

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OSBORNE UTILITIES, LLC	)	
	)	
_____	)	CASE NO.
	)	2022-00255
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

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

(Se proporciona la traducción al español de este documento como anexo/apéndice.)

Osborne Utilities, LLC (Osborne Utilities) 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 January 27, 2023.

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

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

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, 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 Osborne Utilities for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Osborne Utilities 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. Osborne Utilities 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. Osborne Utilities shall appear on January 27, 2023, at 9 a.m. Eastern Standard 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 January 27, 2023 hearing shall be conducted via video conferencing.
4. Osborne Utilities shall attend the hearing by using the following link: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; information and instructions are attached to this Order as Appendix B.
5. Osborne Utilities shall notify the Commission at least ten days prior to the hearing if Osborne Utilities 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 53581, attached to this Order as Appendix A, is made a part of the record in this case.
9. The January 27, 2023 hearing shall be recorded by video only.
10. **Please note 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. 2022-00255 DATED NOV 22 2022

TWENTY-ONE PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53581 **Investigation** 8556  
**Incident Date** 4/28/2021 2:05:00 PM **Report Submitted** 5/12/2021

## Operator Information

**Operator** Delta Natural Gas Company, Inc. **Reported By** Craig Mitchell  
**Phone** 859-744-6171 Ext. 1124 **Email** cmitchell@deltagas.com

**Incident Location** Wallace St **Locate Ticket Number** 2104220399  
 Manchester KY 40962  
 Int. of Wallace St. and James Phillips  
 Garage Entrance  
**County** Clay

## Excavator Information

**Excavator** Jarred Osborne **Organization ID** 0956873  
 Osborne Utilities, LLC  
**Phone** 606-312-2740 **Email**  
**Address** 54 Caden Ln **Locate Ticket Number** 2104220399  
 London KY 40744

## Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes		Yes	Mechanized/Boring Machine	\$947.00	\$947.00

The Operator reports that the Excavator damaged properly marked two-inch gas main "blind boring" (no potholing) to install fiber optic cable.

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

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2104220399	Yes	04/22/21	05/13/21	04/28/21	0	Yes

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

## INVESTIGATION

On 03/18/22 the Excavator, Osborne Utilities' Jarred Osborne, stated that research was warranted and a copy of the DR was requested and sent to [osborneutilities1016@icloud.com](mailto:osborneutilities1016@icloud.com).

On 03/24/22 a follow up call to Mr. Osborne resulted in a message stating the voice mail box is full, therefore a follow up email was sent to [osborneutilities1016@icloud.com](mailto:osborneutilities1016@icloud.com).

**The 03/18 & 24/22 emails are included as Attachment 3.**

On 03/24/22 a follow up call to Mr. Osborne resulted in a message stating the voice mail box is full.

On 04/01/22, the Operator, Delta's Craig Mitchell, provided the following documents:

- Utilisphere Dig Ticket: which has been outlined in the LT Summary, also see Attachment 2.

## PIPELINE DAMAGE INVESTIGATION REPORT

- Leak Report & Third Party Damage Report: Which has been outlined in the DR Summary and Attachment 1.
- Map: Indicating the location of the damage.
- Invoice: Billing the Excavator \$934.19 for the damage repair, which has not been paid.

**Delta's documents are included as Attachment 4.**

Due to no response from Mr. Osborne a Demand Letter imposing the reduced penalty of \$250.00 and requiring the attendance to the Damage Prevention Course will be sent.

### VIOLATIONS<sup>1</sup>

**KRS 367.4911(10)** When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

#### # of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 <sup>st</sup> Offence Date (Last Offence Date +366 Days)
1 <sup>st</sup>	N/A	N/A	N/A

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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

Delta Natural Gas Company, Inc.

Submitted 5/12/2021 Incident ID: 53581

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53581\)](#)

## Reported By:

**Name:** Craig Mitchell  
**Phone:** 859-744-6171 Ext. 1124  
**Email:** cmitchell@deltagas.com

## Gas Line Incident Occured:

**Date:** 4/28/2021  
**Time:** 2:05 PM

## Details:

**Reported Date:** 5/7/2021 4:05 PM

## Incident Location Address:

**Location:** Int. of Wallace St. and James Phillips Garage Entrance  
**Address:** Wallace St  
**City:** Manchester  
**State:** KY  
**County:** Clay  
**Zip:** 40962

### 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.:** 2104220399

**Excavator:** Contractor

## Excavator Address:

**First Name:** Jarred  
**Last Name:** Osborne  
**Organization ID:**  
**Company:** Osborne Utilities  
**Phone:** 606-312-2740  
**Email:**

**Address:** 54 Caden Ln  
**City:** London  
**State:** KY  
**Zip:** 40744  
**Confirm Code:**  
**Excavation Damage:** Failure to test-hole(pot hole)

**Description of Incident** Darrin Wilson, with Osborne Utilities was using a boring machine to install fiber optic cable for Peoples Rural Telephone Co-Op (PRTC) when he inadvertently hit and punctured an existing 2" plastic natural gas main line.

Summary Information

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5/12/2021

**Full details such as the cause** Darrin Wilson, with Osborne Utilities did call KY-811 to request a line location prior to the commencement of any excavation activities to use a boring machine for the installation of fiber optic cable for (PRTC) and followed up with a second call to KY-811 for a remark and to renew the original locate. On both occasions, a Delta operation qualified service man was dispatched to the site and the existing natural gas lines were accurately located and marked with flags and paint. However, in the process of installing the new fiber optic cable with the boring machine, Darrin Wilson did not (pot hole) and uncover the existing natural gas pipeline to confirm the exact location and depth of the line and instead chose to "blind bore" across the existing 2" plastic natural gas main line which ultimately resulted in Mr. Wilson hitting and puncturing the natural gas line with the boring machine, thus causing the release of natural gas from the pipeline.

**Extent of the damage** There were no injuries or property damage attributed to this incident. Delta employees replaced 3 feet of 2" plastic natural gas main line piping and installed (2) 2" electrofusion couplings to reconnect the piping before re-energizing the line and returning it to operation.

**Cost of the damage** \$947.00

**Steps taken to prevent re-occurrence** Mr. Wilson was informed that whenever excavation is necessary within a close proximity of a marked natural gas line (18" on either side of the line), the law requires hand digging or the use of a non-intrusive means of excavation to expose the pipeline and thus avoid damage to the line.

**Amount billed to excavator** \$947.00

# Attachment 2

## NORMAL NOTICE REMARK

Ticket : 2104220399 Date: 04/22/2021 Time: 09:15 Oper: KENTUCKY811 Chan:000  
Old Tkt: 2104050389 Date: 04/05/2021 Time: 08:51 Oper: KENTUCKY811 Rev: 00A

State: KY Cnty: CLAY City: MANCHESTER  
Subdivision:

## Address :

Street : WALLACE ST

Cross 1 : BOB GILBERT LN

Location: FROM THE INTERSECTION - LOCATE WEST FOR 900 FEET ON BOTH SIDES OF THE  
ROAD - RIGHT OF WAY TO RIGHT OF WAY - ENDING AT RADIO HILL RD - AREA IS WHITE  
LINED

:

Boundary: n 37.158649 s 37.155849 w -83.773865 e -83.769855

Work type : DIRECTION BORE TO INSTALL FIBER OPTIC

Done for : PRTC

Start date: 04/26/2021 Time: 09:30 Hours notice: 96/48 Priority: NORM

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

Duration : N/A Depth: 4 FT

Company : OSBORNE UTILITIES Type: CONT

Co addr : 54 CADEN LN

City : LONDON State: KY Zip: 40743

Caller : DARRIN WILSON Phone: (606)261-8781

Contact : DARRIN WILSON - CELL Phone:

Mobile : (606)261-8781

Email : JAYSONOSBORNE15@GMAIL.COM

Submitted date: 04/22/2021 Time: 09:15

Members: 0277 WINKY

\* Responses are current as of 03/16/2022 08:08 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
DELTA NATURAL GAS COMPANY 0277	PIPELINE		Marked - Underground facilities are in conflict.
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Tout, Eric V (PSC)  
**Sent:** Thursday, March 24, 2022 11:39 AM  
**To:** osborneutilities1016@icloud.com  
**Subject:** FW: 53581, 4/28/2021, Int. of Wallace St. and James Phillips Garage Entrance, Manchester KY, Delta Natural Gas Company  
**Attachments:** Attach 1- DR.pdf; Attach 2- LT 2104220399.pdf

Mr. Osborne,

I attempted to contact you at 606-312-2740 and the voice mail box is full, please respond to the below email.

Thanks,  
Eric

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**From:** Tout, Eric V (PSC)  
**Sent:** Friday, March 18, 2022 11:29 AM  
**To:** osborneutilities1016@icloud.com  
**Subject:** 53581, 4/28/2021, Int. of Wallace St. and James Phillips Garage Entrance, Manchester KY, Delta Natural Gas Company

Mr. Osborne,

Per our phone conversation today Delta reports that on 04/28/21 Osborne Utilities damaged a properly marked two-inch gas main "blind boring" (no potholing) to install fiber optic cable at Int. of Wallace St. and James Phillips Garage Entrance (See Attach 1) a violation of:

**KRS 367.4911 (10)** When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

There are three options to resolve this incident:

1. If you are in agreement with the information provided pay the reduce penalty of \$250.00 and have a representative attend the Damage Prevention Course held on line typically the first Monday of each month from 9-10 a.m. EST.
2. If you are in agreement with the information provided pay the full penalty of \$1,250.00.
3. If you disagree please provide evidence indicating otherwise. (If a hearing is required 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 email, [ericv.tout@ky.gov](mailto:ericv.tout@ky.gov), or mail to my attention, 211 Sower Blvd. P.O. Box 615, Frankfort, KY 4060, this information.

A timely response will be appreciated.

*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 4

## Tout, Eric V (PSC)

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**From:** Craig Mitchell <CMITCHELL@DeltaGas.com>  
**Sent:** Friday, April 1, 2022 11:23 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 53581, 4/28/2021, Int. of Wallace St. and James Phillips. Osborne Utilities  
**Attachments:** 0081\_001.pdf

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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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Eric,

Here is everything that we have on this particular event.

1. Utilisphere Dig Ticket
2. Leak Report
3. Third Party Damage Report
4. Map sheet of damage location
5. Bill to Osborne Utilities for damages
6. Confirmation from accounting that bill has not been paid.

Thanks

Craig

**From:** Tout, Eric V (PSC) [mailto:ericv.tout@ky.gov]  
**Sent:** Wednesday, March 30, 2022 8:49 AM  
**To:** Craig Mitchell  
**Subject:** 53581, 4/28/2021, Int. of Wallace St. and James Phillips. Osborne Utilities

### This Message Is From an External Sender

This message came from outside your organization.

Hello Craig,

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*

This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is privileged or confidential. It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via email, so that our address record can be corrected.

Folder: Manchester; Assigned To: Byrd, Robbie

0277 00009 KUPIa 04/22/2021 09:16:04 2104220399-00A NORM NEW GRID

NORMAL NOTICE REMARK

Ticket : 2104220399 Date: 04/22/2021 Time: 09:15 Oper: KENTUCKY811 Chan:000  
Old Tkt: 2104050389 Date: 04/05/2021 Time: 08:51 Oper: KENTUCKY811 Rev: 00A

State: KY Cnty: CLAY City: MANCHESTER  
Subdivision:

Address :

Street : WALLACE ST

Cross 1 : BOB GILBERT LN

Location: FROM THE INTERSECTION - LOCATE WEST FOR 900 FEET ON BOTH SIDES OF THE  
ROAD - RIGHT OF WAY TO RIGHT OF WAY - ENDING AT RADIO HILL RD - AREA IS WHITE  
LINED

:

Boundary: n 37.158649 s 37.155849 w -83.773865 e -83.769855

Work type : DIRECTION BORE TO INSTALL FIBER OPTIC

Done for : PRTC

Start date: 04/26/2021 Time: 09:30 Hours notice: 96/48 Priority: NORM

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

Duration : N/A Depth: 4 FT

Company : OSBORNE UTILITIES Type: CONT

Co addr : 54 CADEN LN

City : LONDON State: KY Zip: 40743

Caller : DARRIN WILSON Phone: (606)261-8781

Contact : DARRIN WILSON - CELL Phone:

Mobile : (606)261-8781

Email : JAYSONOSBORNE15@GMAIL.COM

Submitted date: 04/22/2021 Time: 09:15

Members: 0277 WINKY

### Audit History:

**4/22/2021 9:16:04 AM:** Received

*DETAILS:* Ticket received for registration code 0277

**4/22/2021 9:16:04 AM:** Put in Folder

*DETAILS:* Put in Berea by auto process

*NOTE:* Auto Processed per All Tickets

**4/22/2021 10:47:51 PM:** Moved to Folder ( Action Time: 4/22/2021 10:46:42 PM )

*DETAILS:* Moved from Berea to Manchester by Jason Asher

**4/23/2021 11:09:47 AM:** Assigned ( Action Time: 4/23/2021 11:01:58 AM )

*DETAILS:* Assigned to Robbie Byrd by Robbie Byrd

**4/23/2021 11:09:47 AM:** Responded ( Action Time: 4/23/2021 11:02:10 AM )

*DETAILS:* Marked with flags and paint: added by Robbie Byrd, Locate Time: 4/23/2021 11:02:00 AM,  
Units of Work: 0.01

Response entered at GPS Coordinates: Latitude 37.1416, Longitude -83.7622

**4/23/2021 11:09:52 AM:** Ticket Queued

*DETAILS:* Ticket queued for delivery

**4/23/2021 11:09:52 AM:** Positive Response to Center Queued

*DETAILS:* Positive Response to Center queued for delivery

**4/23/2021 11:09:52 AM:** Positive Response to Excavator Queued

*DETAILS:* Positive Response to Excavator queued for delivery

**4/23/2021 11:09:53 AM:** Positive Response to Center Delivered

*DETAILS:* Positive Response to Center successfully sent

**4/23/2021 11:10:12 AM:** Ticket Delivered

*DETAILS:* Ticket successfully sent to rbyrd@deltagas.com

**4/23/2021 11:11:54 AM:** Positive Response to Excavator Delivered

*DETAILS:* Positive Response to Excavator successfully sent to JAYSONOSBORNE15@GMAIL.COM

**Ticket ID:** 2104220399 **Registration:** KUPI (0277)

**Response:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Marked with flags                       | <input type="checkbox"/> Cleared in field - No Conflict                  |
| <input type="checkbox"/> Closed per update                                  | <input type="checkbox"/> Cleared in office - No Conflict                 |
| <input type="checkbox"/> Marked with paint                                  | <input type="checkbox"/> Marked with flags and paint                     |
| <input type="checkbox"/> Lines Marked - Contact Delta Prior To Any Digging  | <input type="checkbox"/> Cancel Ticket                                   |
| <input type="checkbox"/> Site Meeting Scheduled - Lines Marked At That Time | <input type="checkbox"/> Transmission Lines Marked - Dist Lines In Area  |
| <input type="checkbox"/> Transmission Lines Clear - Dist Lines In Area      | <input type="checkbox"/> Distribution Lines Marked - Trans Lines In Area |
| <input type="checkbox"/> Distribution Lines Clear - Trans Lines In Area     |  |

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

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White/System/LOS  
Yellow/Central/NR  
Pink/Pending/Until Repaired

### LEAK REPORT

Upgrading  
Copy/Work Order File/LOS

Date Discovered: 4-28-2021 Resurvey Date(s): 4-28-2021 0% LEL R. Byrd

Leak Class:  1  2  3 Facility Classification:  Distribution Main  Gathering Line  
 Service Line  Transmission Line  
 Meter Installation  Regulator Station

Submitted By: Robbie Byrd

Leak Location: Mandator; 2' plastic; Wallace St at driveway to James Phillips garage

Map Sheet Number: 946-2A GPS Latitude: N 37° 03.477'  
 VIP Pipeline Designation: \_\_\_\_\_ Longitude: N-083° 46.277'

How Discovered:  Leak Survey  Patrol  Other - Explain: Contractor Called For

Date Repaired: 4-28-2021 Repaired By: Robbie Byrd, Seethy McQueen & Sanger

Cause of Leak: **Corrosion**  Atmospheric  External  Internal  
 (Send Pipe Sample to Measurement/Corrosion (Supervisor))

**Incorrect Operations**  Human Error  Ineffective Procedures

**Other Outside Force**  External Loading  Fire/Explosion  Vandalism  Vehicle  Other - Explain: \_\_\_\_\_

**Natural Forces**  Earthquake  Earth/Rock Movement  Flood  Frost Heave  Landslide  Lightning  Subsidence  Tornado  Washout  Other \_\_\_\_\_

**Equipment**  Excess Flow Valve  Filter  Flow/Pressure Controller  Heater  Meter Casing  Odorizer  Regulator/Relief Valve  Thread  Valve  Other - Explain: \_\_\_\_\_

**Material and Welds**  Directional Fitting  Flange  Mechanical Fitting  Pipe  Plastic Fusion Coupling  Plastic to Plastic Compression Coupling  Plastic to Steel Transition  Screw Fitting  Tap Tee  Workmanship Defect  Other - Explain: \_\_\_\_\_

**Brittleness - Crack/Split** (Send Pipe Sample to Manager-Construction)

**Excavation** Name of Excavator: Deborah Williams  
 Result of Previous Damage:  Yes  No

**Other - Explain:** Hot with Spring Machine

Pipe Size: 2" Pipe Condition:  Good  Fair  Poor

Pipe Type: Plastic:  Aldyl A  Plexco  PE 2406  Other Steel:  Threaded  Welded

Cathodically Protected:  Yes  No Cathodic Protection P/S Reading: N/A

Type of Coating:  Bare  Millwrap  Plastic X-Tru Coat  Thin Film  
 (Steel Only)  Other - Explain: N/A

Coating Condition:  Satisfactory  Unsatisfactory Year Pipe Installed: 2001

Steel Pipe Condition Report Number: N/A Original Work Order Number: 512-03-117

Repair Method:  Replaced  Leak Clamp  Other - Explain: EF Couplings + Pipe

Test Method:  Leak (Fittings)  Pressure \_\_\_\_\_ Psig \_\_\_\_\_ Duration \_\_\_\_\_  
 (Reinstated Service Lines Only)

### THIRD PARTY DAMAGE REPORT

Date of Damage:         Time of Damage:      AM  PM  
M M / D D / Y Y Y Y 0 0 : 0 0

Address/Location of Damage: Wallace St. at driveway to James Phillips Garage

City: Manchester County: Clay

Excavator Type:  Home Owner  
 Contractor  
 Utility  
 State Agency  
 Municipality

*2240' To East 4P Feed*

Excavator Name: Darrin Wilson Phone Number: 606-261-8781

Company Name (if applicable): Osborne Utilities

Address: 54 Caden Ln E-mail Address: jaysonosborne15@gmail.com

City: London State: Kentucky Zip: 40743

Company Contact: Jarred Osborne Company Phone Number: 606-312-2740

Did Excavator Call 811?  Yes  No Did Excavator Contact Delta Directly?  Yes  No

811 Ticket Number: 2104220399 Delta Ticket Number: \_\_\_\_\_

Attach a copy of the 811 Locate Request and a copy of Delta's Locate Request, if applicable

Details, Excavation Equipment Used and Cause of Damage: Darrin Wilson, with Osborne Utilities, was installing a fiber optic line for PRTC when he hit and broke a 2" plastic natural gas main line with a boring machine.

Osborne Utilities did call KY 811 for a locate and Delta Gas's local employee did locate the line accurately.

Number of Customers Affected: 1

Extent of Injuries and Property Damage: There was no injuries or property damage attributable to this incident.

Steps Taken to Prevent Reoccurrence: Darrin Wilson, with Osborne Utilities, was advised when digging in a marked area, 18 inches either side of mark, that they need to use non-intrusive means to expose the pipe so no damage would occur.



1 Degree







DELTA NATURAL GAS COMPANY INC  
3617 LEXINGTON ROAD  
WINCHESTER, KY 40391

## INVOICE

**Bill To:**  
**Customer Number: 600005991**

OSBORNE UTILITIES  
54 CADEN LN  
LONDON KY 40743

### Company Use Only

Customer Number	600005991
Reference Number	MISCDM5991
SAP Doc. No.	6800000005
Date of Invoice	05/31/2021
Invoice Amount	934.19

TO BILL FOR DAMAGES TO OUR FACILITY LOCATED AT:

Wallace Street, Manchester, KY

ASSIGNMENT: D4400.MANC

DAMAGE DATE: Wednesday, April 28, 2021

TOTAL DAMAGE AMOUNT: 934.19

PROJECT LINE ITEM DETAIL ATTACHED.

BILLING INQUIRIES CAN BE DIRECTED TO: [KEstes@DeltaGas.com](mailto:KEstes@DeltaGas.com) or calling 859-744-6171

Please detach and return payment coupon with your check including your account number made payable to: Delta Natural Gas Company

### Miscellaneous Invoice Payment Coupon

Amount Due

934.19

Due Date

06/30/2021

Amount Enclosed

**Customer Number: 600005991**

REFERENCE NUMBER: MISCDM5991

OSBORNE UTILITIES  
54 CADEN LN  
LONDON KY 40743

**Please Refer your Customer number and Remit to:**

Checks Payable:

DELTA NATURAL GAS COMPANY INC  
3617 LEXINGTON ROAD  
WINCHESTER, KY 40391

Wire Instructions:

BANK NAME: JPMORGAN CHASE BANK, N.A.  
ABA: 021000021  
ACCOUNT NUMBER: 232187028

# Craig Mitchell

**From:** Andrew Greer  
**Sent:** Thursday, March 31, 2022 10:19 AM  
**To:** Craig Mitchell  
**Subject:** RE: Attached Invoice

This invoice has not been paid.

## Customer Line Item Display



Customer 600005991  
Company Code 1600

Name OSBORNE UTILITIES  
City LONDON

Stat	Type	Doc..Date	Net Due Dt	Clearing	Local CrCY Amt	LCurr	DocumentNo
* DD		04/28/2021	06/30/2021		934.19	USD	6800000005
					934.19	USD	
** Account 600005991					934.19	USD	

Customer \*  
Company Code \*  
Name \*  
City \*

Stat	Type	Doc..Date	Net Due Dt	Clearing	Local CrCY Amt	LCurr	DocumentNo
***					934.19	USD	

**From:** Craig Mitchell  
**Sent:** Thursday, March 31, 2022 10:03 AM  
**To:** Andrew Greer  
**Subject:** FW: Attached Invoice

Hi Andrew,  
Can you tell me if the attached invoice has been paid and if so, do we have a copy of the check?

Thank You Sir

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00255 DATED NOV 22 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 Andrea Wise, Commission Division of Inspections. [andrea.wise@ky.gov](mailto:andrea.wise@ky.gov) or 502-782-2656.

**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://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

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

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00255 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

OSBORNE UTILITIES, LLC	)	
	)	
_____	)	CASO NO.
	)	2022-00255
PRESUNTA INFRACCIÓN DE LA LEY DE	)	
PREVENCIÓN DE DAÑOS EN INSTALACIONES	)	
SUBTERRÁNEAS	)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY  
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE  
KENTUCKY

Osborne Utilities, LLC (Osborne Utilities) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).<sup>1</sup> Una audiencia sobre este caso tendrá lugar el January 27, 2023.

Conforme a la norma KRS 278.495(2), la Comisión tiene jurisdicción para regular la seguridad de las instalaciones de gas natural en Kentucky y para hacer cumplir las normas federales mínimas de seguridad de las tuberías. En virtud de la Ley, la Comisión tiene autoridad para investigar y evaluar las sanciones civiles por cualquier infracción de la Ley que resulte en daños de excavación a una instalación subterránea utilizada para transportar gas natural o líquidos peligrosos sujetos a las leyes federales de seguridad de tuberías, 49 U.S.C. §. 60101 *et seq.* Toda persona que infrinja cualquier disposición de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

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<sup>1</sup> KRS 367.4901 a KRS 367.4917.

por la primera infracción, no más de 1.000 dólares por la segunda infracción en el plazo de un año, y no más de 3.000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1.000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Osborne Utilities por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Osborne Utilities violó la Ley de Prevención de Daños a Instalaciones Subterráneas. La Comisión considera, además, que debe llevarse a cabo una investigación formal sobre el incidente de los daños causados por la excavación.

POR LO TANTO SE ORDENA que:

1. Osborne Utilities deberá presentar a la Comisión una respuesta por escrito a las alegaciones contenidas en el Informe de Incidencia del Personal en un plazo de 20 días a partir de la recepción de esta Orden a través de un correo electrónico enviado a [PSCED@ky.gov](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje



2. Osborne Utilities comparecerá el January 27, 2023, a las 9 a.m. Eastern Standard Time, en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia January 27, 2023 se llevará a cabo por videoconferencia.

4. Osborne Utilities deberá asistir a la audiencia utilizando el siguiente enlace: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; la información y las instrucciones se adjuntan a esta Orden como Apéndice B.

5. Osborne Utilities notificará a la Comisión, al menos diez días antes de la audiencia, si Osborne Utilities no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

**6. Cualquier sociedad, corporación o entidad comercial (incluyendo una sociedad de responsabilidad limitada) debe ser representada por un abogado con licencia para ejercer la abogacía en Kentucky y dicha representación incluye la presentación de documentos y las comparecencias en las audiencias ante la Comisión.**

7. Un individuo puede presentar una respuesta a las alegaciones contenidas en el Informe de Incidentes del Personal sin la representación de un abogado.

8. El Informe de Incidentes del Personal 53581, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 27, 2023 se grabará únicamente por vídeo.

10. **Tenga en cuenta que las partes que no comparezcan después de la notificación estarán sujetas a que se asiente una sentencia en rebeldía contra ellos.**

COMISIÓN DE SERVICIOS PÚBLICOS

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Presidente

---

Vicepresidente

---

Comisionada

HACE CONSTAR:

---

Directora Ejecutiva

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO No. 2022-00255 FECHADO

VEINTIUNO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE  
KENTUCKY EN EL CASO No. 2022-00255 FECHADO

DOS PÁGINAS PARA SEGUIR

## Información e instrucciones para la audiencia

Se le obliga a asistir a una audiencia formal con la Comisión de Servicios Públicos de Kentucky. Tenga en cuenta que la audiencia está programada en la **huso horario del este**, y que la fecha y la hora de la audiencia figuran en la Orden que acompaña a estas instrucciones.

**Se le recomienda encarecidamente** que descargue la aplicación GoToMeeting ahora y esté preparado para su audiencia. Si no puede comparecer por vídeo utilizando esta aplicación, debe llamar a las oficinas de la Comisión al número que se indica a continuación al menos diez días antes de la audiencia programada. Recibirá instrucciones para presentarse en persona en la sala de audiencias Richard Raff de las oficinas de la Comisión en el 211 Sower Boulevard en Frankfort, Kentucky, a la hora y fecha de su audiencia programada.

Sírvase dirigir cualquier pregunta a Andrea Wise, División de Inspecciones de la Comisión: [Andrea.Wise@ky.gov](mailto:Andrea.Wise@ky.gov) o 502-782-2656.

**Para descargar la aplicación GoToMeeting vaya a:**

<https://global.gotomeeting.com/install/258846301>

El día de su audiencia utilizando su computadora, tableta o teléfono inteligente con capacidad de vídeo. **Acceda al procedimiento en:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

Puede encontrar más información sobre el uso de GoToMeeting en  
GoToMeeting - Inicio rápido del asistente

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - Cómo unirse a una reunión

[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)

# Requisitos técnicos para utilizar GoToMeeting

## Sistema operativo:

Windows 7 – Windows 10  
Mac OS X 10.9 (Mavericks) – Mac OS Big Sur (11)  
Linux/Ubuntu (sólo aplicación web)  
Google Chrome OS (sólo aplicación web)  
iOS 11 - iOS 13  
Android OS 5 (Lollipop) - Android 10

## Navegador web: (Sólo se aplica a la aplicación web)

Google Chrome v72 o más reciente  
Microsoft Edge v77 o más reciente

## Conexión a Internet:

Computadora: 1 Mbps o superior (se recomienda la banda ancha)  
Dispositivo móvil y Chromebook: 3G o superior (se recomienda WiFi para VoIP)

## Software:

Aplicación de escritorio de GoToMeeting (con JavaScript activado)  
La aplicación GoToMeeting de Apple Store, Google Play Store o Windows Store

## Hardware:

2 GB de RAM (mínimo), 4 GB o más de RAM (recomendado)  
Dispositivo de cámara web\*  
Micrófono y altavoces\*\* (se recomiendan auriculares USB)

## Dispositivo móvil:

iPhone 5 o más reciente  
iPad de 3ª generación o más reciente

Nota: \* Para comparecer en la audiencia, ES PRECISO tener una cámara en su dispositivo o conectada a él.

\*\* La mayoría de los dispositivos tienen altavoces incorporados, pero obtendrás una mejor calidad de audio mientras estés conectado por VoIP si utilizas unos auriculares.

APÉNDICE C

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE  
KENTUCKY EN EL CASO No. 2022-00255 FECHADO

DIEZ PÁGINAS PARA SEGUIR



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