

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OSCAR NAVAS	)	
	)	
_____	)	CASE NO.
	)	2022-00168
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

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

Oscar Navas 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).<sup>1</sup> 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

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<sup>1</sup> 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 Oscar Navas 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 Oscar Navas 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. Oscar Navas shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. Oscar Navas 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.
4. Oscar Navas shall attend the hearing by using the following link: <https://global.gotomeeting.com/join/308551245>; information and instructions are attached to this Order as Appendix B.
5. Oscar Navas shall notify the Commission at least ten days prior to the hearing if Oscar Navas 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 43500, 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 Oscar Navas 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.**

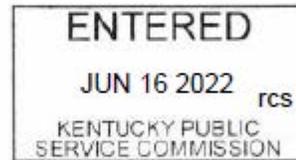
PUBLIC SERVICE COMMISSION



Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Commissioner



ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00168 DATED JUN 16 2022

SEVENTY PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43500 **Investigation** 8459  
**Incident Date** 3/17/2021 3:30:00 PM **Report Submitted** 4/8/2021

## Operator Information

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

**Incident Location** 204 Freeman Ave **Locate Ticket Number** NA  
 Louisville KY 40214

**County** Jefferson

## Excavator Information

**Excavator** Oscar Navas Navas **Organization ID**  
**Phone** 502-224-0452 **Email**  
**Address** 401 Macbalad Rd. **Locate Ticket Number** NA  
 Louisville KY 40214

## Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	Yes	Yes	Not Specified	\$483.00	\$0.00

The Operator reports that the Excavator /Homeowner hired Oscar Navas to do several excavating projects on his property. The Excavator/Mr. Navas was attempting to remove some roots and concrete when damage occurred to a ½ inch gas service and no call was made to the KY Contact Center 811.

**The DR is included as Attachment 1.**

## Locate Ticket Summary

Ticket #	Valid	Initial Date	Expiration Date	Incident Date	# of Days Expired	Within Scope of Excavation
			(21 calendar days from initial date)			
2103171854	No	03/17/21 17:47	N/A / 2hrs. 17min. after damage occurred	03/17/21 15:30	N/A	Yes

A review of LT...1854 revealed it was obtained on the incident date 2hrs. 17min. after the damage occurred. The date range searched was from 02/01/21 thru 03/20/21.

**The LT is included as Attachment 2.**

## INVESTIGATION

On 01/24/22 the Operator, LG&E's Mike Jones, stated that a small track hoe was being utilized and Mr. Navas was contracted by the homeowner.

**Mr. Jones's email is include as Attachment 3.**

On 02/28/22 the Excavator, Oscar Navas, stated that no call was made to 811 prior to the damage. Mr. Navas was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

# PIPELINE DAMAGE INVESTIGATION REPORT

## VIOLATIONS<sup>1</sup>

**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 Within 365 Days**

(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
1 <sup>st</sup>	43500	03/17/21	03/18/22

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<sup>1</sup> A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

# Attachment 1

# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 4/8/2021 Incident ID: 43500

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43500\)](#)

### Reported By:

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

### Gas Line Incident Occured:

**Date:** 3/17/2021  
**Time:** 3:30 PM

### Details:

**Reported Date:** 4/8/2021 9:22 AM

### Incident Location Address:

#### Location:

**Address:** 204 Freeman Ave  
**City:** Louisville  
**State:** KY  
**County:** Jefferson  
**Zip:** 40214  
**Confirm Code:** Y

**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:** Home Owner

### Excavator Address:

**First Name:** Oscar  
**Last Name:** Nahas  
**Phone:** 502-224-0452  
**Email:**  
**Address:** 401 Macbalad Rd.  
**City:** Louisville

State: KY  
 Zip: 40214  
 Confirm Code:  
 Excavation Damage: No notification made to the One Call Center

**Description of Incident** Excavator damaged service digging without locates or a locate request.

Summary Information

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4/8/2021

<b>Full details such as the cause</b>	Oscar Navas was hired by the homeowner at 204 Freeman Ave to do several excavation projects in the front of the property. While digging to remove tree roots, as well as some older concrete barriers, Oscar Navas damaged a 1/2" plastic gas service (#299931). The gas service was damaged on the customer side of the line, just to the left (east) of the front porch at an approximate depth 17".
<b>Extent of the damage</b>	Damaged 1/2" plastic gas service
<b>Cost of the damage</b>	\$483.00
<b>Steps taken to prevent re-occurrence</b>	I spoke to Oscar Navas, on-site, directly following the damage on 3/17/21. I gave Mr. Navas a Spanish KY811 brochure as well as my contact info. I made sure to remind Mr. Navas there should be NO more digging at this location until he calls 811 & requests a locate for this address, then waiting the two days to have any utilities located. Mr. Navas did call 811 and requested a locate for this location, ticket #2103171854. I visited the site on 3/18 and there was no digging going on while I was on-site.
<b>Amount billed to excavator</b>	\$0.00

# Attachment 2

## Tout, Eric V (PSC)

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**From:** Ticket Research <ticketresearch2@usa811.org>  
**Sent:** Friday, February 25, 2022 7:04 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 43500

Good morning,

We searched for tickets from February 1st through March 20th 2021.

Thank you,  
**April Butler**, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

**Know what's below. 811 before you dig.**

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Fri, Feb 25, 2022 at 5:55 AM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Hello April,

What was the date range used to find this LT?

Thanks,

Eric

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**From:** Ticket Research <[ticketresearch2@usa811.org](mailto:ticketresearch2@usa811.org)>  
**Sent:** Thursday, February 24, 2022 12:15 PM  
**To:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Cc:** [PSCrequest@kentucky811.org](mailto:PSCrequest@kentucky811.org)  
**Subject:** Re: 43500

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Hello,

Attached is a copy of the requested ticket. If you have any questions, please don't hesitate to contact us and we will be happy to assist you.

Thank you,

**April Butler**, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

**Know what's below. 811 before you dig.**

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[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Thu, Feb 24, 2022 at 9:21 AM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Please provide locate ticket for:

Incident Date: 3/17/2021  
Operator: Louisville Gas and Electric  
Incident Location: 204 Freeman Ave., Louisville  
County: Jefferson  
Excavator: Oscar Nahas or Navas or the homeowner name unknown.

*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 : 2103171854 Date: 03/17/2021 Time: 17:47 Oper: PHUMPHREY Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE  
Subdivision:

Address : 204  
Street : FREEMAN AVE  
Cross 1 : SOUTHSIDE DR  
Location: LOCATE THE ENTIRE PROPERTY  
:  
Boundary: n 38.166112 s 38.164730 w -85.769757 e -85.764100

Work type : HOME REPAIRS  
Done for : HOMEOWNER  
Start date: 03/19/2021 Time: 18:00 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: UNKNOWN

Company : OSCAR NAVAS Type: OTHR  
Co addr : 401 MACBRAE RD  
City : LOUISVILLE State: KY Zip: 40214  
Caller : YESINA TRIETO Phone: (502)224-0452  
Contact : YESINA TRIETO - CELL Phone:  
Mobile : (502)225-7966  
Email : YPRIETO0324@GMAIL.COM

Submitted date: 03/17/2021 Time: 17:47  
Members: 0002 0004 0006 0007 0061 0139

\* Responses are current as of 02/24/2022 12:12 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	Clear - No conflict
AT&T TRANSMISSION 0061	FIBER OPTIC, TELEPHONE	AT&T TRANSMISSION CUSTOMER SERVICE (800) 252-1133	Clear - No conflict
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Thursday, February 24, 2022 9:54 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Nahas

A small Track-hoe – mechanized

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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Thursday, February 24, 2022 9:27 AM  
**To:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Subject:** RE: 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Nahas

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

Thanks.

Mechanized vs. Hand - What was being used to dig with?

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**From:** Jones, Mike (Auburndale) <[Mike.Jones@lge-ku.com](mailto:Mike.Jones@lge-ku.com)>  
**Sent:** Thursday, February 24, 2022 9:22 AM  
**To:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Subject:** RE: 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Nahas

Navas - Contractor

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**From:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Sent:** Thursday, February 24, 2022 9:04 AM  
**To:** Jones, Mike (Auburndale) <[Mike.Jones@lge-ku.com](mailto:Mike.Jones@lge-ku.com)>  
**Subject:** 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Nahas

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

Hello Mike,

Nahas vs. Navas - Which is the correct spelling?  
Homeowner vs. Contractor – Which is correct?

*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*

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.

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# SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43500 **Investigation** 8459  
**Incident Date** 3/17/2021 3:30:00 PM **Report Submitted** 4/8/2021

## 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** 204 Freeman Ave **Locate Ticket Number** NA  
Louisville KY 40214

**County** Jefferson

## Excavator Information

**Excavator** Oscar Nahas Navas **Organization ID**  
**Phone** 502-224-0452 **Email**  
**Address** 401 Macbalad Rd. **Locate Ticket Number** NA  
Louisville KY 40214

## SUPPLEMENTAL INVESTIGATION

A Demand Letter dated 03/01/22 was sent to the Excavator.  
**The Demand Letter is included as Attachment 4.**

A Thirty Days Past Due & No Attendance Remedial Measure/Training Letter dated 04/05/22 was sent and via certified mail it was delivered on 04/02/22 to the Excavator.  
**The Past Due notice is included as Attachment 5.**

On 04/14/22 the Operator, LG&E's Mike Jones, stated that the Excavator was not billed for the damage repair and Mr. Jones provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Which are outlined in the DR Summary and Attachment 1.
- Photographs-38: Depicting the incident location.

**LG&E's documents are include as Attachment 6.**

# 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

March 1, 2022

Oscar Navas  
401 Macbalad Rd  
Louisville KY 40214

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **43500**

### **DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES**

Dear Mr. Navas:

The Kentucky Public Service Commission (Commission) received a report on April 8, 2021, 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 Oscar Navas doing business as Oscar Navas 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 Mr. Navas **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 Mr. Navas's completion of Damage Prevention training:**

### **REMEDIAL MEASURE/TRAINING**

A representative of Mr. Navas 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: **43500** and assigned key: **8459** 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 Mr. Navas 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 43500 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 Mr. Navas for any violation of the Act arising out of the March 17, 2021 incident. Mr. Navas's payment of the proposed civil penalty will not be considered an admission by Mr. Navas that it willfully violated any provision of the Act.

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

April 5, 2022

Oscar Navas  
401 Macbalad Rd  
Louisville KY 40214

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: 43500

### **30 Days Past Due & No Attendance Remedial Measure/Training**

Dear Mr. Navas:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 **has not been paid** and **no representative** 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 Oscar Navas 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, **43500** and this key **8459** 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 J. Vinsel  
General Counsel

Mailer: Kentucky Public Service Commission

Date Produced: 04/04/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8371 2540 97. Our records indicate that this item was delivered on 04/02/2022 at 02:13 p.m. in LOUISVILLE, KY 40214. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

**401 MAC BRAE RD  
LOUISVILLE, KY 40214**

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:

OSCAR NAVAS  
401 MAC BRAE RD  
LOUISVILLE KY 40214-3017

Customer Reference Number: C3326719.19420072  
Return Reference Number Incident 43500 30PD



**Return address:**

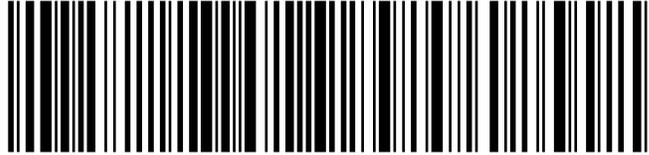
KENTUCKY PUBLIC SERVICE COMMISSION  
211 SOWER BLVD  
FRANKFORT KY 40602

**Recipient address:**

OSCAR NAVAS  
401 MAC BRAE RD  
LOUISVILLE KY 40214-3017

MAILING DATE: 03/30/2022  
DELIVERY DATE: 04/02/2022

**USPS CERTIFIED MAIL**



9214 8901 9403 8371 2540 97

**USPS Tracking Label Number: 9214 8901 9403 8371 2540 97**

<b>USPS Tracking History</b>	<b>Location</b>	<b>Date / Time</b>
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	03/30/2022 12:27
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	03/31/2022 20:38
PROCESSED THROUGH USPS FACILITY	LEXINGTON KY DISTRIBUTION CENTE 40511	03/31/2022 21:53
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	04/01/2022 12:48
ARRIVAL AT UNIT	LOUISVILLE,KY 40209	04/02/2022 08:03
OUT FOR DELIVERY	LOUISVILLE,KY 40214	04/02/2022 08:14
DELIVERED LEFT WITH INDIVIDUAL	LOUISVILLE,KY 40214	04/02/2022 14:13

CUSTOM 1:

# Attachment 6

## Tout, Eric V (PSC)

---

**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Thursday, April 14, 2022 10:37 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Navas  
**Attachments:** digitix\_attachments\_1649946309.zip; DigTix\_Incident\_Report.pdf; Yellow Report - 204 Freeman Ave.pdf

---

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

---

We did not bill for this damage.

---

**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Thursday, April 14, 2022 6:19 AM  
**To:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Subject:** 43500, 3/17/2021, 204 Freeman Ave., Louisville, Oscar Navas

**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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



## Facts-Based Investigation

Internal Claim ID: INC-20210317-001 Customer Claim ID: \_\_\_\_\_  
Site Investigator: Steve Delap Notified At: 03/17/21 16:43:00  
Notified By: Gas Operations Dispatch 5025891444  
Damage Location: 204 Freeman Ave Louisville KY 40214  
Incident Time: 03/17/21 16:15:00

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 Service/Drop 0.5  
Depth: 18" to < 36" (0.5 to < 1m)  
Description and Extent of Damage: Oscar Navas was hired by the homeowner at 204 Freeman Ave to do several excavation projects in the front of the property. While digging to remove tree roots as well as some older concrete barriers, Oscar Navas damaged a 1/2" plastic gas service (#299931). The gas service was damaged on the customer side of the line, just to the left (east) of the front porch at an approximate depth 17".

Equipment Used: Backhoe/Trackhoe  
Excavation Company Name: OSCAR NAVAS  
Company Address: 401 MAC BRAE RD, Louisville, KY 40214  
Phone: 5022240452 Contact Name: OSCAR NAVAS  
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: \_\_\_\_\_ Damage Within Scope of Ticket: N



## Facts-Based Investigation

**Repair Contact Name:** Henry Compton **Phone:** 5025891444

**Repair Comments:** LG&E "curbed" the gas service 20" behind the stopbox on customer side. The homeowner stated he doesn't want/need gas right now. Homeowner will call LG&E when demo work is done to get a new meter/svc installed.

**Witness:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

**Root Cause Explanation:** \_\_\_\_\_

**Responsible Party:** OSCAR NAHAS

**Responsible Party Comments:** OSCAR NAVAS 502-224-0452

**Date of Investigation:** 03/17/21 **Investigation Time (Hours):** \_\_\_\_\_

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

**Site Investigator's Signature:** Steve Delap **Date:** 03/19/2021

**Damage Status:** One Call Notification Issue

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

**Damage Claims Manager:** \_\_\_\_\_



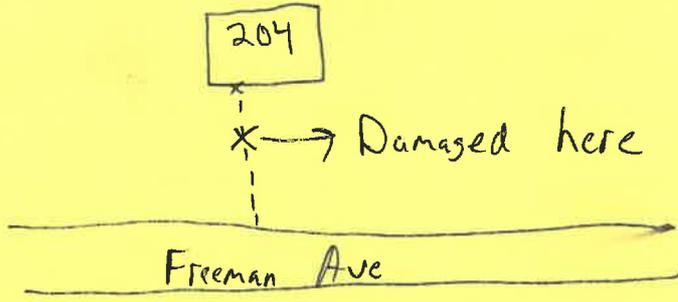


**NOTE:** Only 12 most recent photos shown. To view all 38 attachments, please view the ticket within DigTix.

Comments: Customer broke 1" CTS service, had no Locates. Cuts Capped Service @ street. Owner wanting meter moved to different location. Owner to contact David Paulley about getting Service re-ran.

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Henry Compton	E028763	2.5			8366	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Brandon Dunaway	28374	2			4871	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Daniel Dunaway	29539	2			4871	<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
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						<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.



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
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)	

# Incident Field Investigation Report — Gas



a PPL company

Damage report # 2021032305

Is this related to a capital project?  Yes  No

Project/task OTPD 419 / MAINT

G# 001014187

Resp. ctr. \_\_\_\_\_

### Damage to company facilities

Date of incident 3-17-21 Time 3:30  a.m.  p.m. Police report # \_\_\_\_\_

Address/location of damage 204 Freeman Ave ZIP code 40214

Subdivision name \_\_\_\_\_

Time dispatched 4:02  a.m.  p.m. Time of completion 6:00  a.m.  p.m.

Who caused damage? Oscar Nobas (Name of contractor, utility, individual, etc.)

Address of party causing damage 401 Macbald rd (Street) Louisville (City) ky (State) 40214 (ZIP)

Phone number of party causing damage (502) (Area code) (724-0452) (Number)

Was party causing damage still on the job?  Yes  No If yes, who was in charge? Oscar

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? Cutting grade down and digging out retaining walls.

Party's explanation for damage Order see el No locates.

What repairs were made? Curbed Service at stopbox.

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 had called No Locates

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) \_\_\_\_\_

Was line locating contractor on the job?  Yes  No

3-17-21  
(Date of report)

Brandon Durnaway  
(Signature of employee)

28374  
(Employee number)

Approved \_\_\_\_\_

Date 3-19-21

Put any additional comments on back



2021-03-17 17:00:14  
38.1655226,-85.7673813









2021-03-17 17:00:27  
38.1654753,-85.7671601



2021-03-17 17:00:31  
38.1654753,-85.7671681





2021-03-17 17:00:33  
38.1654763,-85.7671601



2021-03-17 17:00:37  
38.1654753,-85.7671681



2021-03-17 17:00:37  
38.1654753,-85.7671681





D  
A  
M  
A  
G  
E







2021-03-17 17:00:54  
38.1654753,-85.7671681





2021-03-17 17:00:59  
38.1654753,-85.7671601



D  
A  
M  
A  
G  
E



3

30

2

18

1

6



DAMAGE  
↓

6  
18  
21  
30  
3



DAMAGE



30

18

6



2021-03-17 17:01:25  
38.1654968,-85.7669836





2021-03-17 17:01:44  
38.1656050,-85.7672225



2021-03-17 17:01:57  
38.1655792,-85.7671779



2021-03-17 17:01:58  
38.1655792,-85.7671779

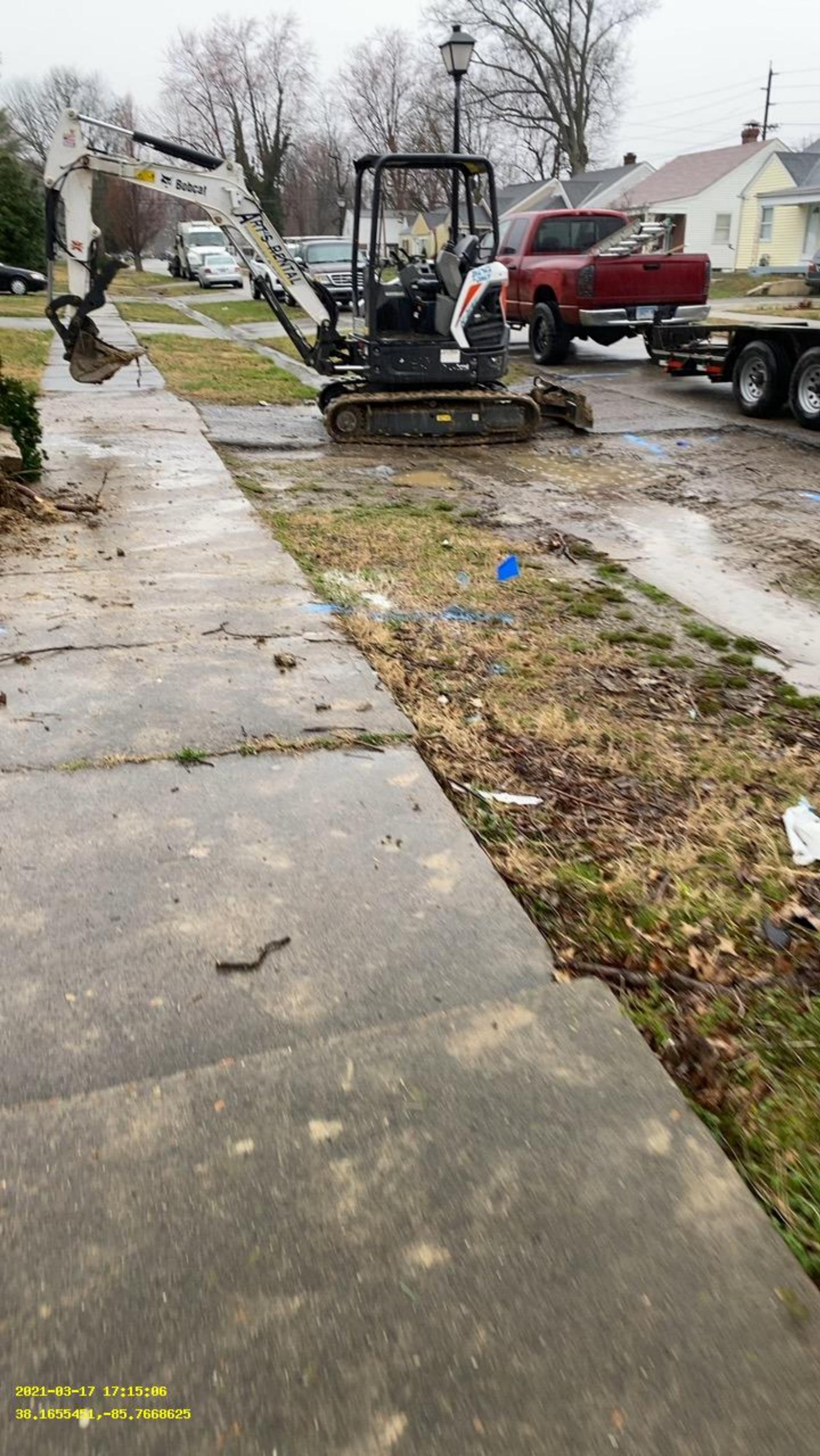




2021-03-17 17:14:58  
38.1654935,-85.7667334



2021-03-17 17:15:03  
38.1655451,-85.7668625





2021-03-17 17:15:09  
38.1655451,-85.7668625





2021-03-17 17:17:06  
38.1655566,-85.7670990



2021-03-17 17:17:09  
38.1655566,-85.7670998



2021-03-17 17:17:11  
38.1654564,-85.7671592



2021-08-17 17:17:12  
38.1654561,-85.7671592





2021-03-17 17:17:17  
38.1654561,-85.7671592



2021-03-17 17:17:28  
38/1654561,-85.7671592



2021-03-17 17:17:26  
38.1654561,-85.7671592

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00168 DATED JUN 16 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. [AshleyB.Rhodes@ky.gov](mailto:AshleyB.Rhodes@ky.gov) 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](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/Ubuntu (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 3<sup>rd</sup> 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

\*Oscar Navas  
401 Macbalad Rd  
Louisville, KENTUCKY 40214