

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DRILLTEK LLC)	
)	
_____)	CASE NO.
)	2022-00075
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

DrillTek LLC (DrillTek) 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 DrillTek 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 DrillTek 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. DrillTek 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 42792 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 DrillTek 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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PUBLIC SERVICE COMMISSION

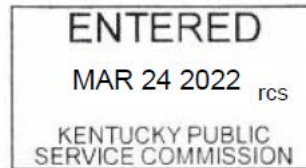


Chairman



Vice Chairman

Commissioner



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00075 DATED MAR 24 2022

9 PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 42792
Incident Date 6/25/2020 1:43:00 PM	Report Submitted 7/14/2020 12:00:00 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 Intersection of Remington Dr. and Christie Ct. Bardstown, KY 40004 Nelson	Locate Ticket Number 2006091200

EXCAVATOR INFORMATION

Name of Excavator Sachleben, Roy	Organization ID 0899196
Phone 502-403-8340	Email
Excavator Address DrillTek LLC 6915 Enterprise Dr Louisville, KY 40214	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
2006091200	Yes	6/9/20	6/30/20	6/25/20	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$1767.00	\$0.00

The operator reports that DRILLTEK was boring SE on Remington Dr on the west side of the road to install fiber optics for Star Construction. Drilltek did not have their own 811 locate request number. DRILLTEK started boring just north of Christine Ct on Remington Dr when they stated

that their boring head hit something solid so they pulled the bit back and almost immediately damaged the 2" MP PI G/M. The pothole that DRILLTEK made to spot the 2" PL Gm was not exactly in-line with their cross bore. The 2" PL G/M (main #438352) depth changed between where Drilltek potholed the line and where they actually crossed the PL G/M. Post damage photos show that Drilltek was not aware of the exact location of their boring head as well. The gas main was accurately marked by URG for Star Construction prior to DRILLTEK damaging the 2"PL G/M.

INVESTIGATION

This will be the company's fourth violation. Previous incidents are: 21064,31489,and 31913.

Previous contact was made with Jim Painter at 502.643.5422. This number was verified online.

Online address for corporate office is 2400 Ampere Dr., Louisville, KY 40299.

March 16, 2021

- Called 502.643.5422, went to v.m. for Jim with JP Construction, left a message.
- Received a call from Mr. Painter, no longer w/company, need to contact Josh Heberle 502.851.5977.

March 23, 2021

- Called Josh Heberle at 502.851.5977, left a v.m.

April 9, 2021

- Called 502.851.5977, left Mr. Heberle a second v.m.
- Received a v.m. from Mr. Heberle.

April 12, 2021

- Called Mr. Heberle back, left a v.m.

April 20, 2021

- Called 502.851.5977, left a message that a demand letter was coming.

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

Louisville Gas and Electric Company

Submitted 7/14/2020 Incident ID: 42792

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=42792\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 6/25/2020
Time: 1:43 PM

Details:

Reported Date: 7/14/2020 8:55 AM

Incident Location Address:

Location: Intersection of Remington Dr. and Christie Ct.
Address:
City: Bardstown
State: KY
County: Nelson
Zip: 40004
Confirm Code:

Number of Customers out: 0

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere? *

3/2020

Locate Request Ticket No.: 2006091200

Excavator: Contractor

Excavator Address:

First Name: Roy
Last Name: Sachleben
Organization ID:
Company: Drill Tek
Phone: 502-403-8340
Email:

Address: 6915 Enterprise Dr
City: Louisville
State: KY
Zip: 40214
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident Excavator damaged gas main while working without valid locate request.

Summary Information

7/14/2020

Full details such as the cause DRILLTEK was boring SE on Remington Dr on the west side of the road to install fiber optics for Star Construction. Drilltek did not have their own 811 locate request number. DRILLTEK started boring just north of Christine Ct on Remington Dr when they stated that their boring head hit something solid so they pulled the bit back and almost immediately damaged the 2" MP PL G/M. The pothole that DRILLTEK made to spot the 2" PL Gm was not exactly in-line with their cross bore. The 2" PL G/M (main #438352) depth changed between where Drilltek potholed the line and where they actually crossed the PL G/M. Post damage photos show that Drilltek was not aware of the exact location of their boring head as well. The gas main was accurately marked by URG for Star Construction prior to DRILLTEK damaging the 2"PL G/M.

Extent of the damage 2" plastic gas main
Cost of the damage \$1,767.00

Steps taken to prevent re-occurrence When I arrived Roy Sachleben (502-966-7690) with Star Construction was the only person on site, after LG&E gas crew dug up the damaged G/M a representative from DRILLTEK came and took pictures. Talked to Joshua with Drilltek and reiterated they MUST have their OWN ticket regardless of who they are doing the work for. Spoke with the Star Construction supervisor and reiterated that all their subcontractors must have their OWN ticket. Steve Delap left messages for DRILLTEK general manager Jim Painter on 6/25/20 informing him that DRILLTEK should NOT do any excavation until they call in a valid 811 locate request and wait the required time for the ticket to be located. Steve Delap also stressed to the crew leader on site that all boring crews should only cross bore in the exact location the utility is potholed due to possible sudden depth changes.

Amount billed to excavator \$0.00

NORMAL NOTICE REMARK

Ticket : 2006091200 Date: 06/09/2020 Time: 12:41 Oper: ROY.SACHLEBEN.KY Chan:000
Old Tkt: 2005260834 Date: 05/26/2020 Time: 10:12 Oper: ROY.SACHLEBEN.KY Rev: 00A

State: KY Cnty: NELSON City: BARDSTOWN
Subdivision:

Address :

Street : REMINGTON DR

Cross 1 : MAYWOOD AVE

Location: LOCATE 50 FOOT RADIUS OF THE INTERSECTION IN ALL DIRECTIONS. CONTINUE
LOCATING WEST ALONG THE NORTH SIDE OF REMINGTON DR FOR APP 600 FT (STOPPING AT
BETHANY CT)

:

Boundary: n 37.791807 s 37.789814 w -85.432957 e -85.429274

Work type : PLACE DUCT AND HANDHOLDS

Done for : ATT

Start date: 06/11/2020 Time: 13:00 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 10 FEET

Company : STAR CONSTRUCTION Type: CONT

Co addr : 6915 ENTERPRISE DRIVE

City : LOUISVILLE State: KY Zip: 40214

Caller : ROY SACHLEBEN Phone: (502)361-9772

Contact : ROY SACHLEBEN Phone:

Mobile : (502)966-7690

Fax : (502)361-9773

Email : ROY.SACHLEBEN@STAR-LLC.NET

Submitted date: 06/09/2020 Time: 12:41

Members: 0002 0139 0141





Kentucky Secretary of State

Michael G. Adams



DrillTek LLC

[File Annual Report](#)
[File Statement of Change of Principal Office](#)
[File Statement of Change of registered Agent / Registered Address](#)
[Printable Forms](#)
[Additional Services](#)
[Certificates](#)

General Information

Organization Number	0899196
Name	DrillTek LLC
Profit or Non-Profit	P - Profit
Company Type	KLC - Kentucky Limited Liability Company
Status	A - Active
Standing	G - Good
State	KY
File Date	10/9/2014 10:03:00 AM
Organization Date	10/9/2014 10:03:00 AM
Last Annual Report	2/18/2020
Principal Office	102 Wendover Ct. Vine Grove, KY 40175
Managed By	Managers
Registered Agent	Joshua Michael Heberle 102 Wendover Ct. Vine Grove, KY 40175

Current Officers

Manager Joshua Michael Heberle

Individuals / Entities listed at time of formation

Organizer JOSHUA MICHAEL HEBERLE

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	2/18/2020	1 page	PDF
Annual Report	7/10/2019	1 page	PDF
Annual Report	6/29/2018	1 page	PDF
Annual Report	9/13/2017	1 page	PDF
Annual Report	6/30/2016	1 page	PDF
Annual Report	8/17/2015	1 page	PDF
Articles of Organization	10/9/2014 10:03:00 AM	1 page	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	2/18/2020 12:18:47 AM	2/18/2020 12:18:47 AM	
Annual report	7/10/2019 5:01:57 PM	7/10/2019 5:01:57 PM	
Annual report	6/29/2018 12:48:22 PM	6/29/2018 12:48:22 PM	
Annual report	9/13/2017 9:29:37 AM	9/13/2017 9:29:37 AM	
Annual report	6/30/2016 5:01:40 PM	6/30/2016 5:01:40 PM	
Annual report	8/17/2015 3:22:15 PM	8/17/2015 3:22:15 PM	
Add	10/9/2014 10:03:00 AM	10/9/2014 10:03:00 AM	

Microfilmed Images

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Kentucky Unbridled Spirit

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