

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Richard Shelton Backhoe Service

Case No. 2022-00093

Response to Staff Incident Report

Comes now Richard Shelton, with assistance of counsel, Hon. Daryl K. Day, and for his response to the staff incident report previously filed in this matter does state as follows:

That I, Richard Shelton, am the owner of a company known as Richard Shelton Backhoe Service, and that this company is operated as a sole proprietorship.

That I was hired to perform duties related to the installation of electrical service to a mobile home in Mercer County, Kentucky, and generally located at or around 2059 Shakertown Road, Harrodsburg, Kentucky.

That I was performing the tasks for which I was hired on 11/21/2020 on the site referenced.

That I believed that the owner of the property had made the required call to KY Contact Center (811) and the reason for this belief was that there was markings on the ground indicating underground service.

That the markings were for a transmission line, and I did not realize that there was also a service line that was unmarked.

That I was unaware that the property owner had called 811 for excavation that was taking place for the installation of a building separate from the one I was hired for.

That during my work on the property a service line for natural gas was struck and damaged.

That I advised the property owner to call 911 as a gas line had been damaged and gas is leaking.

That the property owner either called 911 or the gas company as the gas company responded to the scene.

That I did leave the scene as there was a smell of gas in the air and I was afraid of causing a larger incident.

That I went just up the road and waited to see the gas company or other emergency vehicles responding to the scene.

That I returned to the scene once I knew there were professionals on site to deal with the incident and the gas leak.

That the only damage was to a service line.

That I have received additional training due to this incident including one provided by Midwest Damage Prevention Conference, Code # 202200404, I have a better understanding of my responsibilities and duties after the training.

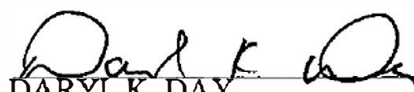
That I always believed and had been told that either the property owner or the person performing the work could call 811.

That I also realize that I must call 811 prior to my undertaking any excavation and that I should not rely on the belief that someone else has called even if they provide me with a number indicating they have called.


RICHARD SHELTON

Based on all of the foregoing including the additional training that the contractor has already completed, and this being the first violation of the laws and regulations by this contractor, it is hereby requested that the penalty be reduced to a minimum amount of \$250.00.

Respectfully submitted,


DARYL K. DAY
ATTORNEY FOR RICHARD SHELTON
111 EAST MAIN STREET
STANFORD, KY 40484
606-365-9161

I hereby certify that the foregoing has been served by submitting same, as directed, via email to PSCED@ky.gov, on this the 11th day of April, 2022


DARYL K. DAY
ATTORNEY FOR RICHARD SHELTON