COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEREK ENGINEERING, INC

ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT

CASE NO. 2022-00164

INITIATING ORDER FOR ALLEGED 811 VIOLATION OF THE KENTUCKY UNDERGROUND FACILITY DAMAGE PREVENTION ACT

Derek Engineering, Inc (Derek Engineering) 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 A hearing in this case shall take place on July 29, 2022.

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 Appendix A. In its Incident Report, Staff cites Derek Engineering for violation of the following provision of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues . . .

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Derek Engineering violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident shall be conducted.

IT IS THEREFORE ORDERED that:

1. Derek Engineering shall submit to the Commission, via email sent to <u>PSCED@ky.gov</u> 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. Derek Engineering shall appear on July 29, 2022, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act.

3. The July 29, 2022 hearing shall be conducted via video conferencing.

-2-

4. Derek Engineering shall attend the hearing by using the following link: <u>https://global.gotomeeting.com/join/308551245;</u> information and instructions are attached to this Order as Appendix B.

5. Derek Engineering shall notify the Commission at least ten days prior to the hearing if Derek Engineering is unable to appear by video conferencing and will therefore appear in person.

6. 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.

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

8. The Staff Incident Report 43238, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 29, 2022 hearing shall be recorded by video only.

10. Please note that notice of a hearing to be held in this matter will be mailed to Derek Engineering 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.

-3-



Chairman

Vice Chairman

Commissioner



ATTEST:

Linda G. Bridwell

Executive Director

Case No. 2022-00164

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2022-00164 DATED JUN 20 2022

FORTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

	Investigation Information							
Investigator	Eric Tout	Incident ID 43238	Investigation 8255					
Incident Date	11/24/2020 10:30:00 AM	Report Submitted	12/21/2020					
	Operator In	formation						
Operator	Atmos Energy Corporation	Reported By	Jonathon Bledsoe					
Phone	270-925-6312	Email	jonathon.bledsoe@atmosenergy.com					
Incident Location	108 Old Main St	Locate Ticket Number	2010290347					
	Munfordville KY 42675							
	108 OLD MAIN ST, MUNFORDVILLE							
County	Hart							
county	han							
	Excavator li	nformation						
Excavator	Ryan Dial	Organization ID	0233993					
	Derek Engineering, Inc.							
Phone	502-338-9291	Email	bknauer@derekengineering.com					
Address	2800 Constant Comment Pl	Locate Ticket Number	2010290347					
	Louisville KY 40299							

Damage Report (DR) Summary

Excavation Within18"	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of	Amount	
(Approximate Location)	Contained	Released		Damage	Billed	
Expired Locate Ticket (LT)	Yes	Yes	Non-mechanized/ Hand, Driving	\$819.00	\$819.00	

The Operator reports that the Excavator damage a ³/₄ inch gas service driving a stake to install curbing and LT 2010290347 was expired. The operator indicates that the LT was cleared as no conflict, a new service was installed, the Operator properly marked the new service in response and those markings were removed due to excavation.

The DR is included as Attachment 1.

Locate Ticket Summary						
Ticket # Valid Initial ExpirationDate Incident # of Days					Within Scope of	
		Date	(21 calendar days from initial date)	Date	Expired	Excavation
2010290347	No	10/29/20	11/19/20	11/24/20	5	Yes

A review of LT...0347 revealed the Excavator obtained it on 10/29/20 it expired on 11/19/20 indicating the LT was expired 35 days prior the incident date of 11/24/20. **The LT is include as Attachment 2.**

INVESTIGATION

On 12/07/21, via telephone, the Operator, Atmos's Jonathon Bledsoe, stated that the stake that was being driven was made of metal. Mr. Bledsoe stated that, per policy, all new services are marked after installation regardless of an active LT.

On 12/08/21 the Excavator, Derek Engineering's (502- 266-0041) Project Manager Russ Gates was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS

PIPELINE DAMAGE INVESTIGATION REPORT

KRS 367.4911(8) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues.

(Including this incident)						
Excavator	Last Offence Incident Date	Revert to 1 st Offence Date (Last Offence Date +365 Days)				
1 st	31362	02/15/19	02/16/20			

of Offences

Attachment 1

Print (PDFForm.aspx?Rpt=GasInvestigation&IG=43238)

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 12/21/2020 Incident ID: 43238

Set back to Edit Staff Edit

Incident Location Address:

Location:	108 OLD MAIN ST, MUNFORDVIL	LE
Address:	108 Old Main St	
City:	Munfordville	
State:	КҮ	
County:	Hart	
Zip:	42675	
Confirm Code:		
Number of Customers out	t: 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	.: 2010290347	
Excavator:	Contractor	
Excavator Address:		
First Name:	Ryan	
Last Name:	Dial	
Organization ID:		

Derek Engineering

bknauer@derekengineering.com

502-338-9291

https://psc.ky.gov/ORS/GasIncident.aspx?IG=43238&U=6600

Company:

Phone:

Email:

	Address:	2800 Constant Comment PI
	City:	Louisville
	State:	KY
	Zip:	40299
	Confirm Code:	Υ
	Excavation Damage:	One Call notification practices not sufficient
Desc		Derek Engineering drove a stake into a 3/4" PE service. Locate expired. No injuries.
Summary Information		
12/21/2020 Ful cau		Derek Engineering drove a stake into a 3/4" PE service while installing curbs. Derek Engineering had an expired locate ticket. The original ticket (2010290347) had no conflict. A new service was installed, painted and flagged by an Atmos Crew on 11/12/2020. It is estimated 2 foot was excavated off the top of the service after it was installed. No marks were present inside the work area when the crew arrived to repair damage.

Attachment 2

Ticket

NORMAL NOTICE Ticket : 2010290347 Date: 10/29/2020 Time: 09:35 Oper: ABLOCK Chan:000 State: KY Cnty: HART City: MUNFORDVILLE Subdivision: Address : 108 Street : OLD MAIN ST Cross 1 : MAIN ST Location: THIS IS AT TACO BELL - LOCATE ENTIRE PROPERTY Boundary: n 37.290099 s 37.279431 w -85.904507 e -85.901548 Work type : INSTALL CURBS/LIGHTS/SIGN Done for : TACO BELL Start date: 11/02/2020 Time: 09:45 Hours notice: 96/48 Priority: NORM Ug/Oh/Both: U Blasting: NO Emergency: N Duration : N/A Depth: 8 FEET Company : DEREK ENGINEERING Type: CONT Co addr : 2800 CONSTANT COMET PLACE City : LOUISVILLE State: KY Zip: 40299 Caller : GREG RILEY Phone: (502)266-0041 Contact : RYAN DIAL - CELL Phone: Mobile : (502)338-9291 Email : BKNAUER@DEREKENGINEERING.COM Submitted date: 10/29/2020 Time: 09:35 Members: 0061 0072 0299 0432 0687 0698

Ticket

* Responses are current as of 12/07/2021 08:10 AM

Service Area	<u>Utility Type(s)</u>	Customer Service Contact	Positive Response
AT&T TRANSMISSION 0061	FIBER OPTIC, TELEPHONE	AT&T TRANSMISSION CUSTOMER SERVICE (800) 252-1133	
COMCAST COMMUNICATIONS	CABLE TV, FIBER OPTIC		Does conflict, underground facilities have been marked.
CENTURYLINK 0299	FIBER OPTIC		No Conflict
ATMOS ENERGY 0432	PIPELINE	ATMOS ENERGY CUSTOMER SERVIC (888) 954-4321	E
KENTUCKY WIRED	FIBER OPTIC		
SOUTH CENTRAL RURAL TELECOMMUNICATIONS COOPERATIVE 0698	COMMUNICATIONS		

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

	Investigation Information								
Investigator	Eric Tout	Incident ID 43238	Investigation 8255						
Incident Date	11/24/2020 10:30:00 AM	Report Submitted	12/21/2020						
	Operator Information								
Operator	Atmos Energy Corporation	Reported By	Jonathon Bledsoe						
Phone	270-925-6312	Email	jonathon.bledsoe@atmosenergy.com						
Incident Location	108 Old Main St	Locate Ticket Number	2010290347						
	Munfordville KY 42675								
	108 OLD MAIN ST, MUNFORDVILLE								
County	Hart								
		•							
	Excavator In	formation							
Excavator	Ryan Dial	Organization ID	0233993						
	Derek Engineering, Inc.								
Phone	502-338-9291	Email	bknauer@derekengineering.com						
Address	2800 Constant Comment Pl	Locate Ticket Number	2010290347						
	Louisville KY 40299								

SUPPLEMENTAL INVESTIGATION

On 12/14/21 a Demand Letter was sent to the Excavator. **The Demand Letter is included as Attachment 3.**

On 01/14/22 a 30 Days Past Due & No Attendance to Training letter was sent to the Excavator. **The past due letter is included as Attachment 4.**

On 02/15/22 the Operator, Atmos's Jonathon Bledsoe, provided the following documents:

- <u>Damage Report, Gas Excavation Damage Report & Leak Found Report:</u> Which have been outlined in Attachment 1 and the DR Summary.
- <u>Invoice</u>: Billing the Excavator \$818.59 for the damage repairs and screenshot indicating the Excavator paid said invoice.
- <u>Six Photographs:</u> Depicting the incident location.

Atmos's documents are included as Attachment 5.

Attachment 3

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

December 14, 2021

Russ Gates, Project Manager Derek Engineering, Inc. 2800 Constant Comment PI. Louisville KY 40299

Re: Violation of Kentucky Underground Facility Damage Prevention Act Incident Number: **43238**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Gates:

The Kentucky Public Service Commission (Commission) received a report on December 21, 2020, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Atmos Energy Corporation. 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 Derek Engineering committed the following violation(s) of the Act:

KRS 367.4911(8) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues.

CIVIL PENALTY

Based on its investigation of this matter, Staff has determined that Derek Engineering 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 Derek Engineering's completion of Damage Prevention training:

REMEDIAL MEASURE/TRAINING

A representative or Derek Engineering 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: 43238 and assigned key: 8255 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.

Kent A. Chandler Chairman

Amy D. Cubbage Vice Chairman

Marianne Butler Commissioner Within <u>30 days</u> of the date of this letter Derek Engineering should mail or deliver a cashier's check or money order <u>made payable to</u> the:

<u>"Kentucky State Treasurer"</u>

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

Please include the Incident Number 43238 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 Derek Engineering for any violation of the Act arising out of the November 24, 2020 incident. Derek Engineering's payment of the proposed civil penalty will not be considered an admission by Derek Engineering that it willfully violated any provision of the Act.

If Derek Engineering does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Derek Engineering and hold a formal hearing during which Derek Engineering 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 of Vincel

Nancy J. Vinsel General Counsel

Attachment



An Equal Opportunity Employer M/F/D

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. Cubbage Vice Chairman

Marianne Butler Commissioner

January 14, 2022

Russ Gates, Project Manager Derek Engineering, Inc. 2800 Constant Comment PI. Louisville KY 40299

Re: Violation of Kentucky Underground Facility Damage Prevention Act Incident Number: 43238

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Gates:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 <u>has not been paid</u> and <u>no representative</u> has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative of Derek Engineering 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, 43238 and this key 8255 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.

If we do not hear from you within 10 days from the date of this letter this matter will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

nancy & Vincel

Nancy J. Vinsel General Counsel



Attachment 5

Tout, Eric V (PSC)

From:	Bledsoe, Jonathon T < Jonathon.Bledsoe@atmosenergy.com>
Sent:	Tuesday, February 15, 2022 10:24 AM
То:	Tout, Eric V (PSC)
Cc:	Stanley, Bill E; Kirkham, Nicole A
Subject:	RE: 43238, 11/24/2020, 108 Old Main St., Munfordville, Derek Engineering

Eric,

I have provided all documents available and the photos. A screenshot of the paid payment is provided. No actual copy of the check is available.

The locate was expired and a new service was installed after the original locate. Crews advised they had painted and back flagged the service. No pictures are available of the paint and back flagging. Atmos Crews advised the contractor had removed several inches of cover over the new line. This is the same contractor that requested and witnessed the new service installed.

https://ae.watchdox.com/ngdox/workspaces/451168/

Please copy the link above and paste in Google Chrome.

Thank you,

Jonathon Bledsoe

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Tuesday, February 15, 2022 6:19 AM
To: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Subject: [EXT] 43238, 11/24/2020, 108 Old Main St., Munfordville, Derek Engineering

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jonathon,

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

DIRT ID	Company/Organization	Orig. Event Source	Event Type	Spec. Version
5689986	ATMOS Energy Corporation	Natural Gas	Underground Damage	2018.0

Part B: Type, Date and Location of the event

*Date of event:	Date Submitted	State	County	City	Street Address:
2020-11-24	2021-02-18 09:44 MST	Kentucky	KY-Hart	Munfordville	108 Old Main St.
Nearest intersection:	lat:	lon:	*Right of way v	vhere the event occ	urred:
31W	37.2892	-85.9030	Private - Busine	SS	

Part C: Affected Facility Information

*What type of facility operation was affected?	Did this event involve a Cross Bore?	Measured Depth from Grade:	*What type of facility was affected?	Was this facility part of a joint trench?	Was the facility owner a member of one-call?	If no, was the facility owner exempt?
Natural Gas		below grade < 18" (< 46cm)	Distribution		true	

Part D: Excavation Information

*Type of Excavator:	*Type of Excavation Equipment:	*Type of Work Performed:
Contractor	Hand Tools	Curb/Sidewalk

Part E: Notification and Locating

*Was the one-call center notified?	Was work area white-lined?	If No, is excavation activity and/or excavator type exempt from notification?
false	false	false

Part G: Excavator Downtime

Did the excavator incur	If yes, how much time?	Estimated cost of downtime?
downtime?		

true	1 to < 2 hours	Unknown

Part H: Interruption and Restoration

*Did the	Approximately	Estimated cost of
damage	how many	repair/restoration:
cause an	customers	
interruption	were	
in service?	affected?	
N	0	\$1 to \$1000

Part I: Description of the Root Cause

No notification made to One-Call Center / 811

Part J: Additional Comments

Contractor hit 3/4" service with hand tools working on curb/sidewalk. 811 locate ticket was expired and didn't call to renew.

Part Z cont. (non-CGA) Images and Attachments

Thumbnail	File Name	Size	Last	Action
			Modified	

(none)

Whitney, Lisa S

From:	Bledsoe, Jonathon T
Sent:	Monday, December 21, 2020 8:27 AM
То:	KY Third Party Damage Notification List; Benningfield, Ronnie; Lowe, Brett P
Subject:	Submitted - 108 Old Main St. Munfordville/Glasgow: Gas Incident - Excavation Damage
	Notification

This report has been submitted.

Thank you,

Jonathon Bledsoe

From: Bledsoe, Jonathon T < Jonathon.Bledsoe@atmosenergy.com>
Sent: Monday, December 21, 2020 8:25 AM
To: Bledsoe, Jonathon T < Jonathon.Bledsoe@atmosenergy.com>
Subject: Submitted - 108 Old Main St. Munfordville/Glasgow: Gas Incident - Excavation Damage Notification

NEW Excavation Damage List Excavation Damage Reports Atmos Energy Corporation

View Incidents View Peak Reports

Gas Excavation Damage Report

Atmos Energy Corporation

EDIT Incident ID: 43238 Reported By: Name: Jonathon Bledsoe

Phone: 270-925-6312

Email:

Gas Line Incident Occured: Date: 11/24/2020mm/dd/yyyy

Time: 10:30 AMhh:mm AM

Details:

Reported Date	: 11/25/2020	11:41:21 AM
---------------	--------------	-------------

Incident Location Address: Location: 108 OLD MAIN ST, MUNFORDVILLE enter either a location mark or co-ordinates			
Address: 108 Old Main St			
City: Munfordville			
State: KY			
County: Hart			
Zip: 42675			
Confirm Code: []			
Address	City	State	
ZipCode	County	State	
Number of Customers out: 0			
Was gas or hazardous liquids containe	ed in the underground facility? [X]]	
Was gas or hazardous liquids released	l into the atmosphere? [X]		
* 3/2020			
Locate Request Ticket No.: 201029034	47		
Excavator: [Contractor V] *			

Enter Company Name (minimum of 4 characters required) below

Derek Engineering

Please note: Searches may be performed by keying the entire company name or a portion of the company name.

[Continue]

No Matching Companies were Found

Select the appropriate check box. Click on the Excavator Details link to get the Excavation Address. Enter the address details in the below Location fields.

Status	Company Type	
J	Status	Status Company Type

Excavator Address:
First Name:
Ryan

Last Name: Dial

Organization ID:

Company: Derek Engineering

Phone: 502-338-9291

Email:

Address: 2800 Constant Comment PI

City: Louisville

State: KY

Zip: 40299

Confirm Code: Y

Address	City	State	
ZinCodo	County	State	
zipcode	County	State	

Excavation Damage: [One Call notification practices not sufficient V]

Description of Incident Derek Engineering drove a stake into a 3/4" PE service. Locate expired. No injuries. Summary Information

You have 5000 characters in each text area

Full details such as the cause	Derek Engineering drove a stake into a 3/4" PE service while installing curbs. Derek Engineering had an expired locate ticket. The original ticket (2010290347) had no conflict. A new service was installed, painted and flagged by an Atmos Crew on 11/12/2020. It is estimated 2 foot was excavated off the top of the service after it was installed. No marks were present inside the work area when the crew arrived to repair damage.
Extent of the damage	3/4" PE service repaired. EFV controlled the flow of gas. No customers out.
Cost of the damage	\$819.00
Steps taken to prevent re-	Derek Engineering was educated on the importance of keeping locates current. Derek
occurance	Engineering was billed for the damages.
Amount billed to excavato	r \$819.00

3

[save]

Whitney, Lisa S

From:	Bledsoe, Jonathon T
Sent:	Monday, December 21, 2020 8:28 AM
То:	Whitney, Lisa S; Stallins, Anthony A
Subject:	FW: [EXT] Report Submitted Gas Excavation Damage at 11/24/2020 10:30:00 AM
	involving Atmos Energy Corporation REFERENCE 43238

108 Old Main St Munfordville

Thank you,

Jonathon Bledsoe

From: KY Public Service Commission <pscfilings@ky.gov>
Sent: Monday, December 21, 2020 8:24 AM
To: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Subject: [EXT] Report Submitted Gas Excavation Damage at 11/24/2020 10:30:00 AM involving Atmos Energy Corporation REFERENCE 43238

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The completed report has been submitted. A gas digln incident has occurred at approximately: 11/24/2020 10:30:00 AM Involving Utility: Atmos Energy Corporation at Location: 108 OLD MAIN ST, MUNFORDVILLE Description: Derek Engineering drove a stake into a 3/4" PE service. Locate expired. No injuries. Customers Affected: 0 Person completing this report: Jonathon Bledsoe Contact filer at: 270-925-6312 jonathon.bledsoe@atmosenergy.com

see more: https://psc.ky.gov/ORS/GasIncident.aspx?IG=43238

12/21/2020 9:24:00 AM jonathon.bledsoe@atmosenergy.com Utility filers receipt. This email is automatically generated please do not reply to this email address.

eAM Work Image: Construction Order Number: C <th>2</th> <th>ATMOS</th> <th>LEAK FOUND REPORT</th> <th>3,</th>	2	ATMOS	LEAK FOUND REPORT	3,
Division: 0 7 Division: 0 7 Division: 1<			646 Construction Order Number: C 641	0538
Division: 0 7 Center: 2 73 2 County Franks, Filed Non. Index diagonal dinagonal dinagonal diagonal diagonal diagonal diagonal	Sections.	Leak Asset #: 70991	9 Project Number: 0 5 0 •	23950
Address / Location: IOS OIL Maxing Street: 3.1 - W Asset Description:			t 2 7 3 5 County / Parish: Hart Tow	m: Mund fordiville
Asset Description:		State: Ky Tax Distric	tt 9 1 6 0 2 ØICL OCL Map Sheet #:	44-150
GPS Coordinates: Latitude 3 7 2 4/92 4 Jogliude 75 9 20 0 1 cek Survey Area: Class Location: 1 <td></td> <td>Address / Location: 108 012</td> <td>Main St Cross Street: 31-W</td> <td></td>		Address / Location: 108 012	Main St Cross Street: 31-W	
Class Location: 1 2 2 3 4 Facilities Class: 2 Distribution Transmission Gathering Storage Production Date Leak 1 2 3 4 Facilities Class: 2 Distribution Transmission Gathering Storage Production Time Leak 1 2 3 4 Facilities Class: 2 Distribution Transmission Gathering Storage Production Time Leak 1 2 3 4 Facilities Class: 2 Distribution Transmission Gathering Storage Production Time Leak 1 3 2 (80 day) Time Leak 1 3 2 (80 day) Time Leak 1 3 2 (80 day) (M15) Leak Graded By: 3 0 6 / 1 Suspected Facility: Main 2 Service Riser Prantine Meter Loop Other Feet to Building: 1 2 f + CGI Reading: 0 % Gas 2 % LEL Surface Type: Dirt Brick Concrete Asphalt 7 Rock Liquid Oth Leak Located: Above Ground Residual Gas: Yes (If Yes complete Third No Notes: Contractors Excavating Other Third Party Excavators Corrosion Group Corrosion Group Goperator Personnel / Contractors Excavating Gother Charles (Fand Gother Third Party Excavators Gother Contractors Excavating Gother Charles Group Goperator Resonnel / Contractors Excavating Gother Charles Group Gother Charles Group Gother Charles Group Gother Charles Group Gother Charles Fords Fords Gother Charles Fords Fords Gother Third Party Excavators Gother Group Group Gother Charles Fords Fords Gother Charles Fords Gother Charles Fords Gother Charles Fords Gother Charles Fords Fords Gother Charles Fords Gother Charle		•	-	
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Time Leak Image: Im		Found: 111124	12020 Found: $10 \cdot 3$	O D PM
Suspected Facility: I Main is Service Riser Yardline Meter Loop Other Feet to Building: 10.4 CGI Reading: I O % Gas % LEL Surface Type: Dirt Brick Concrete Asphalt Rock Liquid Other Leak Found: I Yes Inicid Party Damage: I Yes Mo Party Damage Form) Reason Not Repaire Leak Located: Above Ground Residual Gas: I Yes No Party Damage Form) Notes: Contractor: I Aff Service, Loc Cate No No Not Natural Gas Initial Leak Cause: I Aff Service, Loc Cate Notes: Corrosion Group I No Leak Found Corrosion Group I Materials & Welds Group Corrosion Group I Coursion I No Leak Found I Locator I Dent Gouge I Statural Forces Group I Party Excavators I Winkle / Bend I Upthring I Gouge I State Electricity I Fusion Defect (Plastic) I Fusion Defect (Plastic) I Noter Outside Forces Group I Equipment Matfunction I Gasket / O-Ring I Gasket / O-Ring I Upthring I Gaske			AM 3 2 (30 data) PM 4 2 (180 data)	ay)
CGI Reading: 100 % Gas % LEL Surface Type: Dirt Brick Concrete Asphalt Ø Rock Liquid O the Leak Found: Yes Third Party Damage: Yes (If Yes, complete Third Duplicate Order No No No Party Damage Form) Duplicate Order Outer Corder Leak Located: Above Ground Residual Gas: Yes No Party Damage Form) Notes: Onter Concerce Cut 3/4 Securce Locate Other Company Initial Leak Cause: Onter Consion Dent Gouge Other Company No Leak Found Corrosion Group Dent Gouge Gouge Gouge Other Company No Leak Found Other Third Party Excavators Dent Gouge Gouge </td <td></td> <td>(M15) Leak Graded By: 30661</td> <td>(M1) Surveying Leaks ID#: 300/0</td> <td></td>		(M15) Leak Graded By: 30661	(M1) Surveying Leaks ID#: 300/0	
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energy	I HIRD PARI	Y DAMAGE FC		
eAM WO#: 1 9 3 4 8 6	46 Con	struction Order Number:	C 6 4 1 0	5
Leak Asset #: 70991	9	Project Number:	50.23	9
			Rate Divisio	on: 0
	INCIDENT	DETAILS		
Date of Damage:	12020	Time of Damage:	10:30) 🗹 AN
Was the Regulatory Commission called?		Number:		
Address/Location: 108 012	main St	Cross Street:	31-W	
City: Mundfordulle	County/Parish:	ant	State:Ky	
Public-State Hwy Public-County Road Public-Interstate Hwy	Private Business Private-Land Owner Private-Easement Pipeline Power/Transmission Line	Dedicated Public U Federal Land Railroad Unknown/Other	tility Easement	
	EXCAVATOR	R DETAILS	na Kazzara	
Company Name: Derek En	gineering	1		
Address: 2860 Constant	f Commarce	dr		0.
City: Louisville		State: <u>Ky</u>		279
Contact Name: Kyan dial		Pho		72.91
Excavator Type: Contractor Count Home Owner Unit Pipeline Damage With:		/ 🖸 Occupant 🖾 Rail	road 🛛 State 🗅 Utility	Deve
Auger Drilling Backhoe/Trackhoe Doring Work Performed:		s 🛛 Trench		g Equipm own/Othe
	Diping Dister Diping Dister Distor Distor Distreman Dist	er (Sanitary/Storm) Development m n Drain/Culvert	Traffic Sign Water Water Improvement Liquid Pipeline Milling Unknown/Other	
Excavator Incur Downtime: 🖉 Yes 🛛 N	o 🗘 Unknown How much	Downtime? 2hrs	Downtime Cost Incur	red?
	AFFECTED FAC	LITY DETAILS	ale carles dans	tik en set
La contraction de la contracti				
Was any Facility Damaged? Xes D No Did Excavator Notify Atmos Energy through Center Name:		Locate Ticket Numb		
Was any Facility Damaged? A Yes D No Did Excavator Notify Atmos Energy through	y? ǾYes □No □Unknow 〕Unknown Name:	Locate Ticket Numb	Other	
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Was any Facility Damaged? ✓ Yes No Did Excavator Notify Atmos Energy through Center Name:	y?	Locate Ticket Numb m smission	ruption: Yes ANo	
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DAMAGE & IMPACT DETAILS CONT'D Failure to test-hole (pot hole) Root Cause of Damage: A No notification made to the OneCall Center Failure to test-hole (pot hole) Notification to OneCall Center made, but not sufficient Improper backfilling practices Wrong information provided to OneCall Center Failure to maintain clearance Facility could not be found or located Other insufficient excavation practices Facility marking or location not sufficient OneCall Center error Pacility was not located or marked OheCall Center error	
Incorrect facility maps Incorrect facility maps Failure to maintain marks Previous damage Failure to support exposed facilities In Data not collected	
□ Failure to use hand tools where required □ Other Impact: □ Fire/Ignition occur □ Any evacuation (Number of people:) □ Any media coverage □ Any explosions □ Any street blocked □ Any other impact Comments: <u> </u>	
NOTIFYING, LOCATING, MARKING DETAILS	
Locate Request to OneCall Center Prior to Excavation: Q Yes 🖉 No	لسمي
Center Name: OneCall Ticket Number:	
Date of Notification:	
Original Locator: Pipeline Operator Utility Owner Data Not Collected During Unknown/Other Contract Locator Locator Name:	
Marked by White Lining: Yes Yes No Unknown Marked using Maps: Yes Yes Yes Unknown Atmos Energy Rep Onsite: Yes Yes No Unknown Excavator Gave Proper Notice: Yes No Unknown Any Special Instructions: Yes Yes No Unknown Locator Procedures Followed: Yes No Unknown Locator met with Excavator: Yes No Unknown Locator Procedures Followed: Yes No Unknown Facility Gave Positive Response: Yes No Unknown Yes No Unknown	
	D PM
Excavator made 2nd call to OneCall: Yes INO Unknown Reason: No positive response to first call Positive response is unclear or incorrect I All clear appears questionable Other	
2nd Notice Ticket Number: Date of 2nd Notice: / / /]
Facility gave positive response to 2nd notice: Yes No Unknown Date of Positive: / / Image: Construction of Positive: Image: Construction of Positive:	D PM
Facility Marks Visible: Yes Yes No Unknown Marked by Paint: Yes Yes Yes Yes Yes Yes Medthod used to Locate: Conductive Inductive Unknown Other:	
Distance of Inaccurate Marks from Pipeline:feetinches	
Line Pressure: 46 psig Pipe Damage: (Length) 24 inches (Width) inches	ł
Leak Duration: 40 minutes Locate Priority: FERC Account: 8746	
Insurance Company: Agent Name: Phone #: Locate Mark within State Law: Diversion Police Report Number:	
Locate Mark within State Law: Yes No Police Report Number: Pre-Damage Photos: Yes No Post-Damage Photos: Yes No Billing Required: Yes No	
LABOR	
Name Title Reg Time Overtime Drive Tim Brad Kelfner Distribution Operator 4hrs 1hr	ne
Carlos Morrison Construction operator 2 4 hrs / hr	
EQUIPMENT	
Quantity Time Quantity Time I/2 Ton Truck I / / / / / / / / / / / / / / / / / /	
1 Ton Truck Backhoe ///	
2 Ton Truck / hr. Compressor	
Dump Truck Boring Machine Welder Other	
Comments: Contractor drove Stake Through 3/4 gas service	
/	<u></u>
Completed By: <u>Carlos Morrison</u> Date: <u>1222-20</u>	

NAME: SAP INVOICE #: eAM #: DATE OF DAMAGE: ATMOS WORK CENTER: EMAIL ADDRESS: PHONE #: CITY, STATE, & ZIP CODE: **BILLING ADDRESS: 3RD PARTY DAMAGE BILLING KENTUCKY OPERATIONS KENTUCKY / MID-STATES DIVISION** ATMOS ENERGY CORPORATION ASSET #: DAMAGE LOCATION: **INSURANCE POLICY #: INSURANCE PROVIDER:** LINE NO. 7 б л ω Ν н LABOR MATERIALS CHARGE TYPE: TOTAL 3RD PARTY DAMAGE BILLING MISCELLANEOUS COSTS OUTSIDE SERVICES GAS LOSS COSTS EQUIPMENT 108 Old Main St, Munfordville, KY 42765 2800 Constant Commerce Dr. Ryan Dial (502) 338-9291 Enter PGA Rate (per MCF) November 24, 2020 Louisville, KY 40299 **Derek Engineering** 2735 - Glasgow 19348646 709919 Volume (MCF) ÷ 69 6 6 G. 60 818.59 673.22 43.02 81.00 21.35

	0.75	1) Fill out all Information in Rows 1-6
Material Type	PE	2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
Pressure (PSIG)	60	3) Click Circular Hole if damage is circular. Enter dimensions
Duration (Minutes)	60	4) Click Calculate Gas Loss
Distance to Feeder Main or		
Regulator Station (Feet)	208	

Gas Loss Flow Rate	183	183 Cubic Feet/Min.	
Gas Loss in Cubic Feet	11,000	Cubic Feet	
Gas Loss in Pounds	505	Pounds	
Gas Loss in CCF	110		CCF IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

11

MCF

Gas Loss in MCF



INVOICE

Page:	1
Claim Number	000200047994
Invoice No:	301687
Invoice Date:	09-DEC-20
Customer No:	162815
Sales Rep:	Brett P.Lowe
Payment Terms:	NET10
Due date:	19-DEC-20

DEREK ENGINEERING 2800 CONSTANT COMMERCE DR. LOUISVILLE KY 40299

For bi	illing questions, please call:	270-651-8989		Total Amo	unt Due	818.59 USD
LINE	DESCRIPTION		QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material		1	Job	21.35	21.35
2	Tools and Equipment		1	Job	81.00	81.00
3	Labor		1	Job	673.22	673.22
4	Gas Loss		11	mcf	3.9108	43.02

818.59		PAGE TOTAL	
	ation of your Payment	lease include Remittance Slip to ensure timely applic	PI
ATMOS		ELECTRONIC REMITTANCE TO:	CHECK REMITTANCE TO:
energy.		ATMOS ENERGY CORP	ATMOS ENERGY CORP
		Bank of America	P. O. BOX 841425
		ACH Routing# 111000012	Dallas TX 75284-1425
		Bank Wire Routing# 026009593	
16281	Customer No:	Acct# 3756617812	
301687	Invoice No:	Ref: 301687	
818.59 USE	Total Amount Due:		BILL TO:

DEREK ENGINEERING 2800 CONSTANT COMMERCE DR. LOUISVILLE KY 40299



DEREK ENGINEERING 2800 CONSTANT COMMERCE DR. LOUISVILLE KY 40299

Date of Loss: Damages:	24-NOV-20 \$818.59	Invoice# 301687						
Location of Damage:	108 Old Main St Mundfordville Ky							
Description of Damage:	Contractor Hit 3/4" Service With Hand Tools Working On Curb/Sidewalk. Did Not Call 811 Before Digging.							
Claim #:	000200047994							

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.

Sincerely,

Brett P.Lowe Phone :270-651-8989 Fax :N/A Brett.Lowe@atmosenergy.com Para informacion en espanol, por favor llamar al 270-651-8989

> 200 N Broadway Glasgow KY 42141

Control Count: 1 Control Amount : \$818.59

Re: 43238, 11/24/2020, 108 Old Main St., Munfordville, Derek Engineering

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	To: Bledsoe, Jonathon T <jonathon.bledsoe@atmosenergy.com> Cc: Stanley, Bill E <bill.stanley@atmosenergy.com></bill.stanley@atmosenergy.com></jonathon.bledsoe@atmosenergy.com>												
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Nicole Kirkham

Operations Assistant 3510 Coleman Rd Paducah, KY 42001 (270)702-6591



From: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Sent: Monday, February 14, 2022 11:32 AM
To: Kirkham, Nicole A <Nicole.Kirkham@atmosenergy.com>
Cc: Stanley, Bill E <Bill.Stanley@atmosenergy.com>
Subject: FW: 43238, 11/24/2020, 108 Old Main St., Munfordville, Derek Engineering

Would you please check this one to see if it has been paid? Please attach a copy of the screenshot in your files in the Q drive.

Would you like to practice loading this one up into workspace? I have time but didn't know if you want to give it a shot or not.

Thank you,

Jonathon Bledsoe

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, February 9, 2022 8:11 AM
To: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Subject: [EXT] 43238, 11/24/2020, 108 Old Main St., Munfordville, Derek Engineering

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jonathon,

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













APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2022-00164 DATED JUN 20 2022

TWO PAGES TO FOLLOW

Information and Instructions for Hearing

You are required to attend a formal hearing with the Kentucky Public Service Commission. Please note the hearing is scheduled in the **Eastern Time Zone**, and the hearing date and time are on the Order that accompanied these instructions.

You are **strongly encouraged** to download the GoToMeeting app now and be ready for your hearing. If you cannot appear via video using this app, at least ten days prior to your scheduled hearing you must call the Commission's offices at the number provided below. You will receive instructions on appearing in person in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky at the time and date of your scheduled hearing.

Please direct any questions to Ashley Rhodes, Commission Division of Inspections. <u>AshleyB.Rhodes@ky.gov</u> or 502-782-2578.

To download the GoToMeeting app go to: https://global.gotomeeting.com/install/258846301

On the day of your hearing using your computer, tablet, or video enabled smartphone. Access the proceeding at:

https://global.gotomeeting.com/join/308551245

More information about using GoToMeeting can be found at:

GoToMeeting - Attendee Quick Start https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0

GoToMeeting - How to Join a Meeting https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Technical Requirements for Using GoToMeeting

Operating System:

Windows 7 – Windows 10

Mac OS X 10.9 (Mavericks) – mac OS Big Sur (11)

Linux/Ubunto (Web App only)

Google Chrome OS (Web App only)

iOS 11 - iOS 13

Android OS 5 (Lollipop) - Android 10

Web Browser: (Applies to Web App only)

Google Chrome v72 or newer

Microsoft Edge v77 or newer

Internet Connection:

Computer: 1 Mbps or better (broadband recommended)

Mobile device and Chromebook: 3G or better (WiFi recommended for VoIP)

Software:

GoToMeeting desktop app (JavaScript enabled)

GoToMeeting app from the Apple Store, Google Play Store, or Windows Store

Hardware:

2GB of RAM (minimum), 4GB or more of RAM (recommended)

Webcam device*

Microphone and speakers** (USB headset recommended)

Mobile Device:

iPhone 5 or newer

iPad 3rd gen or newer

Note: * You MUST have a camera on your device or connected to your device to appear at the hearing.

** Most devices have built-in speakers, but you will get better audio quality while connected via VoIP if you use a headset

*Derek Engineering, Inc. 2800 Constant Comment Pl. Louisville, KENTUCKY 40299