

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A & R CONSTRUCTION, LLC

ALLEGED VIOLATION OF UNDERGROUND
FACILITY DAMAGE PREVENTION ACT

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CASE NO.
2021-00355

NOTICE OF FILING

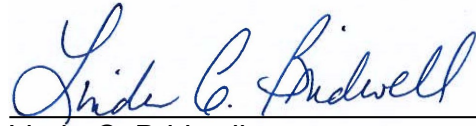
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on October 29, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- 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 October 29, 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/ulBeOYIUJVs>.

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

Done at Frankfort, Kentucky, this 10th day of November 2021.

A handwritten signature in blue ink, reading "Linda C. Bridwell", is written over a horizontal line.

Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky

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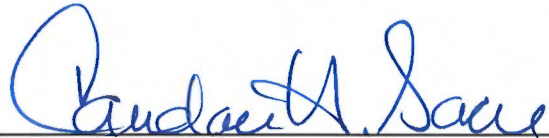
CASE NO.
2021-00355

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 October 29, 2021. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on October 29, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of October 29, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of October 29, 2021, and the time at which each occurred.

Signed this 5th day of November, 2021.



Candace H. Sacre
Administrative Specialist III



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

Date:	Type:	Location:	Department:
10/29/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: A. J. Wray; John Gowins; Eric Tout
 Judge: Kent Chandler
 Clerk: Candace Sacre

Event Time	Log Event	
9:03:52 AM	Session Started	
9:04:18 AM	Chairman Chandler Note: Sacre, Candace	My name is Kent Chandler. I am Chairman of the Kentucky Public Service Commission, and I will be presiding today. This video will be recorded and is being streamed. The other commissioners, Commissioner Marianne Butler and Vice Chairman Amy Cabbage, will review the record in this case later.
9:04:37 AM	Chairman Chandler Note: Sacre, Candace	Today's hearings are for the purpose of hearing evidence in cases where the Investigation Division of the Public Service Commission has issued civil penalty assessments against individuals and business entities, alleging violations of the Kentucky Underground Facility Damage Prevention Act.
9:04:55 AM	Chairman Chandler Note: Sacre, Candace	The Public Service Commission has been authorized by KRS 367.4917(6) to enforce and assess civil penalties provided for in the Act and to seek injunctive relief for any violation that results in damage to an underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws, 49 USC Section 60101, et seq.
9:05:24 AM	Chairman Chandler Note: Sacre, Candace	This morning, we are here for the purpose of holding a hearing in the following cases: 2021-00336 J Witt Properties LLC, 2021-00271 Joey Casey, 2021-00083 Spriggs Construction, 2021-00084, Spriggs Construction, 2021-00302 Spriggs Construction LLC, 2021-00266 L&N Utilities LLC, 2021-00267 L&N Utilities LLC, 2021-00253 Antonio Lozano, 2021-00257 Maria Rodriguez, 2021-00352 Michael Knopf, and 2021-00355 A&R Construction LLC.
9:06:54 AM	Chairman Chandler Note: Sacre, Candace	I will now go back through those and ask if anyone is here on any of those individual cases.
9:07:04 AM	Chairman Chandler Note: Sacre, Candace	2021-00336 J Witt Properties LLC, anybody here?
9:07:13 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Agreed to reset, scheduled for training in November, have paid penalty.
9:07:22 AM	Chairman Chandler Note: Sacre, Candace	Ms. Hamilton, can you hear us, did you hear Staff Counsel? (Click on link for further comments.)
9:08:03 AM	Chairman Chandler Note: Sacre, Candace	We will pass over 2021-00336 J Witt Properties LLC.
9:08:19 AM	Chairman Chandler Note: Sacre, Candace	Case No. 2021-00271 Joey Casey, anyone here?

9:08:30 AM	Chairman Chandler Note: Sacre, Candace	Please identify yourself?
9:08:44 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Mr. Wray is here on behalf of PRG with Duke Energy, witness today.
9:08:51 AM	Atty Pokrywka Duke Energy Note: Sacre, Candace	This is Brian Pokrywka, on behalf of Duke Energy as well, in-house legal counsel.
9:09:06 AM	Chairman Chandler Note: Sacre, Candace	Mr. Wray here pursuant to subpoena?
9:09:08 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Yes.
9:09:18 AM	Chairman Chandler Note: Sacre, Candace	2021-00083, anyone here, Spriggs Construction?
9:09:30 AM	Chairman Chandler Note: Sacre, Candace	Anyone here for 2021-00084 Spriggs Construction?
9:09:38 AM	Chairman Chandler Note: Sacre, Candace	2021-00302 Spriggs Construction?
9:10:00 AM	Chairman Chandler Note: Sacre, Candace	Remediation/penalty discussion. (Click on link for further comments.)
9:10:18 AM	Chairman Chandler Note: Sacre, Candace	2021-00266 L&N Utilities LLC, also 2021-00267 L&N Utilities, LLC, anyone here either of cases?
9:10:41 AM	Chairman Chandler Note: Sacre, Candace	Next, Mr. Lozano, 2021-00253 Antonio Lozano?
9:10:57 AM	Chairman Chandler Note: Sacre, Candace	2021-00257 Maria Rodriguez, here?
9:11:06 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Agreed to reset, signed up for November training,
9:11:10 AM	Chairman Chandler Note: Sacre, Candace	Correct, Ms. Rodriguez, signed up for training?
9:11:31 AM	Chairman Chandler Note: Sacre, Candace	You can be excused today.
9:11:39 AM	Chairman Chandler Note: Sacre, Candace	2021-00352 Michael Knopf?
9:11:51 AM	Chairman Chandler Note: Sacre, Candace	Have camera?
9:12:06 AM	Chairman Chandler Note: Sacre, Candace	2021-00355 A&R Construction LLC?
9:12:20 AM	Chairman Chandler Note: Sacre, Candace	Identify yourself?
9:12:33 AM	Chairman Chandler Note: Sacre, Candace	Anthony Anderson with A&R Construction.
9:12:47 AM	Chairman Chandler Note: Sacre, Candace	With counsel today?
9:13:02 AM	Chairman Chandler Note: Sacre, Candace	Received Order in this case?
9:13:15 AM	Chairman Chandler Note: Sacre, Candace	Portion, paragraph 2, that notes any partnership corporation business entity represented by counsel, notice that in Order?
9:13:35 AM	Chairman Chandler Note: Sacre, Candace	A&R first violation?
9:13:38 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	It is.

9:13:46 AM	Chairman Chandler Note: Sacre, Candace	Remediation/penalty discussion. (Click on link for further comments.)
9:16:02 AM	Chairman Chandler Note: Sacre, Candace	Pass over this today, recommend participate in training, and failure to do so will call case again.
9:18:04 AM	Chairman Chandler Note: Sacre, Candace	At this time, call Case No. 2021-00271 Joey Casey, alleged to have violated Kentucky Underground Facility Damage Act, based on review prima facie evidence exists Mr. Casey violated Act, specifically following provisions of the Act, reading, (click on link for further comments).
9:19:13 AM	Chairman Chandler Note: Sacre, Candace	Service successful?
9:19:21 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Yes.
9:19:33 AM	Chairman Chandler Note: Sacre, Candace	First witness?
9:19:36 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	John Gowins.
9:19:48 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:19:58 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Name and address?
9:20:13 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination. Where employed?
9:20:20 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Job duties?
9:20:38 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Familiar with incident of damage took place May 13 2020 at 108 Tando Way, Fort Mitchell, Kentucky?
9:20:50 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigate?
9:20:53 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigation Report, Incident 32692, true and accurate of copy of your report?
9:21:26 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe its contents?
9:22:26 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Previously filed, marked DOI Exhibit 1.
9:22:32 AM	Chairman Chandler Note: Sacre, Candace	Mark as such.
9:22:40 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Was excavator owner?
9:22:57 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Operator reported Mr. Casey not homeowner?
9:23:14 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Mr. Casey present when operator investigated incident?
9:23:34 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Operator speak to Mr. Casey?
9:23:56 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Who called in dig ticket?
9:24:12 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Owner of property?

9:24:21 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Contain natural gas?
9:24:28 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Speak with Mr. Casey during investigation?
9:24:34 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What did he state?
9:25:02 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 11, Investigation Report, what is this?
9:25:19 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Valid at time of excavation?
9:25:28 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 5, invoice for damage that occurred?
9:25:40 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Who invoice list as responsible party?
9:25:58 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Aware if invoice paid?
9:26:09 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Report indicate facility contained natural gas?
9:26:19 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What provision of Act violated?
9:27:19 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Demand letter issued?
9:27:26 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	To whom issued?
9:27:36 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Result?
9:27:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Why cite Mr. Casey and not homeowner?
9:27:52 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Know if Casey any prior violations?
9:28:14 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Recollection or information if gas escaped?
9:29:07 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Page 8 of Exhibit 1?
9:29:20 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	On page/pages discuss gas excavation damage report, Duke Energy Kentucky at top?
9:29:32 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Whether issue of using ticket expired or not having ticket at all, agree if not agency relationship, Mr. Casey is doing excavation violation anyway because not received ticket?
9:31:25 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
9:31:34 AM	Chairman Chandler Note: Sacre, Candace	Additional witnesses?
9:31:36 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	A. J. Wray from PRG.
9:31:46 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:32:08 AM	Chairman Chandler - witness Wray Note: Sacre, Candace	Examination. Name and address?
9:32:25 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Direct Examination. By whom employed?

9:32:31 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Job duties?
9:32:40 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	How connected with this incident?
9:32:56 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Participate in investigation?
9:33:00 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Supervise investigation?
9:33:04 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Familiar with Investigation Report?
9:33:13 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Familiar with Locate Ticket Number 2004161595?
9:33:21 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Damage within scope of that ticket?
9:33:42 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Underground facility marked and located?
9:34:03 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Page 5, Investigation Report, first page of report by PRG?
9:34:21 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	What is this document?
9:34:34 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Invoice paid?
9:34:47 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Reflect Joey Casey responsible for damage?
9:35:00 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Page 7, Investigation Report, tell what this document is?
9:35:20 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Explain findings?
9:35:55 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	See photograph?
9:35:59 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Describe?
9:36:21 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Referring to yellow pipe?
9:36:28 AM	Staff Atty Norris-Canfield PSC - witness Wray Note: Sacre, Candace	Page 8, please describe photos?
9:37:33 AM	Chairman Chandler Note: Sacre, Candace	Move introduction of Exhibit 1?
9:37:37 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Yes, please.
9:37:44 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS GOWINS INCIDENT 32692 INVESTIGATION REPORT
9:37:46 AM	Chairman Chandler Note: Sacre, Candace	Any other witnesses?
9:37:52 AM	Chairman Chandler Note: Sacre, Candace	Final statement?
9:38:09 AM	Chairman Chandler Note: Sacre, Candace	Will submit case.
9:38:25 AM	Chairman Chandler Note: Sacre, Candace	Take Mr. Knopf next?
9:38:27 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Yes, please.

9:38:49 AM	Chairman Chandler Note: Sacre, Candace	Call next Case No. 2021-00352, Michael Knopf. (Click on link for further comments.)
9:39:55 AM	Chairman Chandler Note: Sacre, Candace	Have copy of Order in this matter? (Click on link for further comments.)
9:40:46 AM	Chairman Chandler Note: Sacre, Candace	Call first witness?
9:40:50 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Eric Tout.
9:40:56 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:41:04 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Examination. Name and address?
9:41:17 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Direct Examination. Where employed?
9:41:36 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Job duties?
9:41:52 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Familiar with incident of damage that took place on August 4 2020 at 2515 Bradley Avenue, Louisville?
9:42:04 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Investigate?
9:42:07 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Investigation Report, Incident 42955, appear to be true and accurate copy?
9:42:41 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Describe contents?
9:43:08 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered.
9:43:16 AM	Chairman Chandler Note: Sacre, Candace	Mr. Knopf, have copy?
9:43:30 AM	Chairman Chandler Note: Sacre, Candace	Make it part of the record.
9:43:31 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT INCIDENT 42955 INVESTIGATION REPORT
9:43:36 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Describe investigation?
9:44:23 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	LG&E report noted Mr. Knopf homeowner?
9:44:31 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Report indicate if he was present when investigated incident?
9:45:14 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Contained natural gas?
9:45:36 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Page 7, what is document?
9:46:12 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Dig ticket valid at time of excavation?
9:46:19 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	When expire?
9:46:27 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	When submitted?

9:46:39 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Damage within scope of ticket?
9:46:46 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Facility marked and located in response to locate ticket?
9:46:59 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 11, what photo depict?
9:47:30 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Predig photo?
9:47:50 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Next photograph, page 13, tell what photo depicts?
9:48:56 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 14, what photo depicts?
9:49:21 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 15, describe this photograph?
9:49:56 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 5, estimate for cost of damage?
9:50:10 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Report indicate facility contained natural gas?
9:50:20 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	What provision violated?
9:50:47 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Demand letter issued?
9:50:51 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	To whom issued?
9:50:56 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Result?
9:51:09 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Know if Mr. Knopf first violation?
9:51:23 AM	Chairman Chandler	
	Note: Sacre, Candace	Mr. Knopf, any questions?
9:51:32 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Examination. Photos, three damage photos, what have here?
9:52:28 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Vehicle from marking company, blue flags in background, what do blue flags indicate?
9:52:52 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Yellow line and yellow paint>?
9:53:01 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Both flags and paint?
9:53:05 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Either of options exist under Chapter 367?
9:53:21 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Two pages forward, white marking on ground, see that?
9:53:47 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	White, under Act, represents area in which excavation expected occur?
9:54:00 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	What else have?
9:54:32 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Using what color?
9:54:34 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Seems a bit problematic?
9:54:50 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Corner of home with downspout there and drain?

9:55:07 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Holly bush?
9:55:11 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Mentioned tree, discussing earlier?
9:55:35 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Tree you say shows up in before picture with crossover SUV and cones around it, same tree?
9:56:17 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Talk about second mark, assume not indicating about white paint, talking about yellow flag?
9:56:33 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	What about second mark in background?
9:57:02 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Before photo not get either of marks?
9:57:15 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Next page, supposed to indicate damage?
9:57:28 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	What is 2 there? Seems to be yellow apparatus from damage marker to Marker 2, what is that?
9:57:51 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Where is Mark 2?
9:58:08 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Do you see Mark 2?
9:58:32 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Know how far damage from Mark 2 was, operator provide information?
9:59:51 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Know if damage occurred within 18 inches?
10:00:00 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	How that the case, ruler going this way, damage over here?
10:00:22 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Not what photograph shows, shows where person standing to the street?
10:00:35 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Not know where goes after photo, not have evidence, yellow line on roots, last documentary evidence of where marked?
10:01:04 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Towards road?
10:01:07 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Not have documentary evidence what marks look like outside this photo, left right straight towards house, not provide other photos than this one?
10:01:59 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Have any pictures show any marks and measuring distance between remainder marks and damage site?
10:02:17 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	The actual measurement?
10:02:57 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Indicate had measured actual distance?
10:03:21 AM	Chairman Chandler - witness Tout Note: Sacre, Candace	Have in Investigation, third paragraph, LG&E's Mike Jones stated markings around tree just well within approximate location/tolerant zone of 18 inches, asking if indicated what actual distance was?
10:04:32 AM	Chairman Chandler Note: Sacre, Candace	Any redirect?

10:04:44 AM	Chairman Chandler Note: Sacre, Candace	Mr. Knopf, any evidence to provide in matter?
10:05:16 AM	Chairman Chandler Note: Sacre, Candace	Ms. Rhodes have copy of photograph? (Click on link for further comments.)
10:06:01 AM	Chairman Chandler Note: Sacre, Candace	Mr. Knopf?
10:06:03 AM	Mr. Michael Knopf Note: Sacre, Candace	Statement by Michael Knopf. (Click on link for further comments.)
10:07:42 AM	Chairman Chandler Note: Sacre, Candace	See picture on screen now?
10:08:07 AM	Chairman Chandler Note: Sacre, Candace	And line that's added?
10:08:09 AM	Mr. Michael Knopf Note: Sacre, Candace	Statement (cont'd). (Click on link for further comments.)
10:10:44 AM	Chairman Chandler Note: Sacre, Candace	White circle, marking you did prior to construction?
10:11:11 AM	Chairman Chandler Note: Sacre, Candace	Introduce photo as evidence?
10:11:16 AM	Chairman Chandler Note: Sacre, Candace	No objection?
10:11:19 AM	Chairman Chandler Note: Sacre, Candace	Mark as Knopf No. 1.
10:11:20 AM	KNOPF EXHIBIT 1 Note: Sacre, Candace	PHOTOGRAPH
10:11:23 AM	Chairman Chandler Note: Sacre, Candace	Any other evidence?
10:11:31 AM	Mr. Michael Knopf Note: Sacre, Candace	Statement (con'td). (Click on link for further comments.)
10:11:49 AM	Chairman Chandler Note: Sacre, Candace	Will give opportunity to provide arguments and comments, want to get past evidentiary stage, any other evidence?
10:12:10 AM	Chairman Chandler Note: Sacre, Candace	Since DOI has burden of proof, let speak first and then to you, five minutes to provide comments for consideration.
10:12:27 AM	Chairman Chandler Note: Sacre, Candace	Final statements or recommendation in this matter?
10:12:36 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	DOI amenable original offer, \$100 penalty and Mr. Knopf attend training course. (Click on link for further comments.)
10:13:32 AM	Chairman Chandler Note: Sacre, Candace	Mr. Knopf, anything would like to say?
10:13:44 AM	Mr. Michael Knopf Note: Sacre, Candace	Statement by Mr. Knopf. (Click on link for further comments.)
10:15:27 AM	Chairman Chandler Note: Sacre, Candace	Recommendation \$100 or \$250?
10:15:35 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	\$100 fine, homeowner.
10:15:45 AM	Chairman Chandler Note: Sacre, Candace	Anything else, Mr. Knopf?
10:15:49 AM	Mr. Michael Knopf Note: Sacre, Candace	Statement (cont'd). (Click on link for further comments.)
10:16:15 AM	Chairman Chandler Note: Sacre, Candace	Any further comments or submit on record, Mr. Knopf?

10:16:36 AM	Chairman Chandler Note: Sacre, Candace	Take case under consideration and issue order, procedural discussions. (Click on link for further comments.)
10:17:18 AM	Chairman Chandler Note: Sacre, Candace	May be excused.
10:17:50 AM	Chairman Chandler Note: Sacre, Candace	Recess until 10:30.
10:18:03 AM	Session Paused	
10:35:10 AM	Session Resumed	
10:35:39 AM	Chairman Chandler Note: Sacre, Candace	Back on the record, 8-1-1 cases, six cases left, three for Spriggs Construction 2021-00083 2021-00084 and 2021-00302, L&N Utilities 2021-00266 and 2021-00267, and Anthony Lozano 2021-00253.
10:36:28 AM	Chairman Chandler Note: Sacre, Candace	2021-00083 Spriggs Construction alleged to have violated underground damage prevention act, (click on link for further comments.)
10:37:08 AM	Chairman Chandler Note: Sacre, Candace	Nobody here, DOI prepared to proceed?
10:37:18 AM	Chairman Chandler Note: Sacre, Candace	Call first witness?
10:37:22 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	John Gowins.
10:37:32 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
10:37:38 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination. Name?
10:37:43 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Where employed?
10:37:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Familiar with incident of damage that took place May 21 2019 at 10424 Highway 44, Louisville?
10:38:06 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigation Report Incident 31674, appear true and accurate copy?
10:38:28 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe investigation?
10:39:31 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered as DOI Exhibit 1.
10:39:46 AM	Chairman Chandler Note: Sacre, Candace	So ordered.
10:39:47 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS GOWINS
	Note: Sacre, Candace	INCIDENT 31674 INVESTIGATION REPORT
10:39:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Operator made initial report?
10:40:01 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Indicate they had spoken with excavator?
10:40:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Valid dig ticket?
10:40:49 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Expiration date?
10:40:55 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Incident date?

10:41:03 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Damage within scope of ticket?
10:41:12 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Able verify if facility marked and located in response to ticket?
10:41:27 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 8, Investigation Report, one of photographs speaking about?
10:41:49 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe photograph?
10:42:04 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 9, describe?
10:42:26 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Also flags in photo indicating gas line?
10:42:38 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	At corner of sign, also flag?
10:42:46 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 10, explain photo and how relates to damage?
10:43:30 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 11, explain this photo and how relates to damage?
10:44:11 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	State did attempt contact excavator, never able reach them?
10:46:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Report indicate facility contained natural gas?
10:46:49 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What provision violated?
10:47:24 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Demand letter issued?
10:47:31 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Who issued to?
10:47:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Result?
10:47:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Excavator any prior violations?
10:48:03 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Since that time, additional violations?
10:48:17 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Flags present in post-damage pictures flags placed at time of initial marking on May 2 2019?
10:48:42 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	White markings post-damage photos not present in May 2nd pictures?
10:49:05 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Mechanized equipment used?
10:49:15 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Directional boring cause damage?
10:49:39 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
10:49:46 AM	Chairman Chandler Note: Sacre, Candace	Additional witnesses?
10:49:49 AM	Chairman Chandler Note: Sacre, Candace	Additional evidence?
10:49:51 AM	Chairman Chandler Note: Sacre, Candace	Closing statement?
10:50:05 AM	Chairman Chandler Note: Sacre, Candace	Next call 2021-00084 Spriggs Construction, prepared move forward?

10:50:28 AM	Chairman Chandler Note: Sacre, Candace	Case called earlier, nobody on its behalf, party with burden of proof DOI call first witness.
10:50:38 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	John Gowins.
10:50:43 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
10:50:56 AM	Chairman Chandler Note: Sacre, Candace	Allegations in 2021-00084 evidence Spriggs Construction violated Act, (click on link for further comments.)
10:51:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination. Familiar with incident of damage took place May 30 2019 at 1200 Hull Street, Louisville?
10:51:52 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigate?
10:51:59 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigation Report Incident 31694, true and accurate copy?
10:52:18 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered as DOI Exhibit 1.
10:52:24 AM	Chairman Chandler Note: Sacre, Candace	So ordered.
10:52:25 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS GOWINS INCIDENT 31694 INVESTIGATION REPORT
10:52:29 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe investigation?
10:53:05 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Report indicate excavator present when did investigation?
10:53:39 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Speak to excavator?
10:53:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What state about incident?
10:54:19 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Dig ticket indicate operator spoken to excavator?
10:54:48 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 9, what is document?
10:55:05 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Ticket valid at time of incident?
10:55:17 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Determined excavator using mechanized equipment within tolerance zone?
10:55:23 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 5, tell what this document is?
10:55:47 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Estimation cost of damage?
10:55:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Able determine cost paid?
10:55:57 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Contained natural gas?
10:56:11 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What provision determine violated?
10:56:32 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Demand letter issued?

10:56:38 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Where sent?
10:56:47 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Result?
10:56:54 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Prior violation?
10:57:06 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Pay penalty?
10:58:02 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Incident 31694?
10:58:15 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Allegation no contention improper marking but excavator damaged facility, using mechanized equipment?
10:59:05 AM	Chairman Chandler Note: Sacre, Candace	Have anything on this case?
10:59:08 AM	Chairman Chandler Note: Sacre, Candace	Short brief on this matter. (Click on link for further comments.)
11:01:04 AM	Chairman Chandler Note: Sacre, Candace	Anything else?
11:01:15 AM	Chairman Chandler Note: Sacre, Candace	Next case, 2021-00302 Spriggs Construction, (click on link for further comments.)
11:02:22 AM	Chairman Chandler Note: Sacre, Candace	DOI prepared to move forward?
11:02:28 AM	Chairman Chandler Note: Sacre, Candace	First witness?
11:02:35 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	John Gowins.
11:02:37 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
11:02:44 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination. Familiar with incident of damage took place on November 21 2019 at 500 Happy Valley Road, Glasgow?
11:02:54 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigate?
11:02:57 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigation Report Incident 32271, true and accurate copy?
11:03:19 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered as DOI Exhibit 1.
11:03:25 AM	Chairman Chandler Note: Sacre, Candace	So ordered.
11:03:26 AM	PSC DIVISION OF INVESTIGATIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS GOWINS INCIDENT 32271 INVESTIGATION REPORT
11:03:27 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe investigation?
11:04:37 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Contained natural gas?
11:04:45 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Make contact with excavator?
11:04:51 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 5, what is this document?
11:05:10 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Valid at time of incident?

11:05:15 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	When submitted?
11:05:23 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	When expire?
11:05:30 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	How many days expired?
11:05:37 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 6, tell us about this document?
11:05:56 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Valid on date of incident?
11:06:12 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Both tickets expired time of damage?
11:06:17 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 4, what is this document?
11:06:34 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Include estimate for cost of damage?
11:06:40 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Aware paid?
11:06:58 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Email included in report?
11:07:02 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What page?
11:07:20 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 7, email referencing?
11:07:34 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What provision violated?
11:07:59 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Spriggs digging within tolerance zone mechanized equipment?
11:08:09 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Also accurate failed renew dig ticket?
11:08:16 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Demand letter issued?
11:08:23 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	To whom sent?
11:08:31 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Result?
11:08:52 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	What number violation is this?
11:09:00 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Receive penalty?
11:09:05 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Paid?
11:09:18 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Damage Report indicate gas in line?
11:09:52 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	No evidence released into atmosphere?
11:10:01 AM	Chairman Chandler Note: Sacre, Candace	Redirect, anything else?
11:10:05 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Nothing further, submit.
11:10:11 AM	Chairman Chandler Note: Sacre, Candace	Alleged third violation, not found guilty previous violation, style brief in both matters, will enter order soon what Commission request be.

11:11:08 AM	Chairman Chandler Note: Sacre, Candace	Next case, 2021-00266 L&N Utilities, called earlier not anyone present, allegation evidence violated Act, (click on link for further comments).
11:12:15 AM	Chairman Chandler Note: Sacre, Candace	DOI prepared to move forward?
11:12:18 AM	Chairman Chandler Note: Sacre, Candace	First witness?
11:12:22 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	John Gowins.
11:12:24 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
11:12:29 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination. Familiar with incident of damage that took place on January 7 2020 at 1164 Colorado Road, Lexington, Kentucky?
11:12:41 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigate?
11:12:42 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Investigation Report Incident 32412, true and accurate copy?
11:13:05 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered as DOI Exhibit 1.
11:13:11 AM	Chairman Chandler Note: Sacre, Candace	So ordered.
11:13:13 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS GOWINS INCIDENT 32412 INVESTIGATION REPORT
11:13:14 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Describe investigation?
11:13:58 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Who reported damage?
11:14:15 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. "They" referring to operator?
11:14:27 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Direct Examination (cont'd). Operator called to another location, damage not reported by L&N?
11:14:36 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	How many lines reported damaged?
11:14:50 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Additional line damaged since another location involved?
11:15:23 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 5, tell what this document is?
11:15:55 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Indicate operator called in dig ticket?
11:16:20 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Excavator was digging with mechanized equipment?
11:16:24 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Contained natural gas?
11:16:32 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Speak with excavator?
11:16:55 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Attend training or pay penalty?
11:17:01 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Page 4, what is this document?

11:17:24 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Include estimate of cost of damage?
11:17:31 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Paid operator for damage?
11:17:54 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Contain natural gas?
11:18:01 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Provision violated?
11:18:11 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Demand letter issued?
11:18:18 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Where sent?
11:18:34 AM	Staff Atty Norris-Canfield PSC - witness Gowins Note: Sacre, Candace	Any prior violations?
11:18:58 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Examination. Contractor bored through SL, reading (click on link for further comments), SL stands for service line?
11:19:26 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Who work done for?
11:20:06 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Know at what depth lines supposed to be maintained?
11:20:29 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Depth indicated on pictures page 11, 36-inch ruler, four pictures, maybe page 9, the depth there, service line does appear to be in excess of 12 inches?
11:22:04 AM	Chairman Chandler - witness Gowins Note: Sacre, Candace	Any indication escape of gas into atmosphere?
11:22:33 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
11:22:35 AM	Chairman Chandler Note: Sacre, Candace	Additional evidence?
11:22:48 AM	Chairman Chandler Note: Sacre, Candace	Three minute break until 11:25.
11:23:02 AM	Session Paused	
11:29:29 AM	Session Resumed	
11:29:38 AM	Chairman Chandler Note: Sacre, Candace	Back on the record, next case 2021-00267, L&N Utilities, LLC, (click on link for further comments).
11:30:39 AM	Chairman Chandler Note: Sacre, Candace	Prepared to move forward?
11:30:45 AM	Chairman Chandler Note: Sacre, Candace	Call first witness.
11:30:49 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Eric Tout.
11:30:54 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
11:31:05 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Direct Examination. Familiar with incident of damage took place June 16 2020 at 1000 Samuel Street, Louisville, Kentucky?
11:31:15 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Investigate?
11:31:18 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Incident 42777, Investigation Report, true and accurate copy?

11:31:45 AM	Staff Atty Norris-Canfield PSC	
	Note: Sacre, Candace	Move marked and entered.
11:31:48 AM	Chairman Chandler	
	Note: Sacre, Candace	So ordered.
11:31:49 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1	
	Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT
	Note: Sacre, Candace	INCIDENT 42777 INVESTIGATION REPORT
11:31:50 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Describe investigation?
11:32:20 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Gas operator reported L&N Utilities LLC responsible for damage?
11:32:26 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Excavator present?
11:33:15 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 4, what this document is?
11:33:36 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Estimate of cost of damage?
11:33:40 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Damage paid for?
11:33:45 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 6, what is this document?
11:34:15 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Ticket valid at time?
11:34:20 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Aware markings accurately done?
11:34:41 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Digging with mechanized equipment?
11:34:48 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Supplemental Investigation Report, true and accurate copy?
11:35:10 AM	Staff Atty Norris-Canfield PSC	
	Note: Sacre, Candace	Moved marked and entered.
11:35:15 AM	Chairman Chandler	
	Note: Sacre, Candace	So ordered.
11:35:16 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 2	
	Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT
	Note: Sacre, Candace	INCIDENT 42777 SUPPLEMENTAL INVESTIGATION REPORT
11:35:21 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Necessity of document and contents, why make supplemental report?
11:35:37 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 5, Supplemental Investigation, explain this photo?
11:36:53 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	What green markings indicate?
11:37:07 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Blue markings?
11:37:10 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Yellow indicate gas?
11:37:14 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	White circles just additional marking by operator?
11:37:24 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Explain concept of ruler?
11:37:50 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Picture indicates within tolerance zone?

11:38:17 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Page 7?
11:38:53 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Contained natural gas?
11:39:18 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Speak to excavator during investigation?
11:39:26 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	What did they state?
11:40:48 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Demand letter issued?
11:40:50 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Who issued to?
11:41:37 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Secretary of State different, send both addresses?
11:41:46 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Provision violated?
11:42:25 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Examination. Photo, close-up of ruler, what is metal T with cable connected to it?
11:43:05 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Grounding mechanism?
11:43:38 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Yellow in dirt, what is that?
11:43:58 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	What is pylon?
11:44:01 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Actually what damaged, pylon not service line?
11:44:11 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Underneath damage pylon?
11:44:31 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Shut-off box?
11:44:35 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Service line or shut-off box damaged?
11:44:44 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Know what allegation was?
11:45:00 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Damage occurred while being bored down?
11:45:28 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Damage pylon on top of different facility, service run through that shut-off?
11:46:00 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Service line in back, yellow service line in front of shut-off?
11:46:18 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	See any indication of paint around damage pylon?
11:46:37 AM	Chairman Chandler	
	Note: Sacre, Candace	Any redirect?
11:46:42 AM	Chairman Chandler	
	Note: Sacre, Candace	Any additional evidence?
11:46:49 AM	Chairman Chandler	
	Note: Sacre, Candace	Nuance with proposed penalty on this case?
11:47:24 AM	Chairman Chandler	
	Note: Sacre, Candace	This is third?

11:47:32 AM	Chairman Chandler Note: Sacre, Candace	Found by Commission violated Act twice already or once and what just heard?
11:47:40 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Once, plus second case heard today.
11:47:52 AM	Chairman Chandler Note: Sacre, Candace	Final case, 2021-00253, Antonio Lozano, called earlier Lozano not present, called in the past back in August Lozano present, (click on link for further comments), did not conduct training?
11:48:45 AM	Chairman Chandler Note: Sacre, Candace	Lozano alleged to have violated Underground Damage Prevention Act, evidence existed that Lozano violated Act, specifically, reading, (click on link for further comments).
11:49:26 AM	Chairman Chandler Note: Sacre, Candace	Called case earlier, Lozano not present, DOI prepared to proceed?
11:49:43 AM	Chairman Chandler Note: Sacre, Candace	Call first witness.
11:49:47 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Eric Tout.
11:49:49 AM	Chairman Chandler Note: Sacre, Candace	Remind still under oath.
11:49:57 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Direct Examination. Familiar with incident of damage took place April 21 2020 at 4173 Willow Lane, Lexington, Kentucky?
11:50:07 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Investigate?
11:50:10 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Investigation Report Incident 32574, true and accurate copy?
11:50:29 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Describe contents?
11:50:44 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Move marked and entered.
11:50:50 AM	Chairman Chandler Note: Sacre, Candace	So ordered.
11:50:51 AM	PSC DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT INCIDENT 32574 INVESTIGATION REPORT
11:50:52 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Describe investigation?
11:51:52 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Lozano homeowner, owner of property at 4173 Willow Lane, Lexington?
11:52:17 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Treated case as if homeowner?
11:52:31 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Columbia Gas indicate Lozano present when did investigation?
11:53:00 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Lozano not hold valid dig ticket?
11:53:07 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Contained natural gas?
11:53:53 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Page 6, what this document?
11:54:17 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace	Valid on date of incident?

11:54:27 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	What provision determine violated?
11:55:02 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Demand letter issued?
11:55:11 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Issued to Lozano?
11:55:15 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Offered training?
11:55:18 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Offered reduced penalty?
11:55:20 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Done either of those things?
11:55:56 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Did not complete training course?
11:56:00 AM	Staff Atty Norris-Canfield PSC - witness Tout	
	Note: Sacre, Candace	Prior violations?
11:56:11 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Examination. Where in record indicate paid penalty?
11:56:49 AM	Staff Atty Norris-Canfield PSC	
	Note: Sacre, Candace	Yes.
11:56:49 AM	Chairman Chandler	
	Note: Sacre, Candace	As notice of filing, provide Lozano paid some portion?
11:56:52 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Demand letter \$100 penalty if attended training?
11:57:08 AM	Chairman Chandler - witness Tout	
	Note: Sacre, Candace	Recommendation, Lozano was excavator and 4173 Willow Mr. Lozano's address?
11:57:28 AM	Chairman Chandler	
	Note: Sacre, Candace	Recommendation \$100 fine or \$250 fine?
11:57:51 AM	Staff Atty Norris-Canfield PSC	
	Note: Sacre, Candace	\$100 penalty and attend training course.
11:58:02 AM	Chairman Chandler	
	Note: Sacre, Candace	In record soon what Lozano paid to date?
11:58:09 AM	Staff Atty Norris-Canfield PSC	
	Note: Sacre, Candace	Yes, has paid \$100 penalty.
11:58:20 AM	Chairman Chandler	
	Note: Sacre, Candace	Anything else?
11:58:34 AM	Chairman Chandler	
	Note: Sacre, Candace	Ask notice of filing with evidence amount Mr. Lozano paid.
11:59:11 AM	Chairman Chandler	
	Note: Sacre, Candace	Any other cases not taken up but called?
11:59:23 AM	Chairman Chandler	
	Note: Sacre, Candace	Number of cases passed over request of parties, 2021-00336 J Witt Properties, 2021-00257 Maria Rodriguez, 2021-00355 A&R Construction passed over, counsel file as notice of filing (click on link for further comments).
12:00:33 PM	Chairman Chandler	
	Note: Sacre, Candace	Anything else?
12:00:38 PM	Chairman Chandler	
	Note: Sacre, Candace	Hearing adjourned.
12:00:48 PM	Session Ended	

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