

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERRY BLADES)	
)	
_____)	CASE NO.
)	2021-00338
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Terry Blades (Mr. Blades) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Mr. Blades for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Mr. Blades violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Mr. Blades shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

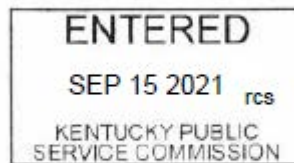
3. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 43494 in the Appendix to this Order is made a part of the record in this case.

5. Please note that notice of a hearing to be held in this matter will be mailed to Mr. Blades once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

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By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to read "Linda C. Lindwell". The signature is written in a cursive style.

Executive Director

Case No. 2021-00338

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00338 DATED SEP 15 2021

SEVEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 4/6/2021 6:15:00 PM	Incident ID 43494 Key 7506 Report Submitted 4/26/2021 7:19:17 AM
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OPERATOR INFORMATION

Operator Atmos Energy Corporation Phone (270) 925-6312 Incident Location 37 Crick Dr. Calvert City/Paducah 37 Crick Ln. Calvert City, KY 42029 Marshall	Reported By Anthony Stallins Email anthony.stallins@atmosenergy. Locate Ticket Number 2104050835
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EXCAVATOR INFORMATION

Name of Excavator Blades, Terry Phone 270-994-2270 Excavator Address 272 Crick Ln Calvert City, KY 42029	Organization ID Email terry1214@vci.net Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator/Homeowner damaged a ½ inch gas service, with a backhoe by excavating before the locate could be completed and failing to wait two days as required.

The Damage Report (DR) is included as Attachment 1.

DR Summary

Excavation Within 18" (Approximate Location)	Gas / Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No 2 day wait	Yes	Yes	Mechanized / Backhoe	\$897.00	\$897.00

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	End Date (2 Days)	Incident Date	2 Day Wait	Within Scope of Excavation
2104050835	No	04/05/21 10:46	04/07/21 10:46	04/06/21 18:15	No/ 16Hrs. 31 Min.	Yes

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

INVESTIGATION

A review of LT...0835 revealed it was obtained on 04/05/21 at 10:46, the incident occurred on 04/06/21 at 18:15, the two day wait period ended on 04/07/21 at 10:46, indicating this incident occurred approximately 16Hrs. 31Min. before the two day wait period ended.

On 05/18/21 the Excavator/Homeowner, Terry Blades, stated that he owns the property at 37 Crick Ln. and he failed to wait the required two days before excavating. Mr. Blades was receptive to attending the Damage Prevention Course and paying the reduce penalty of \$100.00.

VIOLATION

KRS 367.4911

(1)(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +365 Days)
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 4/26/2021 Incident ID 43494

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43494\)](#)

Reported By:

Name	Anthony Stallins
Phone	(270) 925-6312
Email	anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date	4/6/2021
Time	6:15 PM

Details:

Reported Date	4/7/2021 9:09 AM
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Incident Location Address:

Location	37 CRICK DR, CALVERT CITY/Paducah
Address	37 Crick Ln
City	Calvert City
State	KY
County	Marshall
Zip	42029
Confirm Code	Y

Number of Customers out	0
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Was gas or hazardous liquids contained in the underground facility?	<input checked="" type="checkbox"/>
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Was gas or hazardous liquids released into the atmosphere?	<input checked="" type="checkbox"/>	*
		3/2020

Locate Request Ticket No.	2104050835
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Excavator	Home Owner
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Excavator Address:

First Name	Terry
Last Name	Blades
Phone	270-994-2270
Email	terry1214@vci.net
Address	272 Crick Ln
City	Calvert City

State KY
Zip 42029
Confirm Code Y
Excavation Damage One Call notification practices not sufficient

Description of Incident Cut 1/2" PE service line. Locate ticket (started early). No customers off. No injuries.

Summary Information

4/26/2021

Full details such as the cause Terry Blades, property owner, cut a 1/2" PE service line with a backhoe. Mr. Blades called in a locate ticket (2104050835). The locate ticket would not be valid until 4/7/21 at 10:45am. Damage occurred 4/6/21 at 6:15PM. Atmos Contract Locator would locate a portion of the locate ticket but note on his locate ticket "Marked the gas main on the east side of Crick and where it crosses to the west side. Unable to locate the PE section and a service line and the 2 gas main that cross the trailer park. Spoke to contact and told him about the UNL section and to wait to speak to Atmos before he digs". Damage due to starting before ticket was valid and ticket completely located.

Extent of the damage The damaged PE service was repaired.
Cost of the damage \$897.00
Steps taken to prevent re-occurrence Mr. Blades made aware of waiting until locate ticket is valid.
Amount billed to excavator \$897.00

Attachment 2

NORMAL NOTICE

Ticket : 2104050835 Date: 04/05/2021 Time: 10:46 Oper: KENTUCKY811 Chan:000

State: KY Cnty: MARSHALL City: CALVERT CITY
Subdivision:

Address :

Street : CRICK DR

Cross 1 : KY RT 282

Location: FROM THE INTERSECTION - LOCATE SOUTHWEST FOR APPROX APPROX 500 FEET TO
INCLUDE THE CENTER AND BOTH SIDES OF THE ROAD RIGHT OF WAY TO RIGHT OF WAY -
ENDING AT MAILBOX NUMBER 272

:

Boundary: n 37.030097 s 37.026643 w -88.311946 e -88.309224

Work type : LAND CLEARING/DRAINAGE WORK/REMOVE CONCRETE

Done for : TERRY BLADES

Start date: 04/07/2021 Time: 10:45 Hours notice: 48/47 Priority: NORM

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

Duration : N/A Depth: 3 FT

Company : TERRY BLADES Type: HOME

Co addr : 272 CRICK DR

City : CALVERT CITY State: KY Zip: 42029

Caller : TERRY BLADES Phone: (270)994-2270

Contact : TERRY BLADES - CELL Phone:

Mobile : (270)994-2270

Email : TERRY1214@VCI.NET

Submitted date: 04/05/2021 Time: 10:46

Members: 0135 0245 0383 WINKY

* Responses are current as of 04/29/2021 09:07 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
ATMOS ENERGY 0135	PIPELINE	ATMOS ENERGY CUSTOMER SERVICE (888) 954-4321	
WESTLAKE PVC CORPORATION 0245	PIPELINE		No Conflict
NORTH MARSHALL WATER DISTRICT 0383	WATER		
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

*Terry Blades
272 Crick Ln
Calvert City, KENTUCKY 42029