

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOASH, INC.)	
)	
_____)	CASE NO.
)	2022-00089
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Joash, Inc. (Joash) 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 Joash for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

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

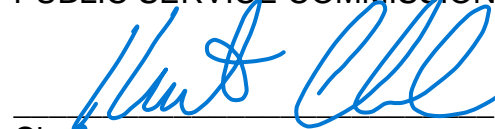
3. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 43282 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 Joash 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

ENTERED
MAR 22 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00089 DATED MAR 22 2022

EIGHTY PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43282 **Investigation** 8224
Incident Date 11/18/2020 2:38:00 PM **Report Submitted** 12/15/2020

Operator Information

Operator Louisville Gas and Electric Company **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 840 S Campbell St **Locate Ticket Number** NA
 Louisville KY 40204

County Jefferson

Excavator Information

Excavator Robert Rogers **Organization ID** 0484496
 Joash, Inc.
Phone 502-664-9737 **Email**
Address PO Box 11381 **Locate Ticket Number** NA
 Louisville KY 40251

Damage Report (DR) Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Mechanized/ Mini-Excavator	\$1,985.00	\$0.00

The Operator reports that the Excavator damaged a four-inch gas main with a mini-excavator removing a sidewalk and failed to contact the KY Contact Center (811).

The DR is included as Attachment 1.

INVESTIGATION

On 11/24/21:

- The Excavator, Joash's Joseph Scott (502-664-9737, jscott@joashconstruction.com) requested a copy of the incident report to conduct research.
- 811, Carly Dunsmore, searched from 09/01/21 thru 11/20/20 and found no valid LT by the Excavator for the address of 840 S. Campbell St.

Ms. Dunsmore's email is included as Attachment 2.

- Via email, Mr. Scott indicated that he was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

Mr. Scott's email is include as Attachment 3.

VIOLATIONS

KRS 367.4911(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

of Offences

(Including this incident)

PIPELINE DAMAGE INVESTIGATION REPORT

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +365 Days)
1 st	20965	08/24/18	08/25/19

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 12/15/2020 Incident ID: 43282

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43282\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 11/18/2020
Time: 2:38 PM

Details:

Reported Date: 12/15/2020 9:44 AM

Incident Location Address:

Location:
Address: 840 S Campbell St
City: Louisville
State: KY
County: Jefferson
Zip: 40204

Confirm Code:

Number of Customers out: 1

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.: NA

Excavator: Contractor

Excavator Address:

First Name: Robert
Last Name: Rogers
Organization ID:
Company: Joash Construction
Phone: 502-664-9737
Email:

Address: PO Box 11381
City: Louisville
State: KY
Zip: 40251
Confirm Code: Y
Excavation Damage: No notification made to the One
 Call Center

Description of Incident Excavator damaged gas main digging without locate request.

Summary Information

12/15/2020

Full details such as the cause ***No 811 BUD locate request made prior to damage. Joash Construction was contracted by Louisville Metro Government to remove the existing sidewalk and install a new sidewalk/handicap ramp at the NW corner of S Campbell St & Springer Alley, in downtown Louisville, KY. Joash didn't call BUD 811 before starting work on 11/18/20. While digging to remove the existing 18" granite curb, Joash Construction hooked the 4" MP PL G/M, making a large gouge in the top of the gas main, ultimately puncturing the gas main. The damaged gas main was approximately 21" deep while Joash was using a Mini-excavator to dig. Joash Construction damaged the G/M at approximately 1:25pm on 11/18/20. Joash Construction called 811 and made a locate request (2011181211) approximately 35 minutes, at 2:01pm, after the damage occurred.

Extent of the damage Punctured 4" plastic gas main
Cost of the damage \$1,985.00

Steps taken to prevent re-occurrence Talked with Joash Construction owner, Joe Scott, on 11/19/20 and reminded him to call 811 before every ticket. Joe admitted he made a mistake & stated he just forgot on this one. Joe stated he has already taken PSC course due to previous damages, so he made no excuses for their mistake.

Amount billed to excavator \$0.00

Attachment 2

Tout, Eric V (PSC)

From: Carly Dunsmore <cdunsmore@usa811.org>
Sent: Wednesday, November 24, 2021 1:01 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 43282
Attachments: 2011181211.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hello Eric,

We searched between 9/1/2020 - 11/20/2020 and only found one ticket submitted by Joash; however, it was for address 608 S Campbell St. The ticket is attached below. If you have any questions, please let me know.

Thank you,

Carly Dunsmore
Member Services
P: 833-538-0923
F: 317-386-7820



On Wed, Nov 24, 2021 at 12:22 PM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket for:

Incident Date: 11/18/2020
Operator: Louisville Gas and Electric
Incident Location: 840 S Campbell St., Louisville
County: Jefferson
Excavator: Joash

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

NORMAL NOTICE

Ticket : 2011181211 Date: 11/18/2020 Time: 13:49 Oper: KUPIANONYMOUS Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision: N/A Lot: N/A

Address : 608

Street : S CAMPBELL ST

Cross 1 : E CHESTNUT ST

Location: ENTIRE LOT

:

Boundary: n 38.247255 s 38.245585 w -85.737871 e -85.736399

Work type : REMOVE AND REPLACE SIDEWALKS, CURBS, ADA RAMPS, DRIVEWAY APRONS, AND

Done for : LOUISVILLE METRO GOVERNMENT

Start date: 11/20/2020 Time: 14:15 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 3 FEET

Company : JOASH, INC. Type: CONT

Co addr : PO BOX 11381

City : LOUISVILLE State: KY Zip: 40251

Caller : JOASH, INC. Phone: (502)821-9197

Contact : ROBERT ROGERS Phone:

Mobile : (502)821-9197

Fax : (502)776-0186

Email : RROGERSJOASHCONSTRUCTION@GMAIL.COM

Submitted date: 11/18/2020 Time: 13:49

Members: 0002 0004 0006 0007 0139 0299

* Responses are current as of 11/24/2021 12:49 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	No Conflict
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
CENTURYLINK 0299	FIBER OPTIC		No Conflict

Attachment 3

Tout, Eric V (PSC)

From: Joseph Scott <jscott@joashconstruction.com>
Sent: Wednesday, November 24, 2021 11:31 PM
To: Tout, Eric V (PSC)
Subject: Re: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric
Attachments: Attach 1- DR.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Opinion one is our choice!

Sent from my iPhone

On Nov 24, 2021, at 12:21 PM, Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Mr. Scott,

As stated over the telephone the attached Damage Report was received from LG&E. If you agree with this report and this being your company's first offence within 365 days there are three options to resolve this incident:

1. Pay the reduce penalty of \$250.00 and have a representative of the company attend the Damage Prevention Course held on line typically the first Monday of each month from 9-10 a.m. EST.
2. Pay the full penalty of \$1,250.00.
3. In writing request a hearing before the Commission. (Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

If you chose option one or two I will draft a letter outlining the details of how to register for the course and /or make the penalty payment. (Please provided a mailing address and to whom the letter should be addressed).

If you chose option three I will need something in writing indicating so. You may email, ericv.tout@ky.gov, or mail, 211 Sower Blvd. P.O. Box 615, Frankfort, KY 4060, this information to me.

Thanks,

Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582

SUPPLEMENT PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43282 **Investigation** 8224
Incident Date 11/18/2020 2:38:00 PM **Report Submitted** 12/15/2020

Operator Information

Operator Louisville Gas and Electric
Company (LG&E) **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 840 S Campbell St **Locate Ticket Number** NA
Louisville KY 40204

County Jefferson

Excavator Information

Excavator Robert Rogers **Organization ID** 0484496
Joash, Inc.
Phone 502-664-9737 **Email**
Address PO Box 11381 **Locate Ticket Number** NA
Louisville KY 40251

SUPPLEMENT INVESTIGATION

On 12/07/21 a Demand Letter was sent to the Excavator.

The Demand Letter is included as Attachment 4.

On 01/14/22 a Missed Training and Past Due Payment Letter was sent to the Excavator and said letter was delivered on 01/31/22 to the Registered Agent. On 02/17/22 the Past Due Letter was delivered to the 4700 W. Broadway and the Past Due letter to PO Box 11381 was returned.

Missed Training and Past Due Payment Letter is included as Attachment 5.

On 01/14/22 an email to Mr. Scott making him aware of the missed training and past due payment resulted in Bruce Mullins responding. Mr. Mullins stated that to allow another day or two for arrival of payment and a reminder email to Mr. Mullins was sent indicating, to get the reduced penalty, attendance to the Damage Prevention Course is required. On 02/09/22 an email was sent if no attendance and payment is not made the hearing process will begin.

The series of emails are included as Attachment 6.

On 02/09/22 the Operator, LG&E's Mike Jones, provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Which have been outlined in Attachment 1 and the DR Summary.
- 39 Photographs: Depicting the incident/damage location.

LG&E's documents are included as Attachment 7.

Attachment 4



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Amy D. Cabbage
Vice Chairman

Marianne Butler
Commissioner

December 7, 2021

Joseph Scott
Joash, Inc.
PO Box 11381
Louisville KY 40251

or

Joseph Scott
Joash, Inc.
4700 W Broadway
Louisville, KY 40210

or

Joseph T. Scott, Registered Agent
Joash, Inc.
1615 Maple St.
Louisville, KY 40210

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **43282**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Scott:

The Kentucky Public Service Commission (Commission) received a report on December 15, 2020, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Louisville Gas and Electric Company. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate and assess civil penalties for any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) performed an investigation of the incident and prepared the attached incident report. Based on its investigation of the incident, Staff has determined that Joash committed the following violation(s) of the Act:

KRS 367.4911(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

CIVIL PENALTY

Based on its investigation of this matter, Staff has determined that Joash **should be**

assessed a penalty in the total amount of \$1,250, first offense, but that \$1,000 of the penalty should be suspended contingent upon Joash's completion of Damage Prevention training:

REMEDIAL MEASURE/TRAINING

A representative of Joash shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number: **43282** and assigned key: **8224** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

Within **30 days** of the date of this letter Joash should mail or deliver a cashier's check or money order **made payable to** the:

"Kentucky State Treasurer"

The check should be in the amount of **\$250.00** mailed to: **211 Sower Boulevard, Frankfort, Kentucky 40602.**

Please include the Incident Number 43282 on the cashier's check or money order submitted for payment.

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation within one year, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation.

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Joash for any violation of the Act arising out of the November 18, 2020 incident. Joash's payment of the proposed civil penalty will not be considered an admission by Joash that it willfully violated any provision of the Act.

If Joash does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Joash and hold a formal hearing during which Joash will have an opportunity to present evidence.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel

Nancy J. Vinsel
General Counsel

Attachment

Attachment 5



Andy Beshear
Governor

Kent A. Chandler
Chairman

Rebecca W. Goodman
Secretary
Energy and Environment
Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Amy D. Cabbage
Vice Chairman

Marianne Butler
Commissioner

January 14, 2022

Joseph Scott
Joash, Inc.
PO Box 11381
Louisville KY 40251

or

Joseph Scott
Joash, Inc.
4700 W Broadway
Louisville, KY 40210

or

Joseph T. Scott, Registered Agent
Joash, Inc.
1615 Maple St.
Louisville, KY 40210

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 43282

MISSED REMEDIAL MEASURES TRAINING & PAST DUE PENALTY PAYMENT

Dear Mr. Scott:

Your account is now past due in the amount of \$250.00. Attached is the demand letter and investigation report for the above Incident, which we show to be unpaid and a condition of the resolution was the suspension of a large portion of the civil penalty, provided a representative participates in a damage prevention training.

You were previously notified that the Commission has been providing this training online, and offered multiple dates for you to select from in order to participate. Our records indicate that a representative, Robert Rogers, with the email of rrogersjoashconstruction@gmail.com previously signed up for this training scheduled on January 10, 2022, but did not participate. Therefore you are offered the opportunity to reschedule for one of two additional trainings. This training is required as a contingency for the reduced penalty amount. Failure to attend the training on the rescheduled date will result in the full original civil penalty to be due immediately. If the penalty is not paid, the Commission will institute an administrative proceeding against Joash and hold a formal hearing.

You will need to contact Ashley Rhodes, Division of Inspections at (502) 782-2578 to access the Commission's website at: <https://psc.ky.gov/ClassSignUp>. You will be asked to provide the following two numbers: incident number **43282** and this key **8224**, and then you will choose the date on which you or your representative will participate. Class size is limited, so once a date is full it will no longer be available.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Eric V. Tout, Division of Inspections at (502) 782-2622.

Sincerely,

Nancy J. Vinsel

Nancy J. Vinsel
General Counsel

Mailer: Kentucky Public Service Commission

Date Produced: 02/07/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 7273 17. Our records indicate that this item was delivered on 01/31/2022 at 02:52 p.m. in LOUISVILLE, KY 40210. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

1617 maple
cond 19

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOSEPH T SCOTT REGISTERED AGENT
JOASH INC
1615 MAPLE ST
LOUISVILLE KY 40210-1045

Customer Reference Number: C3194370.18577639

Return Reference Number Incident 43282



Return address:

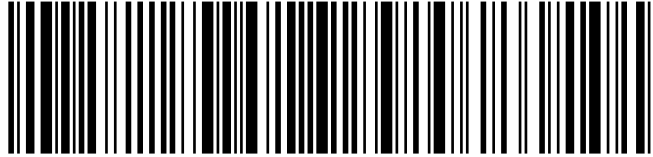
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

Recipient address:

JOSEPH T SCOTT REGISTERED AGENT
JOASH INC
1615 MAPLE ST
LOUISVILLE KY 40210-1045

MAILING DATE: 01/27/2022
DELIVERY DATE: 01/31/2022

USPS CERTIFIED MAIL



9214 8901 9403 8364 7273 17

USPS Tracking Label Number: 9214 8901 9403 8364 7273 17

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	01/27/2022 15:19
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	01/29/2022 15:49
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	01/29/2022 17:04
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	01/30/2022 23:53
DELIVERED LEFT WITH INDIVIDUAL	LOUISVILLE,KY 40210	01/31/2022 14:52

CUSTOM 1:

Mailer: Kentucky Public Service Commission

Date Produced: 02/21/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 7270 96. Our records indicate that this item was delivered on 02/17/2022 at 11:06 a.m. in LOUISVILLE, KY 40211. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

PO BOX 11381
LOUISVILLE, KY 40251-0381

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOSEPH SCOTT
JOASH INC
PO BOX 11381
LOUISVILLE KY 40251-0381

Customer Reference Number: C3194370.18577637

Return Reference Number Incident 43282



Return address:

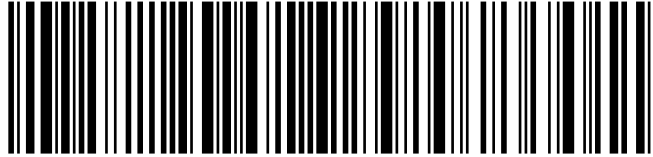
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

Recipient address:

JOSEPH SCOTT
JOASH INC
PO BOX 11381
LOUISVILLE KY 40251-0381

MAILING DATE: 01/27/2022
DELIVERY DATE: 02/17/2022

USPS CERTIFIED MAIL



9214 8901 9403 8364 7270 96

USPS Tracking Label Number: 9214 8901 9403 8364 7270 96

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	01/27/2022 15:19
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	01/29/2022 15:51
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	01/29/2022 17:06
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/01/2022 12:30
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/06/2022 12:32
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/07/2022 17:53
DELIVERED INDIVIDUAL PICKED UP AT PO	LOUISVILLE,KY 40211	02/17/2022 11:06

CUSTOM 1:

DATE PRODUCED: 2/21/2022 6:56 AM

KENTUCKY PUBLIC SERVICE COMMISSION:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8364 7271 95

Our records indicate that this item was RETURNED TO SENDER.

ORIGINAL INTENDED RECIPIENT:

JOSEPH SCOTT

JOASH INC

4700 W BROADWAY

LOUISVILLE KY 40211-3129

The above information represents information provided by the United States Postal Service.

Return Reference Number:



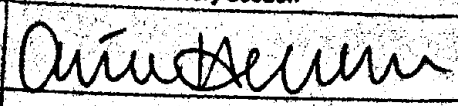
Mailer: Kentucky Public Service Commission

Date Produced: 02/21/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 7271 95. Our records indicate that this item was delivered on 02/17/2022 at 08:02 a.m. in FRANKFORT, KY 40601. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	X 
Printed Name	

Address of Recipient :

Delivery Address	
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Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOSEPH SCOTT
JOASH INC
4700 W BROADWAY
LOUISVILLE KY 40211-3129

Customer Reference Number: C3194370.18577638

Return Reference Number Incident 43282



Return address:

KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

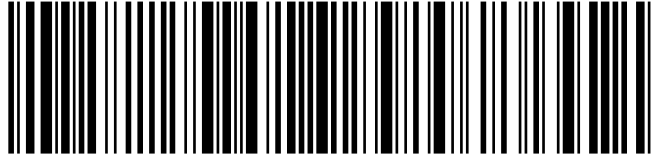


Recipient address:

JOSEPH SCOTT
JOASH INC
4700 W BROADWAY
LOUISVILLE KY 40211-3129

MAILING DATE: 01/27/2022
DELIVERY DATE: 02/17/2022

USPS CERTIFIED MAIL



9214 8901 9403 8364 7271 95

USPS Tracking Label Number: 9214 8901 9403 8364 7271 95

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	01/27/2022 15:19
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	01/29/2022 15:51
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	01/29/2022 17:06
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/01/2022 12:30
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/07/2022 22:51
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/08/2022 02:34
RETURN TO SENDER PROCESSED	LOUISVILLE,KY 40221	02/14/2022 15:14
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	02/14/2022 22:04
PROCESSED THROUGH USPS FACILITY	LEXINGTON KY DISTRIBUTION CENTE 40511	02/16/2022 00:21
ARRIVAL AT UNIT	FRANKFORT,KY 40601	02/17/2022 05:23
OUT FOR DELIVERY	FRANKFORT,KY 40601	02/17/2022 06:10
RETURN TO SENDER TO ORIGINAL SENDER	FRANKFORT,KY 40601	02/17/2022 08:02

CUSTOM 1:

Attachment 6

Tout, Eric V (PSC)

From: Tout, Eric V (PSC)
Sent: Wednesday, February 9, 2022 8:17 AM
To: Bruce Mullins
Subject: FW: FW: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric

Mr. Mullins,

This is my last request for attendance to the Damage Prevention Course and payment of the penalty if no one has signed up and the payment is not paid this incident will be referred to our Legal Department to begin the Hearing process. (Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

Respectfully
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582

From: Tout, Eric V (PSC)
Sent: Friday, January 14, 2022 12:34 PM
To: Bruce Mullins <bmullins@joashconstruction.com>
Subject: RE: FW: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric

A reminder, to get the reduced penalty you must attend the Damage Prevention Course. See the previously noted letter for instruction.

From: Bruce Mullins <bmullins@joashconstruction.com>
Sent: Friday, January 14, 2022 11:58 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Subject: Fwd: FW: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Mr. Tout,

A check for \$250 has been mailed.

Please allow another day or two for arrival. If you have not received it by Tuesday, please let me know and I will try to rectify the situation at that time.

Thank you!

-Bruce Mullins
502-386-7378

----- Forwarded message -----

From: **Joseph Scott** <jscott@joashconstruction.com>

Date: Fri, Jan 14, 2022 at 7:41 AM

Subject: FW: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric

To: Bruce Mullins <bmullins@joashconstruction.com>

Sent from [Mail](#) for Windows

From: [Tout, Eric V \(PSC\)](#)

Sent: Friday, January 14, 2022 4:39 AM

To: jscott@joashconstruction.com

Subject: 43282, 11/18/2020, 840 S Campbell St., Louisville, Louisville Gas and Electric

Mr. Scott,

Our recodes indicate on 11/24/21 you agreed to pay the reduced penalty of \$250.00 and attend the Damage Prevention Course. As of today's date no attendance to the course or payment has been made. To avoid being assessed the full penalty of \$1,250.00 follow the instructions provided in the attached Missed Remedial Measures Training & Past Due Penalty Payment letter to resolve this matter.

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

Attachment 7

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Wednesday, February 9, 2022 9:17 AM
To: Tout, Eric V (PSC)
Subject: RE: 43282,11/18/2020, 840 S Campbell St., Louisville, Joash, Inc
Attachments: digitix_attachments_1644416175.zip; 840 S Campbell St Yellow Report.pdf; Yellow report photo 840 S Campbell St.pdf; DigTix_Incident_Report (1).pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, February 09, 2022 8:25 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 43282,11/18/2020, 840 S Campbell St., Louisville, Joash, Inc

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Mike,

Please send repots, photos, invoices and payment info (copy of check) if paid.

Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582

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Facts-Based Investigation

Internal Claim ID: INC-20201118-001 Customer Claim ID: _____
Site Investigator: Steve Delap Notified At: 11/18/20 13:30:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 608 S Campbell St Louisville KY 40204
Incident Time: 11/18/20 13:30:00

Original Locate Request: None found Assigned Locator: _____
Locate Request Due: _____ Locate Request Completed: _____
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Distribution 4

Depth: 18" to < 36" (0.5 to < 1m)

Description and Extent of Damage: *****No 811 BUD locate request made prior to damage.**
Joash Construction was contracted by Louisville Metro Government to remove the existing sidewalk and install a new sidewalk/handicap ramp at the NW corner of S Campbell St & Springer Alley, in downtown Louisville, KY.
Joash didn't call BUD 811 before starting work on 11/18/20. While digging to remove the existing 18" granite curb Joash Construction hooked the 4" MP PL G/M, making a large gouge in the top of the gas main, ultimately puncturing the gas main. The damaged gas main was approximately 21" deep while Joash was using a Mini-excavator to dig.

Joash Construction damaged the G/M at approximately 1:25pm on 11/18/20. Joash Construction called 811 and made a locate request (2011181211) approximately 35 minutes, at 2:01pm, after the damage occurred.

Equipment Used: Backhoe/Trackhoe

Excavation Company Name: JOASH CONSTRUCTION

Company Address: PO BOX 11381, Louisville, KY 40251

Phone: 5025893802 Contact Name: Joe Scott

Working For: _____

Repair Company: LG&E

Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____

Was Locate requested?: N Locate Request Completed?: N

Locate Accurate (Within Tolerance Zone): N/A If No, Distance Markings Off: N/A

Marks Visible at Time of Damage: N Damage Within Scope of Ticket: N



Facts-Based Investigation

Repair Contact Name: Sammy Myles **Phone:** 5024434256

Repair Comments: 36" of 4" PL g/m, electric fusion couplers. Fixed 1 of 2 tracer wires

Witness: _____ **Phone:** _____

Comments: _____

Witness: _____ **Phone:** _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Joash Construction

Responsible Party Comments: Joe Scott (502-443-4256) is the owner/Robert Rogers was the crew leader on site at the time this damage occurred

Date of Investigation: 11/18/20 **Investigation Time (Hours):** _____

Site Investigator's Name: Steve Delap **Phone:** 5029911135

Site Investigator's Signature: Steve Delap **Date:** 11/19/2020

Damage Status: One Call Notification Issue

Cause Code: No notification made to One-Call Center / 811

Damage Claims Manager: _____





NOTE: Only 12 most recent photos shown. To view all 38 attachments, please view the ticket within DigTix.

Incident Field Investigation Report — Gas



Damage report # _____

Is this related to a capital project? Yes No

Project/task CTPD419 / CAPITAL

G# 000978451

Resp. ctr. AOC

Damage to company facilities

Date of incident 11/18/20 Time 3:14 a.m. p.m. Police report # _____

Address/location of damage 608 S Campbell ST. ZIP code 40204

Subdivision name DOWN TOWN / NLU

Time dispatched 2:38 a.m. p.m. Time of completion 6:00 a.m. p.m.

Who caused damage? Joash Construction
(Name of contractor, utility, individual, etc.)

Address of party causing damage PO BOX 11381 Louisville Ky 40251
(Street) (City) (State) (ZIP)

Phone number of party causing damage (502) 664-9737
(Area code) (Number)

Was party causing damage still on the job? Yes No If yes, who was in charge? Robert Rogers (Joe Scott-owner)

If no, how did you obtain name of party causing damage? _____

What was damaged? Company main Customer service Company service Other _____

What type of work was being performed? replacing sidewalks for Metro Louisville

Party's explanation for damage removing CURB, BUCKET SLIPPED & hooked g/m

What repairs were made? 3ft of 4" IPS w/ 2x 4" IPS electrofusion couplers

Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 1

Possible damage to others

Date of incident _____ Time _____ a.m. p.m.

What was damaged? _____

What was LG&E doing at this location? _____

Description of damage _____

Owner of property _____ Phone (_____) _____
(Area code) (Number)

Owner's address _____
(Street) (City) (State) (ZIP)

To whom was damage reported? _____

Was an LG&E contractor notified? Yes No If yes, name of contractor _____

Is the LG&E contractor responsible for the damage? Yes No

Were photos taken? Yes No If yes, from whom can the photos be obtained? _____

Were there any injuries? Yes No If yes, name of injured party _____

Were there any witnesses to the incident? Yes No

Name	Address	Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name NO BUD TICKET (prior to damage)

Were facilities marked? Yes No Did excavator agree? Yes No

If yes, were facilities properly marked? Yes No Did excavator agree? Yes No

If no, how were they mismarked? (be specific) NO BUD TICKET

Was line locating contractor on the job? Yes No EUM

11/18/20
(Date of report)

[Signature]
(Signature of employee)

E098318
(Employee number)

Approved

[Signature]

Date 11-19-2020

Put any additional comments on back

Comments Contractor Broke 4" IPS Main, Repaired w/ 3ft of 4" IPS repair kit and 2x 4" IPS electrofusion Couplers

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Jeremy Weiss	28554	1.5	1.5		8054	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Sammy Miles	E028318	1.5	3		4872	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Steve McDonald	E029680	1.5	3		4872	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Brandon Cook	E028049	1.5	3		4873	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Chayenne Rouse	E029679	1.5	3		4873	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.

Material Used		
Qty.	Material	IIN#
ft.	Pipe PE 2406: 1/2" IPS	1170051
ft.	Pipe PE 2406: 1" CTS	1170078
ft.	Pipe PE 2406: 1-1/4" IPS	0434843
ft.	Pipe PE 2406: 2" IPS	0459060
ft.	Pipe PE 2406: 4" IPS	0395160
ea.	1/2" IPS Permasert coupling	0394943
ea.	1" CTS Permasert coupling	0394935
ea.	2" IPS Electrofusion CPL	0394894
2 ea.	4" IPS Electrofusion CPL	0394901
ea.	1" Prefab Meterloop w/reg.	0532951
ea.	Flex Riser 1" male by 1/2" IPS	0530927
ea.	Flex Riser 1" male by 1" CTS	0530935
ea.	Farm tap (w/o regulator)	ARM WR 5695012
ea.	Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	3030943
2 ea.	MT Dawson PE Pipe repair kit	



2020-11-18 15:04:17
38.2461767,-85.7371599





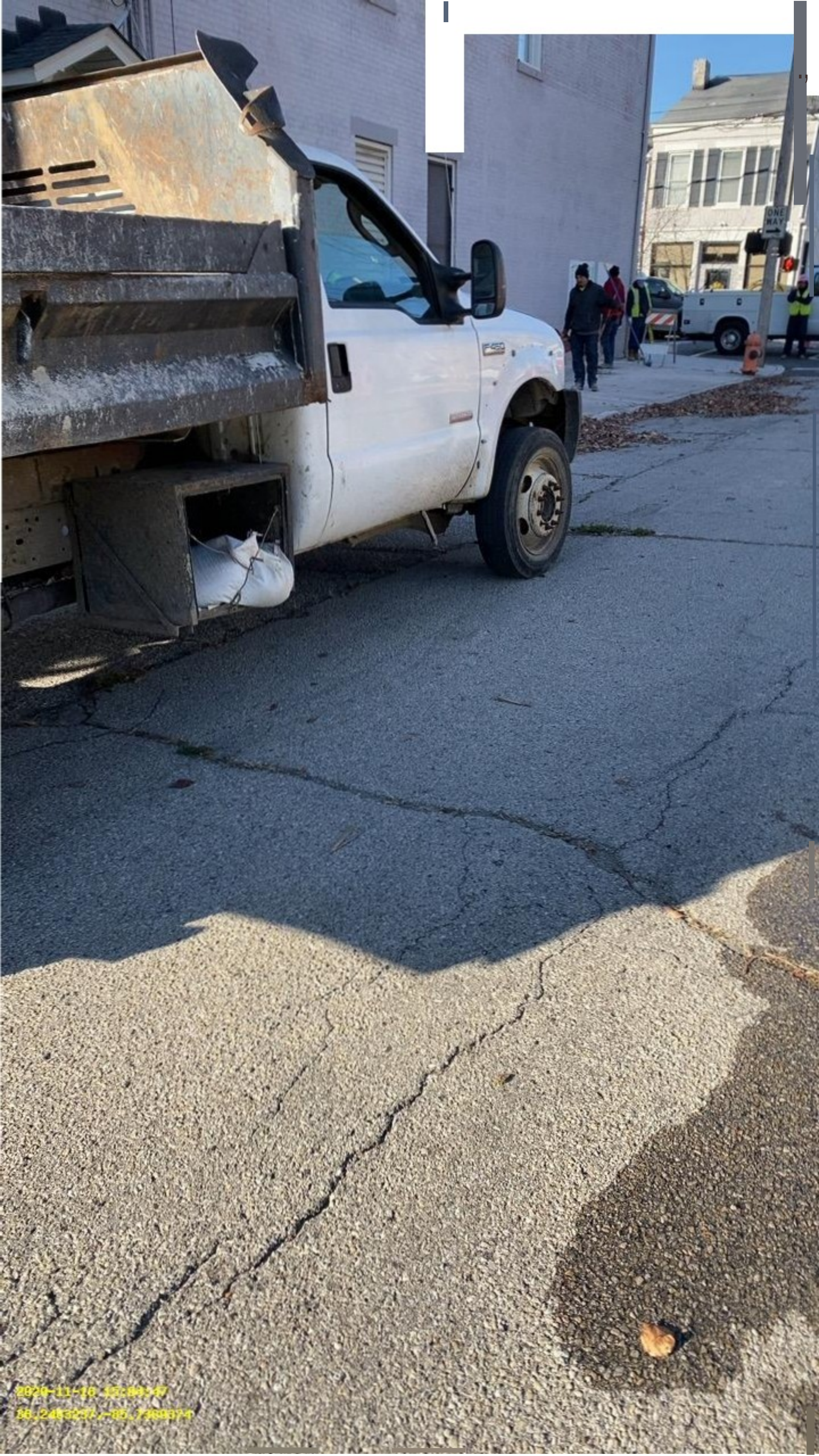
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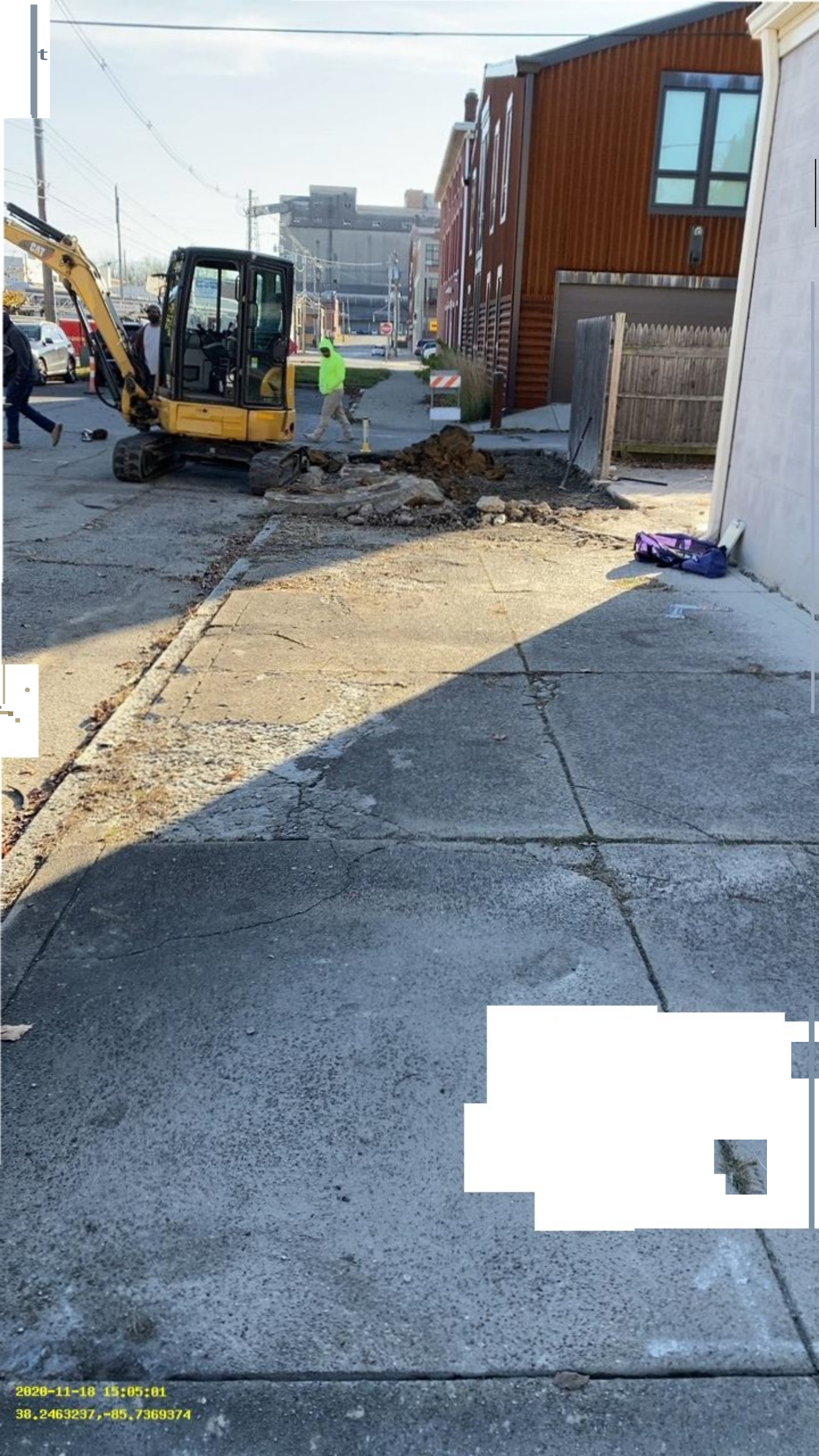
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2020-11-18 15:04:43
30.2460951,-85.7571394



2020-11-16 15:09:47
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2020-11-18 15:05:04
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r .



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38.2400368,-85.7371871



2020-11-18 15:06:45
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2020-11-18 15:07:07
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2020-11-18 15:07:18
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2020-11-18 15:07:48
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840





2020-11-18 15:09:48
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2020-11-18 15:16:40
66.2462221,-85.7370400



2020-11-18 15:16:48
38.2462221,-85.7370400

*Joseph Scott
Registered Agent
Joash, Inc.
1615 Maple St.
Louisville, KENTUCKY 40210

*Joseph Scott
Joash, Inc.
4700 W Broadway
Louisville, KENTUCKY 40210

*Joseph Scott
Joash, Inc.
PO Box 11381
Louisville, KENTUCKY 40251