

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PERSONAL TOUCH LAWN AND POND)	
)	
_____)	CASE NO.
)	2021-00362
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Personal Touch Lawn and Pond 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 Personal Touch Lawn and Pond for violation of the following provision of the Act:

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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Personal Touch Lawn and Pond 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. Personal Touch Lawn and Pond 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 32338 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 Personal Touch Lawn and Pond 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:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00362 DATED SEP 30 2021

EIGHT PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32338
Incident Date 12/18/2019 9:20:00 AM	Report Submitted 1/16/2020 4:12:41 PM

OPERATOR INFORMATION

Operator Atmos Energy Corporation	Reported By Anthony Stallins
Phone (270) 779-4849	Email anthony.stallins@atmosenergy.
Incident Location 1615 CURLING WAY, BOWLING GREEN 1615 Curling Way Bowling Green, KY 42104	Locate Ticket Number 1912020737
Warren	

EXCAVATOR INFORMATION

Name of Excavator Greer, James	Organization ID N/A
Phone 270-202-6296	Email Personaltouchlawncarebg@gm
Excavator Address Personal Touch Lawn and Pond 245 Porter Pike Bowling Green, KY 42103	Locate Ticket Number

INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
1912020737	Yes	12/2/19	12/23/19	12/18/19	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$341.00	\$341.00

The operator reports that Personal Touch Lawn and Pond, installing an irrigation system, cut a 1/2" service line with a trencher. Personal Touch Lawn and Pond had a locate ticket for this project and the gas utilities were marked correctly. Personal Touch Lawn and Pond used mechanized

equipment (trencher) inside the 18" approximate location (tolerance zone) and failed to hand expose the gas line.

INVESTIGATION

This company is not registered with the Kentucky Secretary of State's office.

This would be the company's first violation.

Website confirms the address and telephone number.

September 17, 2020

- Called 270.202.6296, left a v.m.
- Received a call from Brian Proctor, he agreed to the reduced penalty and remedial measure. He asked that we send the letter to the home address of the owner, James Greer at 3725 A Carl Jordan Rd, Oakland, KY 42159.

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.

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 1/16/2020 Incident ID 32338

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32338\)](#)

Reported By:

Name	Anthony Stallins
Phone	(270) 779-4849
Email	anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date	12/18/2019
Time	9:20 AM

Details:

Reported Date	12/18/2019 12:36 PM
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Incident Location Address:

Location	1615 CURL NG WAY, BOWLING GREEN
Address	1615 Curling Way
City	Bowling Green
State	KY
County	Warren
Zip	42104
Confirm Code	Y

Number of Customers out	1
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Was gas or hazardous liquids contained in the underground facility?	<input type="checkbox"/>
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Was gas or hazardous liquids released into the atmosphere?	<input type="checkbox"/>	*
		3/2020

Locate Request Ticket No.	1912020737
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Excavator	Contractor
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Excavator Address:

First Name	James
Last Name	Greer
Organization ID	N/A
Company	Personal Touch Lawn and Pond
Phone	270-202-6296
Email	Personaltouchlawncarebg@gmail.com

Address	245 Porter Pike
City	Bowling Green
State	KY
Zip	42103
Confirm Code	
Excavation Damage	Failure to use hand tools where required

Description of Incident Cut 1/2" PE service. One customer off. Locate ticket. No injuries.

Summary Information

1/16/2020

Full details such as the cause	Personal Touch Lawn and Pond, installing an irrigation system, cut a 1/2" service line with a trencher. Personal Touch Lawn and Pond had a locate ticket for this project and the gas utilities were marked correctly. Personal Touch Lawn and Pond used mechanized equipment (trencher) inside the 18" approximate location (tolerance zone) and failed to hand expose the gas line.
Extent of the damage	Damage PE was repaired and service restore to the one affected customer.
Cost of the damage	\$341.00
Steps taken to prevent re-occurrence	We will invite Personal Touch Lawn and Pond to the next Atmos Energy Damage Prevention/KY 811 Dig Law Training Session in Bowling Green.
Amount billed to excavator	\$341.00

NORMAL NOTICE

Ticket : 1912020737 Date: 12/02/2019 Time: 10:09 Oper: KUPIANONYMOUS Chan:000

State: KY Cnty: WARREN City: BOWLING GREEN
Subdivision:

Address : 1615
Street : CURLING WAY
Cross 1 : GRIDER POND RD
Location: ENTIRE LOT

:
Boundary: n 36.940989 s 36.939861 w -86.437814 e -86.435216

Work type : IRRIGATION INSTALL
Done for : MARTHA WYZYKOWSKI
Start date: 12/04/2019 Time: 10:30 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 2FT

Company : PERSONAL TOUCH LAWN & POND PRO Type: CONT
Co addr : 245 PORTER PIKE
City : BOWLING GREEN State: KY Zip: 42103
Caller : JAMES GREER Phone: (270)202-6296
Contact : JAMES W GREER Phone:
Mobile : (270)202-6296
Email : PERSONALTOUCHLAWNCAREBG@GMAIL.COM

Submitted date: 12/02/2019 Time: 10:09
Members: 0115 0125 0136 0139 0423







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*Personal Touch Lawn and Pond
245 Porter Pike
Bowling Green, KENTUCKY 42103