

OCT 4 2021

PUBLIC SERVICE
COMMISSION

October 4, 2021

PSCED@ky.gov**Case number: 2021-00352**

Michael Knopf states as follows as its response to the September 15, 2020 order (the "Order") of the Kentucky Public Service Commission (the "Commission"):

The Commission orders Michael Knopf to submit a response to the Staff Incident Report No. 42955 attached to the Order (the "Report"). The Report alleges that Michael Knopf violated KRS Section 367.4911(10) which states:

When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use non intrusive means to avoid damage to the underground facility.

The Report alleges Michael Knopf damaged a Louisville Gas & Electric Company ("LG&E") natural gas line while digging during the installation of a residential water line. The incident occurred on August 4, 2020.

Michael Knopf does not dispute the Commission's jurisdiction over this matter or its authority to investigate and assess civil penalties for violation of the Kentucky Underground Facility Damage Prevention Act, KRS Sections 367.4901 through 367.4917. Michael Knopf also does not dispute that the gas line was damaged. Michael Knopf does, however, dispute that he violated the law.

Prior to the underground work, Michael Knopf contacted the appropriate notification protection center ("811 - Call Before You Dig") as required by KRS Section 367.4911(1)(a). Michael Knopf contends that the area of the gas line was improperly marked. Had the facility been located within the specified parameter as detailed by 811 locating services, it would not have been contacted by the mini-excavator. Furthermore, LG&E has not made any demands for payment by Michael Knopf related to the damaged gas line.

For the foregoing reasons, Michael Knopf requests a determination by the Commission that he complied with the Kentucky Underground Facility Damage Prevention Act, particularly KRS Section 367.4911(1)(a) and that there was no violation of the Act as alleged in Incident Report No. 42955. Michael Knopf is expected to be at any hearing with legal counsel, including the October 29, 2021 hearing via teleconference.

/s/Michael Knopf
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