

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SCHROEDER CONSTRUCTION INCORPORATED)	
)	
_____)	CASE NO.
)	2021-00364
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Schroeder Construction Incorporated (Schroeder Construction) 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

¹ KRS 367.4901 through KRS 367.4917.

results in damage to an underground facility containing any flammable, toxic, corrosive, 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 Schroeder Construction for violation of the following provision of the Act:

KRS 367.4911(3)(c) – Each excavator shall provide each applicable protection notification center with adequate information regarding the excavation or demolition site location or locations, each of which shall not exceed two thousand (2,000) feet in length unless the excavator and operator agree to a larger area, the city or community, county and street address, including the nearest cross street.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Schroeder Construction 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. Schroeder Construction 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 31761 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 Schroeder Construction 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.**

By the Commission

Commissioner Marianne Butler did not participate in the deliberations or decision concerning this case.



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00364 DATED SEP 30 2021

TEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31761
Incident Date 6/19/2019 12:05:00 PM	Report Submitted 7/18/2019 10:03:00 AM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company	Reported By Mike Jones
Phone (502) 364-8281	Email Mike.Jones@lge-KU.com
Incident Location 4400 Vine Grove Rd Vine Grove, KY 40175	Locate Ticket Number 1905301808
Hardin	

EXCAVATOR INFORMATION

Name of Excavator Schroeder, Jacob	Organization ID 0186382
Phone 270-737-7717	Email
Excavator Address SCHROEDER CONSTRUCTION INCORPORATED 589 Franklin Ln Elizabethtown, KY 42701	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
1905301808	Yes	5/30/19	6/20/19	6/19/19	N/A	No

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	Mechanized	\$0.00	\$0.00

The operator reports that the contractor was digging a trench to bore in a new water main when they hit a .5" plastic gas service. The description for the work on the ticket called for 60' off of roadway which is about how far the service was marked. The contractor was working about 150'

off the roadway so there were no locates at dig location. Contractor dug outside of the scope of work.

INVESTIGATION

This would be the company's first violation.

January 27, 2020

- Called the above number, left a v.m.

February 10, 2020

- Called 270.737.7717, left a v.m.
- Called the number for Jacob Schroeder from dig ticket: 270.312.7904, spoke with Mr. Schroeder, he will go back and look in his records to see if he requested a distance off of the road. He requested that I send him an email with my contact information. I did so and included the dig ticket and the original LG&E report.

February 17, 2020

- Sent Mr. Schroeder another email asking if he has reviewed the information.

February 28, 2020

- Sent Mr. Schroeder another email stating I needed to move forward on this incident and if I haven't heard from him by Tuesday, March 3, I would be sending a demand letter with a \$1250 civil penalty.
- Received an email from Mr. Schroeder agreeing to the reduced penalty and remedial measure.

VIOLATION

KRS 367.4911 (3) (c) Each excavator shall provide each applicable protection notification center with adequate information regarding the excavation or demolition site location or locations, each of which shall not exceed two thousand (2,000) feet in length unless the excavator and operator agree to a larger area, the city or community, county and street address, including the nearest cross street.

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 7/18/2019 Incident ID 31761

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31761\)](#)

Reported By:

Name	Mike Jones
Phone	(502) 364-8281
Email	Mike Jones@lge-KU.com

Gas Line Incident Occured:

Date	6/19/2019
Time	12:05 PM

Details:

Reported Date	7/18/2019 10:03 AM
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Incident Location Address:

Location	
Address	4400 Vine Grove Rd
City	Vine Grove
State	KY
County	Hardin
Zip	40175
Confirm Code	Y
Number of Customers out	1
Locate Request Ticket No.	1905301808
Excavator	Contractor

Excavator Address:

First Name	Jacob
Last Name	Schoeder
Organization ID	
Company	Schroeder Construction Inc.
Phone	270-737-7717
Email	
Address	589 Franklin Ln
City	Elizabethtown
State	KY
Zip	42701

Confirm Code Y
Excavation Damage Wrong information provided to One
Call Center

Description of Incident ?Excavator damaged service preparing to bore in water main.

Summary Information

7/18/2019

Full details such as the cause Contractor was digging a trench to bore in a new water main when they hit a .5" plastic gas service. The description for the work on the ticket called for 60' off of roadway which is about how far the service was marked. The contractor was working about 150' off the roadway so there were no locates at dig location. Contractor dug outside of the scope of work.

Extent of the damage 1/2" gas service
Cost of the damage \$838.00
Steps taken to prevent re-occurrence Provided education on the dig-law and asked the contractor to call in another ticket that would cover where they were boring.
Amount billed to excavator \$0.00

SCHROEDER CONSTRUCTION INCORPORATED

General Information

Organization Number	0186382
Name	SCHROEDER CONSTRUCTION INCORPORATED
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	2/6/1984
Organization Date	2/6/1984
Last Annual Report	8/14/2019
Principal Office	616 PEAR ORCHARD ROAD NW ELIZABETHTOWN, KY 42701
Registered Agent	JUDITH M. SCHROEDER 128 BEWLEY HOLLOW RD. ELIZABETHTOWN, KY 42701
Authorized Shares	1000

Current Officers

President	Judith Marie Schroeder
Vice President	Ralph Rudolph Schroeder
Secretary	Douglas Alan Schroeder

Individuals / Entities listed at time of formation

Director	RALPH M SCHROEDER
Director	JUDITH M SCHROEDER
Director	DOUGLAS SCHROEDER
Incorporator	JUDITH M SCHROEDER

Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	8/14/2019	1 page	PDF	
Annual Report	4/23/2018	1 page	PDF	
Annual Report	8/14/2017	1 page	PDF	
Annual Report	3/30/2016	1 page	PDF	
Annual Report	6/12/2015	1 page	PDF	
Annual Report	3/5/2014	1 page	tiff	PDF
Annual Report	7/1/2013	1 page	tiff	PDF
Annual Report	5/22/2012	1 page	tiff	PDF
Annual Report	2/24/2011	1 page	tiff	PDF
Annual Report	6/22/2010	1 page	tiff	PDF
Annual Report	1/13/2009	1 page	PDF	
Annual Report	2/13/2008	1 page	tiff	PDF
Annual Report	3/2/2007	1 page	tiff	PDF
Annual Report	4/26/2006	1 page	tiff	PDF
Reinstatement	3/27/2006	3 pages	tiff	PDF
Statement of Change	3/27/2006	1 page	tiff	PDF
Administrative Dissolution Return	12/1/2005	2 pages	tiff	PDF
Administrative Dissolution	11/1/2005	1 page	PDF	

Annual Report	5/12/2003	1 page	tiff	PDF
Annual Report	6/17/2002	1 page	tiff	PDF
Annual Report	8/2/2001	1 page	tiff	PDF
Annual Report	8/1/2000	1 page	tiff	PDF
Annual Report	4/21/1999	1 page	tiff	PDF
Annual Report	5/19/1998	1 page	tiff	PDF
Annual Report	7/1/1997	1 page	tiff	PDF
Annual Report	7/1/1996	1 page	tiff	PDF
Annual Report	7/1/1995	1 page	tiff	PDF
Annual Report	7/1/1994	1 page	tiff	PDF
Annual Report	7/1/1993	1 page	tiff	PDF
Annual Report	3/16/1992	1 page	tiff	PDF
Annual Report	7/1/1991	1 page	tiff	PDF
Annual Report	7/1/1989	1 page	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	8/14/2019 4:09:44 PM	8/14/2019 4:09:44 PM	
Annual report	4/23/2018 10:39:41 AM	4/23/2018 10:39:41 AM	
Annual report	8/14/2017 3:19:55 PM	8/14/2017 3:19:55 PM	
Annual report	3/30/2016 9:07:54 AM	3/30/2016 9:07:54 AM	
Annual report	6/12/2015 12:43:45 PM	6/12/2015 12:43:45 PM	
Annual report	3/5/2014 4:50:53 PM	3/5/2014	
Annual report	7/1/2013 10:23:29 AM	7/1/2013	
Annual report	5/22/2012 8:43:55 AM	5/22/2012	
Annual report	2/24/2011 9:37:06 AM	2/24/2011	
Annual report	6/22/2010 9:51:19 AM	6/22/2010	
Annual report	1/13/2009 2:50:26 PM	1/13/2009 2:50:26 PM	
Annual report	2/13/2008 2:33:20 PM	2/13/2008	
Annual report	3/2/2007 11:07:41 AM	3/2/2007	
Annual report	4/26/2006 7:12:58 AM	4/26/2006	
Registered agent address change	3/27/2006 3:06:44 PM	3/27/2006	
Reinstatement	3/27/2006 3:04:40 PM	3/27/2006	
Admin Dis. A. report not in	11/1/2005	11/1/2005	
Principal office change	4/9/1999	4/9/1999	

Microfilmed Images

Microfilm images are not available online. They can be ordered by faxing a [Request For Corporate Documents](#) to the Corporate Records Branch at 502-564-5687.

Annual Report	8/3/2004	1 page
Annual Report	5/12/2003	1 page
Annual Report	6/17/2002	1 page
Annual Report	8/2/2001	1 page
Annual Report	8/1/2000	1 page
Annual Report	4/21/1999	1 page
Annual Report	5/19/1998	1 page
Annual Report	7/1/1997	1 page
Annual Report	7/1/1996	1 page
Annual Report	7/1/1995	1 page
Annual Report	7/1/1994	1 page
Annual Report	7/1/1993	1 page
Annual Report	3/16/1992	1 page
Annual Report	7/1/1991	1 page
Annual Report	7/1/1990	1 page
Annual Report	7/1/1989	1 page
Articles of Incorporation	2/6/1984	4 pages

NORMAL NOTICE

Ticket : 1905301808 Date: 05/30/2019 Time: 19:49 Oper: JCARTER Chan:000

State: KY Cnty: HARDIN City: VINE GROVE
Subdivision:

Address :

Street : VINE GROVE RD

Cross 1 : DITTO LN

Location: STARTING AT THE COUNTY LINE WHICH IS APPROX 180 FEET NORTH OF DITTO
LANE LOCATE BOTH SIDES OF VINE GROVE ROAD GOING SOUTH 2000 FEET

:

Boundary: n 37.818579 s 37.814945 w -86.007508 e -86.000833

Work type : INSTALL WATER LINE

Done for : HARDIN COUNTY WATER DISTRICT 1

Start date: 06/04/2019 Time: 07:00 Hours notice: 107/48 Priority: NORM

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

Duration : N/A Depth: 20 FEET

Company : SCHROEDER CONSTRUCTION INC Type: CONT

Co addr : 589 FRANKLIN LN

City : ELIZABETHTOWN State: KY Zip: 42701

Caller : JACOB SCHROEDER Phone: (270)737-7717

Contact : JACOB SCHROEDER - CELL Phone:

Mobile : (270)312-7904

Fax : (866)892-1965

Email : SCIJACOB@GMAIL.COM

Submitted date: 05/30/2019 Time: 19:49

Members: 0002 0069 0072 0205 0227 0267 0358

Gowins, John E (PSC)

From: Jacob Schroeder <scijacob@gmail.com>
Sent: Friday, February 28, 2020 5:55 PM
To: Gowins, John E (PSC)
Subject: Re: FW: Incident # 31761

John

We will do the training to reduce some of the fines. I looked through my notes and bid tickets. Nothing definitive about the distance off the road.

On Fri, Feb 28, 2020 at 3:08 PM Gowins, John E (PSC) <john.gowins@ky.gov> wrote:

Mr. Schroeder,

I need to move forward on this incident.

If I haven't heard from you by Tuesday, March 3, I will be sending you a demand letter with a \$1250 civil penalty.

From: Gowins, John E (PSC)
Sent: Monday, February 17, 2020 1:45 PM
To: scijacob@gmail.com
Subject: FW: Incident # 31761

Mr. Schroeder,

Have you had an opportunity to review this information?

Thanks.

From: Gowins, John E (PSC)
Sent: Monday, February 10, 2020 1:38 PM
To: scijacob@gmail.com
Subject: Incident # 31761

Mr. Schroeder,

I have included the dig ticket and the original report submitted to the PSC by LG&E.

John E. Gowins

Consumer Complaints Investigator II

Division of Inspections

Kentucky Public Service Commission

502.782.2656

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Jacob Schroeder Schroeder Construction Inc. Office 270-312-7904 Sent from gmail mobile

*Schroeder Construction Inc.
589 Franklin Ln
Elizabethtown, KENTUCKY 42701