

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROWIRE TECH, INC.)	
)	
_____)	CASE NO.
)	2021-00258
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

ORDER

A hearing was held before the Kentucky Public Service Commission (Commission) on August 19, 2021, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Prowire Tech, Inc. (Prowire) violated KRS 367.4911(10) when, on December 12, 2019, at approximately 10:35 a.m. at Morning Glory Lane in Lexington, Kentucky, it conducted excavation activities within the approximate location of an underground facility using mechanized equipment and thereby caused damage to a properly marked underground 4-inch main gas line, which was used to serve the public. Columbia Gas of Kentucky, Inc. (Columbia Kentucky) owned and operated the gas line. No representative appeared on behalf of Prowire at the hearing. It was determined that Prowire caused damage to a properly marked four-inch gas main line when it failed to hand-dig or utilize nonintrusive excavation methods in the approximate location of a gas main owned and operated by Columbia Kentucky and used to serve the public.

FINDINGS OF FACT

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

1. Prowire, at the time the damage occurred on December 12, 2019, was an excavator as defined by KRS 367.4903(4) who caused damage to a natural gas main line by means of excavation as defined by KRS 367.4903(2) and (6). The natural gas main line was an underground facility owned and operated by Columbia Kentucky to serve the public. The line contained natural gas at the time it was damaged by Prowire.

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

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

4. There are no known mitigating factors which would merit the imposition of a civil penalty less than the maximum provided by law. This violation is Prowire's first violation of KRS 367.7901 through KRS 367.4917.

CONCLUSIONS OF LAW

1. Prowire violated KRS 367.4911(10) in that it failed to hand-dig or utilize nonintrusive excavation methods in the approximate location of a gas main owned and operated by Columbia Kentucky and used to serve the public.

2. As a consequence, Prowire struck and damaged the gas main.

3. Prowire is subject to a civil penalty in the amount of \$1,250 for this violation by operation of KRS367.4917(1) and KRS 367.4917(4)

IT IS THEREFORE ORDERED that:

1. Prowire is assessed a civil penalty of \$1,250 for violation of KRS 367.4911(10).

2. Prowire shall pay \$1,250 within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.

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

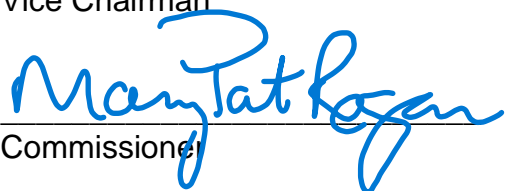
THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

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

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

*Prowire Tech, Inc.
20710 Sunshine Ln.
Spring, TEXAS 77388