email</b> tmckune@nisource.com <b>Locate Ticket Number</b> none
---	--

**EXCAVATOR INFORMATION**

<b>Name of Excavator</b> Moody, Tom <b>Phone</b> 859-509-4845 <b>Excavator Address</b> Moody Excavating LLC 103 Summit Dr. Georgetown, KY 40324	<b>Organization ID</b> 0729616 <b>Email</b> none <b>Locate Ticket Number</b>
--	--

**INCIDENT**

The Operator reports that the Excavator damaged a one-inch gas service with mechanized equipment and failed to contact the Protection Notification Center (811).

**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)
No call to 811	Mechanized / Not Specified	\$2,018.00	\$2,018.00

**INVESTIGATION**

On 06/12/20 the Excavator, Moody Excavating's Tom Moody, stated that this incident should not be attributed to his company Moody Excavating LLC. Mr. Moody stated that he was working for Economy Home Improvements (EHI), John Book (859-396-8814) as an hourly worker. Mr. Moody stated that EHI called 811 and the gas service was mismarked.

On 06/12/20 Mr. Book stated that Moody Excavating is an hourly sub-contractor, hourly invoices (See Attachment 2) are provide by Moody Excavating indicating equipment use and labor. Mr. Book stated that no W-2s are provided to Mr. Moody or his employees. Mr. Book stated that EHI obtained a Locate Ticket (LT), 1908260604, which expired prior to the incident date. Mr. Book provide photographs of the Incident Location depicting the damage with no location marks visible.

**Mr. Book's email, Photos & Invoice are include as Attachment 2.**

**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>
1908260604	for EHI	08/26/19	09/16/19	09/23/19	7	Yes

**The Locate Ticket(s) is/are include as Attachment 3.**

On 06/16/20 Mr. Moody stated that he disagrees and felt that he is and hourly employee event though no W-2 is received from EHI and felt Moody Excavating should not be penalized. Mr. Moody stated that EHI obtained the LT, but he was unaware the ticket was expired. Mr. Moody was receptive to attending the Damage Prevention Course and paying the \$250.00 reduced penalty.

On 06/16/20 the Operator, Columbia's Ryan Twait, stated, via email, that there is some dispute on who is responsible for the bill/damage, Moody Excavating was billed, but it was not paid.

**Mr. Twait's email is include as Attachment 4.**

**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

## Columbia Gas of Kentucky, Inc.

Submitted 10/22/2019 Incident ID: 32150

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32150\)](#)

### Reported By:

**Name:** Tim McKune  
**Phone:** (859) 361-0344  
**Email:** tmckune@nisource.com

### Gas Line Incident Occured:

**Date:** 9/23/2019  
**Time:** 2:22 PM

### Details:

**Reported Date:** 10/22/2019 10:54 AM

### Incident Location Address:

**Location:**

**Address:** 625 Beaumont Ave  
**City:** Lexington  
**State:** KY  
**County:** Fayette  
**Zip:** 40502  
**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.:** none

**Excavator:** Contractor

### Excavator Address:

**First Name:** Tom  
**Last Name:** Moody  
**Organization ID:**  
**Company:** Moody Excavating  
**Phone:** 859-509-4845  
**Email:** none

**Address:** 103 Summit Dr  
**City:** Georgetown  
**State:** KY  
**Zip:** 40324  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One Call Center

**Description of Incident** Moody Excavating struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

---

10/22/2019

**Full details such as the cause** Moody Excavating was excavating an area without a locate ticket. While digging with mechanized equipment, Moody Excavating struck a plastic one inch natural gas service line  
**Extent of the damage** A plastic one inch natural gas service line was damaged, and the service line was repaired.  
**Cost of the damage** \$2,018.00  
**Steps taken to prevent re-occurrence** CKY's Damage Prevention Specialist setup and conducted a safety tailgate with Moody Excavating following the damage to educate them on the 811 dig law. The Damage Prevention Specialist also provided excavator pocket manuals and pocket color code reference cards to Moody Excavating.  
**Amount billed to excavator** \$2,018.00



# Attachment 2

## Tout, Eric V (PSC)

---

**From:** John Book <johnthebuilder@windstream.net>  
**Sent:** Friday, June 12, 2020 3:00 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 625 Beaumont

Eric,

Here is the original Confirmation number for 625 Beaumont Ave. 1908260604 we had a ticket for 30" deep no blasting. Upon hitting the line I called in to 811 and notified them and they notified the fire dept. I met them ( Fire dept. and Columbia gas) on site and they two members from Columbia gas showed up. the first I don't have a name, the second person was JoAnne Parks.

I will forward the Bill I paid to Moody excavation shortly.

John Book

**From:** Tout, Eric V (PSC)  
**Sent:** Friday, June 12, 2020 2:24 PM  
**To:** John Book  
**Subject:** RE: 625 Beaumont

Got it, will be waiting for the other information.

*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*

---

**From:** John Book <johnthebuilder@windstream.net>  
**Sent:** Friday, June 12, 2020 2:16 PM

**To:** Tout, Eric V (PSC) <ericv.tout@ky.gov>

**Subject:** 625 Beaumont

Here you go sir .

John Book









Sent from my iPhone

**Tout, Eric V (PSC)**

**From:** John Book <johnthebuilder@windstream.net>  
**Sent:** Friday, June 12, 2020 3:09 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Moody excavation bill for Tremont

Job Info  
 DATE ISSUED: 09/23/19  
 CHECK NO.: 625  
 PROJECT: Basement A/C

NAME: F.H.I. John Book Job

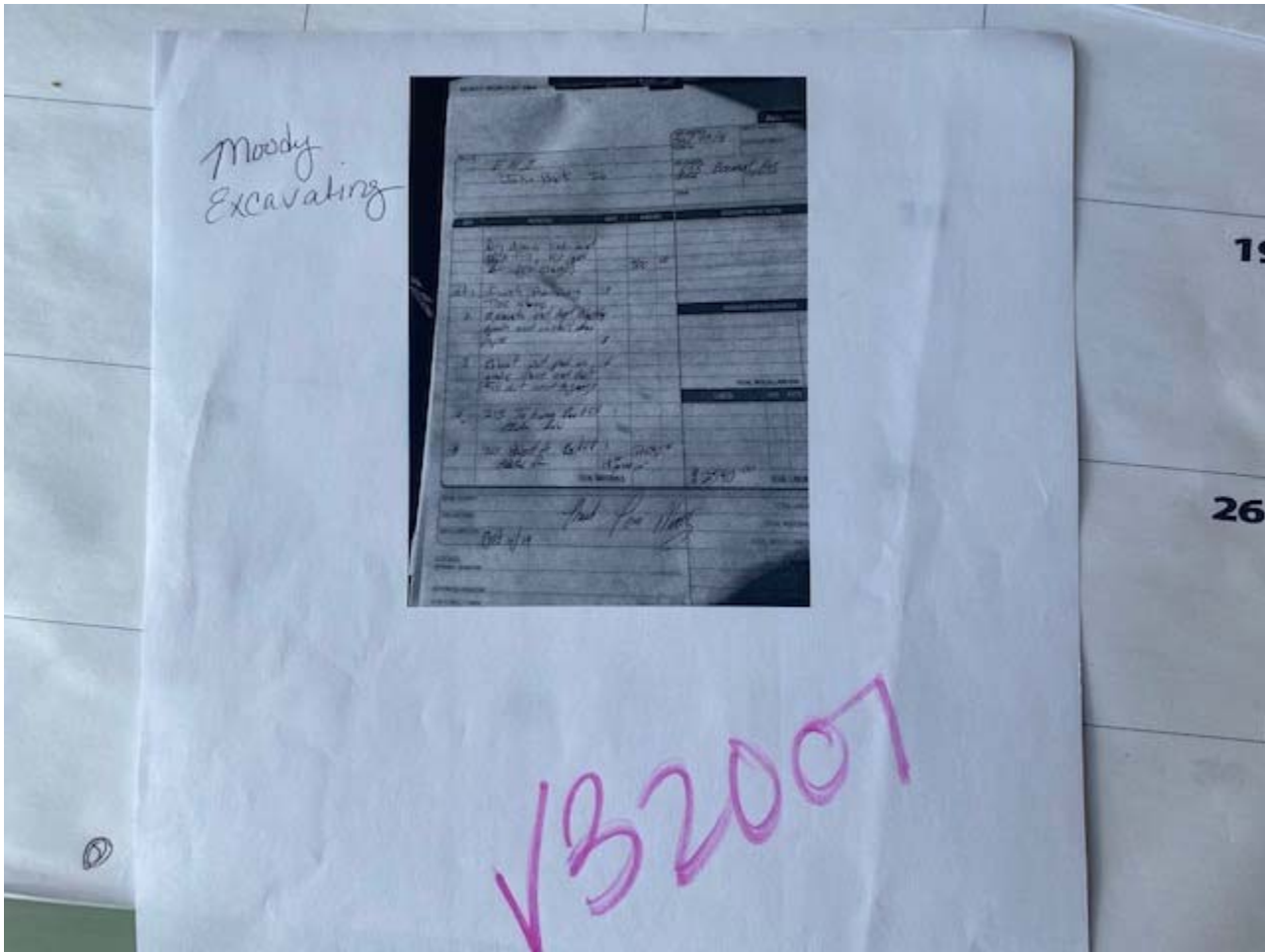
QTY	MATERIAL	UNIT	AMOUNT	DESCRIPTION OF WORK
	Dig down line and back fill, H.F. gas (no charge)		300.00	
01	Finish Penning	3		
2	Tree stump remove and back fill	8		
3	Block part put on smoke, place and back fill dirt next to garage	6		
X	215 To heavy backfill	1		
X	715 19" pipe	1	200.00	
			TOTAL MATERIALS	12590.00
			TOTAL LABOR	0551
			TOTAL MISCELLANEOUS	
			TOTAL MATERIALS	
			TOTAL LABOR	
			TOTAL MISCELLANEOUS	

WORK ORDER: \_\_\_\_\_  
 DATE ISSUED: \_\_\_\_\_  
 DATE COMPLETED: Oct 4/19

CUSTOMER APPROVAL SIGNATURE: *And Tom Hays*

AUTHORIZED CONTRACTOR SIGNATURE: \_\_\_\_\_  
 AUTO-DIBET/LOGS: \_\_\_\_\_





Sent from my iPhone

# Attachment 3

NORMAL NOTICE

Ticket : 1908260604 Date: 08/26/2019 Time: 10:28 Oper: TNUNEZ Chan:000

State: KY Cnty: FAYETTE City: LEXINGTON  
Subdivision: HOLLYWOOD TERRACE

Address : 625  
Street : BEAUMONT AVE  
Cross 1 : MELROSE AVE  
Location: FOR LOTS NUMBER 78 AND 79 - LOCATE THE REAR OF PROPERTY BETWEEN THE  
BACK OF THE HOME TO THE REAR PROPERTY LINE

:  
Boundary: n 38.028858 s 38.027122 w -84.496872 e -84.494938

Work type : DETACHED GARAGE CONSTRUCTION  
Done for : KELLEY CARMEAN  
Start date: 08/28/2019 Time: 10:45 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 3 FEET

Company : ECONOMY HOME IMPROVEMENT Type: CONT  
Co addr : 1320 BRYAN AVE  
City : LEXINGTON State: KY Zip: 40505  
Caller : JOHN BOOK Phone: (859)252-8812  
Contact : JOHN BOOK - CELL Phone:  
Mobile : (859)396-8814  
Fax : (859)231-6104  
Email : JOHNTHEBUILDER@WINDSTREAM.NET

Submitted date: 08/26/2019 Time: 10:28  
Members: 0200 0326 0370 0696 2621

# Attachment 4

## Tout, Eric V (PSC)

---

**From:** rmtwait@nisource.com  
**Sent:** Tuesday, June 16, 2020 12:32 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Fw: JO# 19-7442426-00 32150, 9/23/2019, 625 Beaumont Ave. Lex., Moody Excavating LLC

Eric,

It appears that there is some dispute on who is responsible for the bill, and this will need be turned over to collections. It is unclear at this time if that will go to Moody Excavating or Economy Home Improvement.

Thanks,

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



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----- Forwarded by Ryan M Twait/COH/Enterprise on 06/16/2020 12:12 PM -----

**From:** Dawn Miller/COH/Enterprise  
**To:** Ryan M Twait/COH/Enterprise@NISOURCE,  
**Date:** 06/16/2020 11:29 AM  
**Subject:** Fw: JO# 19-7442426-00 32150, 9/23/2019, 625 Beaumont Ave. Lex., Moody Excavating LLC

---

Ryan,

This bill is not paid at this time and I have been talking to Sue and James Rice to see if he would have anymore information on this before we turn it over to Litigation.

We have a problem with who the damager is because Moody Excavating stated he was working for John Book - Economy Home Improvement.



**Columbia Gas of Kentucky, Inc.**  
**Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

10/24/2019

(440)240-6166

Moody Excavating, LLC  
103 Summit Dr  
Georgetown, Kentucky 40324

Re: Our Claim: KY19-1185

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$2,101.50, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 625 Beaumont Av, Lexington, Kentucky 40502. Our reports indicate that our facilities were damaged on 09/23/2019.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Dawn Miller  
Facility Damage Coordinator

Enclosure

**Columbia Gas/NiSource**

**INVOICE**

**CLAIM NO.:** KY19-1185      **JOB ORDER NO.:** 19-7442426-00      **DATE:** October 24, 2019

**MRA ACCOUNT NUMBER:** 20685716-000-001-3      **PAYMENT DUE 28 DAYS FROM ABOVE DATE**  
**PLEASE MAKE REMITTANCE PAYABLE TO:**

Moody Excavating, LLC  
103 Summit Dr  
Georgetown, Kentucky 40324

Columbia Gas / NiSource  
3101 N. Ridge Rd. E.  
Lorain, Ohio 44055  
ATTN: Damage Prevention Support

AMOUNT DUE
\$2,101.50

-----  
PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 09/23/2019 in the vicinity of 625 Beaumont Av, Lexington, Kentucky 40502.

ITEMS	AMOUNT
Labor	\$436.56
Materials	\$1.78
Equipment	\$510.28
Gas Loss	\$2.90
Contracted Fees	\$1,149.87
Taxes	\$0.11
<b>TOTAL EXPENSE</b>	<b>\$2,101.50</b>

Notes:

If you have any questions regarding this bill, please contact Dawn Miller,  
Facility Damage Coordinator, at (440)240-6166.



**Columbia Gas/NiSource**

**INVOICE**

**CLAIM NO.:** KY19-1185      **JOB ORDER NO.:** 19-7442426-00      **DATE:** October 24, 2019

Thanks,

Dawn R. Miller  
Facility Damage Coordinator / Facility Damage Investigation & Recovery  
NiSource / 3101 N. Ridge Rd. East / Lorain, OH 44055  
P. (440) 240-6166 / Fax (440)-240-6128 / Drmiller@NiSource.com  
Call 811 before you dig !

=^..^=

----- Forwarded by Dawn Miller/COH/Enterprise on 06/16/2020 11:17 AM -----

From: Ryan M Twait/COH/Enterprise  
To: Dawn Miller/COH/Enterprise@NISOURCE,  
Cc: Sue Chislow/COH/Enterprise@NISOURCE  
Date: 06/16/2020 10:56 AM  
Subject: Fw: JO# 19-7442426-00 32150, 9/23/2019, 625 Beaumont Ave. Lex., Moody Excavating LLC

---

Hi Dawn,

Can you send me the requested info from the PSC below?

Thanks!

Ryan Twait  
Manager, Operations Compliance  
Columbia Gas of Kentucky  
Cell: 859-533-4022  
Office: 859-288-0234



DISCLAIMER: The information contained in this e-mail may be confidential and is intended solely for the named addressee. Access, copying or re-use of the e-mail or any information contained herein by any other person is not authorized. If you are not the intended recipient please notify me immediately by returning the e-mail to the originator.

----- Forwarded by Ryan M Twait/COH/Enterprise on 06/16/2020 10:55 AM -----

From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
To: "rmtwait@nisource.com" <rmtwait@nisource.com>,  
Date: 06/16/2020 10:52 AM  
Subject: 32150, 9/23/2019, 625 Beaumont Ave. Lex., Moody Excavating LLC

---

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.



Ryan,

Please provide the billed invoice and if paid the paid invoice.

*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*

\*Antonio Lozano  
4173 Willow Ln  
Lexington, KENTUCKY 40516