

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LEWEN LINE CONSTRUCTION, INC.	)	
_____	)	
ALLEGED VIOLATION OF UNDERGROUND	)	CASE NO.
FACILITY DAMAGE PREVENTION ACT	)	2023-00166

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 C.)

Lewen Line Construction, Inc. (Lewen Line Construction) 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 28, 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 conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Commission Staff cites Lewen Line Construction 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 Lewen Line Construction 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. Lewen Line Construction 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 Commission Staff Incident Report within 20 days of receipt of this Order.

2. Lewen Line Construction shall appear on July 28, 2023, 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 28, 2023 hearing shall be conducted via video conferencing.

4. Lewen Line Construction 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. Lewen Line Construction shall notify the Commission at least ten days prior to the hearing if Lewen Line Construction 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.**

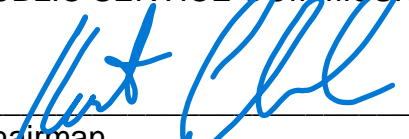
7. An individual may submit a response to the allegations contained in the Commission Staff Incident Report without the representation of an attorney.

8. The Commission Staff Incident Report 55513, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 28, 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

ENTERED  
JUN 05 2023 bsb  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00166 DATED JUN 05 2023

ONE HUNDRED AND TWENTY-FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53986 **Investigation** 9333  
**Incident Date** 8/12/2021 11:53:00 AM **Report Submitted** 9/8/2021

## Operator Information

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

**Incident Location** 10604 Meeting St **Locate Ticket Number** 2108021717  
 Prospect KY 40059

**County** Jefferson

## Excavator Information

**Excavator** Kurt Unger **Organization ID** 2008120900443  
 Lewen Line Construction Inc  
**Phone** 812-704-6459 **Email**  
**Address** 2820 Sable Mill Ln **Locate Ticket Number** 2108021717  
 Jeffersonville IN 47130

## 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	Yes	Mechanized / Directional Boring	\$1,664.00	\$0.00

The Operator reports that the Excavator damaged an accurately marked one-inch gas service directional boring.

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

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	IncidentDate	# of Days Expired	Within Scope of Excavation
2108021717	Yes	08/02/21	08/23/21	08/12/21	0	Yes

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

## INVESTIGATION

On 01/11/23 the Excavator (812 288-6151), Lewen Line Construction's Olivia Brooks ([olivia@lewenline.com](mailto:olivia@lewenline.com)), requested a copy of the DR and would have someone call back by 01/16/23.

On 01/12/23, Ms. Brooks stated that Lewen Line Construction would not dispute the above stated event. Ms. Brooks stated that Lewen Line Construction would not attend the Damage Prevention Training, but would pay the full penalty of \$1,250.00, first offence within 365 days.

## VIOLATIONS<sup>1</sup>

<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

## PIPELINE DAMAGE INVESTIGATION REPORT

**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>	See above	08/12/21	08/13/22
Resolve Incidents			
2 <sup>nd</sup>	32317	11/15/19	N/A
1 <sup>st</sup>	31458	03/11/19	

# Attachment 1

# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 9/8/2021 Incident ID: 53986

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53986\)](#)

### Reported By:

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

### Gas Line Incident Occured:

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**Date:** 8/12/2021  
**Time:** 11:53 AM

### Details:

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**Reported Date:** 9/8/2021 3:31 PM

### Incident Location Address:

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**Location:**  
**Address:** 10604 Meeting St  
**City:** Prospect  
**State:** KY  
**County:** Jefferson  
**Zip:** 40059  
**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?**

**Locate Request Ticket No.:** 2108021717

**Excavator:** Contractor

## Excavator Address:

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**First Name:** Kurt

**Last Name:** Unger

**Organization ID:**

**Company:** Lewen Line Construction

**Phone:** 812-704-6459

**Email:**

**Address:** 2820 Sable Mill Ln

**City:** Jeffersonville

**State:** IN

**Zip:** 47130

**Confirm Code:** Y

**Excavation Damage:** Failure to use hand tools where required

**Description of Incident** Excavator damaged service boring through tolerance zone.  
**Summary Information**

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9/8/2021

<b>Full details such as the cause</b>	Lewen Line Construction was contracted by Spectrum to bore a new fiber duct to the property line between 10600 Meeting St & 10604 Meeting St. Lewen Line's job blueprints instructed them to bore the new duct from the rear of 9217 Featherbell Blvd, going southeast across the alley and come to stop at the rear property line between 10600 & 10604 Meeting St, at this point they were going to set a handhole. While boring across the alley, Lewen Line damaged an accurately marked 1" CTS plastic gas service. The gas service was inserted into white PVC pipe, damaged on the customer side, and at an approximate depth of 21".
<b>Extent of the damage</b>	Damaged 1" plastic gas service
<b>Cost of the damage</b>	\$1,664.00
<b>Steps taken to prevent re-occurrence</b>	I spoke with Lewen Line at length regarding this damage, and I believe the only mistake they made was not walking the entire scope of their work looking for marks. Lewen Line did a good job of calling utility locators back to verify markings that looked incomplete. I suggested to Lewen Line that going forward they do their due diligence visually inspecting the entire locate before digging.
<b>Amount billed to excavator</b>	\$0.00

# Attachment 2



## Kentucky 811

<b>Ticket no</b>	2108021717	<b>Type</b>	NORMAL CALL
<b>Request date</b>	08/02/21 02:05 pm		
<b>Start date</b>	08/04/21 02:15 pm		
<b>Expiration date</b>	08/23/21 05:00 pm		

### Excavator information

<b>Excavator name</b>	LEWEN LINE CONSTRUCTION		
<b>Address</b>	2820 SABLE MILL ROAD JEFFERSONVILLE, IN 47130		
<b>Company phone</b>	812-288-6151		
<b>Requested by</b>	BLAKE BELLES	<b>Phone</b>	812-288-6151
<b>On-site name</b>	BLAKE BELLES - CELL	<b>On-site phone</b>	812-704-6459
<b>Contact email</b>	<a href="mailto:BLAKE@LEWENLINE.COM">BLAKE@LEWENLINE.COM</a>		

### Excavation information

<b>Type of work</b>	BORING FIBER		
<b>Depth (ft)</b>	10	<b>Explosives</b>	N
<b>Area marked</b>	U		
<b>Job name/number</b>			
<b>Work done for</b>	SPECTRUM		

### Location information

<b>County</b>	JEFFERSON	<b>City</b>	LOUISVILLE
<b>Address/street</b>	10604 MEETING ST		
<b>Nearest intersecting street</b>	FEATHERBELL BLVD		
<b>Location of work</b>	LOCATE THE SOUTHWEST SIDE OF THE PROPERTY TO INCLUDE CROSSING THE ALLEY WAY.		
<b>Comments</b>	PLEASE SEE ATTACHED PRINT		

### Map Coord

<b>NW Lat</b> 38.3254402	<b>Lon</b> -85.5672803	<b>SE Lat</b> 38.3220956	<b>Lon</b> -85.5644701
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### Members notified

<b>Company name</b>	<b>District</b>	<b>Type</b>	<b>Status</b>
LG&E GAS	0002	G	
LOUISVILLE WATER CO	0004	W	No Conflict
MSD	0006	S	No Conflict
INSIGHT COMMUNICATIONS	0007	TV	Marked - Underground facilities are in conflict (2021/08/04 10:51 I SPOKE WITH BLAKE AND HE IS UNSURE ABOUT THE START DATE FOR THIS JOB.

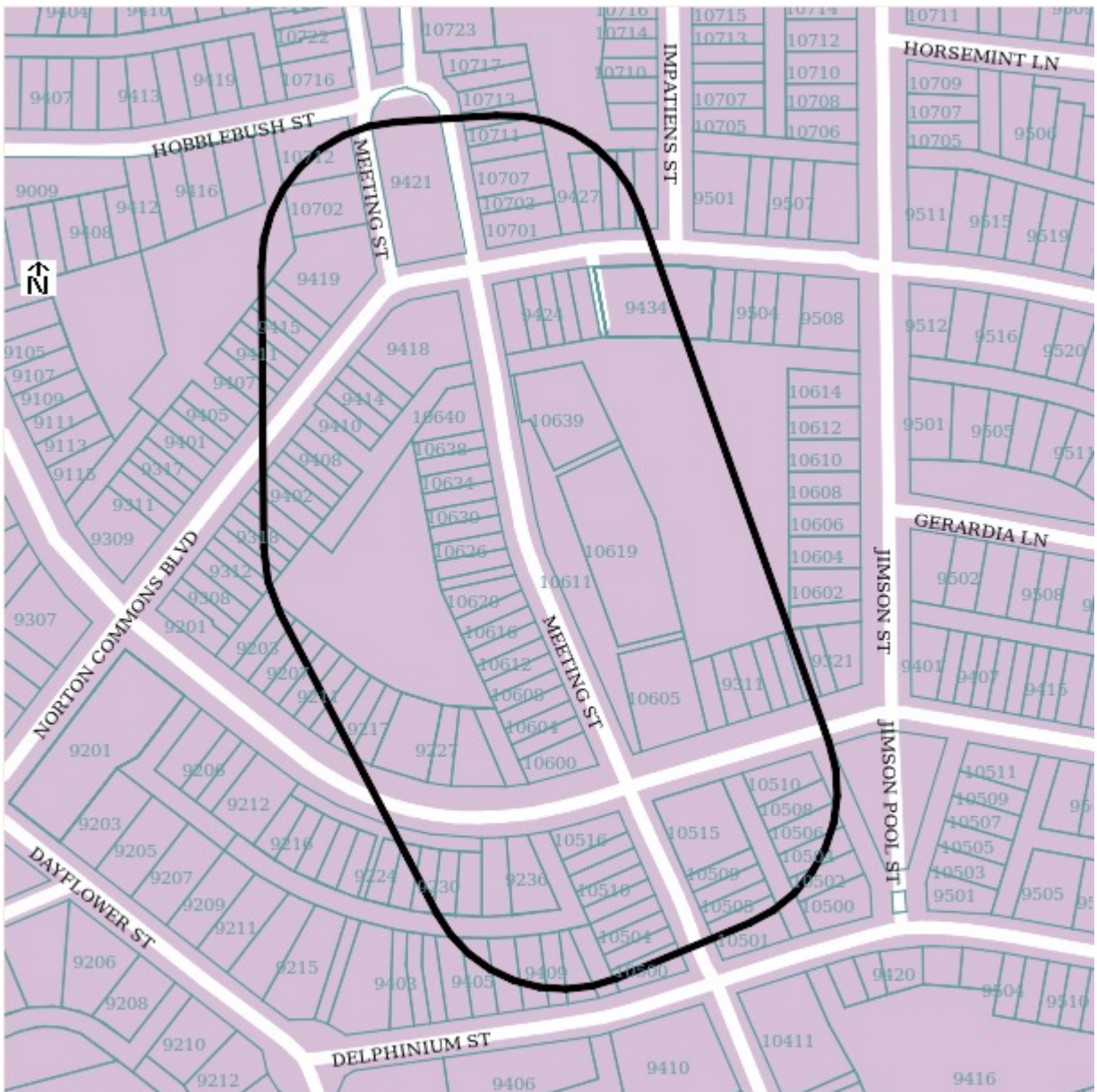
BUT I DO HAVE ANOTHER JOB  
FOR BLAKE THAT WILL HAVE  
TO BE DONE BEFORE I GET  
TO THIS ONE. 2021/08/04  
10:51 RESCHEDULE  
APPROVED BY: BLAKE  
BELLES - CELL)

AT&T DISTRIBUTION

0139

COMMUNICATIONS

Map



# SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53986 **Investigation** 9333  
**Incident Date** 8/12/2021 11:53:00 AM **Report Submitted** 9/8/2021

## 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** 10604 Meeting St **Locate Ticket Number** 2108021717  
Prospect KY 40059

**County** Jefferson

## Excavator Information

**Excavator** Kurt Unger **Organization ID** 2008120900443  
Lewen Line Construction Inc  
**Phone** 812-704-6459 **Email**  
**Address** 2820 Sable Mill Ln **Locate Ticket Number** 2108021717  
Jeffersonville IN 47130

## SUPPLEMENTAL INVESTIGATION

A Demand Letter dated 01/24/23 and a Thirty Days Past Due Letter dated 02/28/23 were mailed to the Excavator.

**The Demand and Past Due Letters are included as Attachment 3.**

On 03/23/23 the Operator, LG&E's Chad Seewer, provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Outlined in the DR Summary and Attachment 1.
- 101 Photographs: Indicating the damage occurred within the tolerance zone of 18 inches.
- Invoice: Indicating the Operator billed the Excavator \$1,664.00 for the damage repair. Mr. Seewer indicates this bill is has not been paid and is with collections.

**LG&E's documents are included as Attachment 4.**

# Attachment 3



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

Mary Pat Regan  
Commissioner

January 24, 2023

Olivia Brooks  
Lewen Line Construction Inc.  
2820 Sable Mill Ln.  
Jeffersonville IN 47130

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **53986**

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

Dear Ms. Brooks:

The Kentucky Public Service Commission (Commission) received a report on September 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 Lewen Line Construction committed the following violation(s) 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.

### **CIVIL PENALTY**

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. Based on its investigation of this matter, Staff has determined that Lewen Line Construction should be assessed a civil penalty in the total amount of \$1,250.00 first offence.



If Lewen Line Construction does not wish to contest the proposed penalty within **30 days** of the date of this letter the Lewen Line Construction should mail or deliver a cashier's check or money order in the amount of **\$1,250.00** made payable to the **Kentucky State Treasurer** to:

**Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602**

If Lewen Line Construction prefers to make an electronic payment, please contact Andrea Wise at [andrea.wise@ky.gov](mailto:andrea.wise@ky.gov) or (502) 782-2656 to have a digital invoice issued.

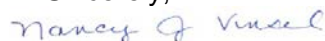
**Please include the Incident Number 53986 on the cashier's check or money order** submitted for payment or any email request for invoice. *Checks made payable to any other payee besides the Kentucky State Treasurer or without the Incident Number cannot be processed and will be returned, thus delaying the resolution of this matter.*

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Lewen Line Construction for any violation of the Act arising out of the August 12, 2021 incident. Lewen Line Construction's payment of the proposed civil penalty will not be considered an admission by Lewen Line Construction that it willfully violated any provision of the Act.

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

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

Sincerely,



Nancy J. Vinsel  
General Counsel

Attachment





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

Mary Pat Regan  
Commissioner

February 28, 2023

Olivia Brooks  
Lewen Line Construction Inc.  
2820 Sable Mill Ln.  
Jeffersonville IN 47130

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: 53986

### 30 Days Past Due


Dear Ms. Brooks:

This is a reminder that your account is now past due in the amount of \$1,250.00. Attached is the demand letter and investigation report for the above Incident, which we show to be unpaid.

If we do not hear from you or receive payment within 10 days from the date of this letter, Incident Number 53986 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 this penalty has already been paid, please contact Eric V. Tout, Division of Inspections at 502-782-2622.

Sincerely,  
  
Nancy J. Vinsel  
General Counsel

Attachment



# Attachment 4



**Tout, Eric V (PSC)**

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**From:** Chad.Seewer@lge-ku.com  
**Sent:** Thursday, March 23, 2023 11:59 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** 53986, 8/12/2021, 10604 Meeting St., Prospect, Lewen Line Construction Inc

**This Message Originated from Outside the Organization**

This Message Is From an External Sender.

Report Suspicious

One or more files have been sent to you.  
Visit the [Workspace](#) to retrieve files.  
You may be prompted to register an account if authentication is required.  
This link will expire on 3/30/2023 3:56:48 PM

Hi Eric,

See attachments. This one was sent to collection agency on 2/14/22. It has not been collected.

----- 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-20210812-001 Customer Claim ID: \_\_\_\_\_  
Site Investigator: Steve Delap Notified At: 08/12/21 12:00:00  
Notified By: Gas Operations Dispatch 5025891444  
Damage Location: 10600 Meeting St Prospect KY 40059  
Incident Time: 08/12/21 11:45:00

Original Locate Request: 2108021717 Assigned Locator: Utility Resource Group  
Locate Request Due: 08/04/21 14:07:04 Locate Request Completed: 08/04/21 13:09:50  
Photos Taken Before Damage? N  
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 1

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

Description and Extent of Damage: Lewen Line Construction was contracted by Spectrum to bore a new fiber duct to the property line between 10600 Meeting St & 10604 Meeting St. Lewen Line's job blueprints instructed them to bore the new duct from the rear of 9217 Featherbell Blvd, going southeast across the alley and come to stop at the rear property line between 10600 & 10604 Meeting St, at this point they were going to set a handhole. While boring across the alley, Lewen Line damaged an accurately marked 1" CTS plastic gas service. The gas service was inserted into white PVC pipe, damaged on the customer side, and at an approximate depth of 21".

The damaged service feeds the business, Old School NY Pizza, at 10600 Meeting St: As they lost gas due to the damage, Old School NY Pizza had to close for the rest of the day because once their ovens are turned off it takes 5-6 hours to heat them back up. I spoke briefly with the owner of the pizza place and he was just happy no one got hurt, stating that "accidents happen, hopefully it doesn't happen again".

Equipment Used: Directional Drilling

Excavation Company Name: LEWEN LINE CONSTRUCTION

Company Address: 2820 SABLE MILL ROAD, Jeffersonville, IN 47130

Phone: 8122886151 Contact Name: BLAKE BELLES

Working For: SPECTRUM

Repair Company: LG&E

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

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

Was Locate requested?: Y Locate Request Completed?: Y

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

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



## Facts-Based Investigation

Repair Contact Name: EOC Phone: 5025891444

Repair Comments: Couplers, approximately 20" of new pipe  
SVC#426298

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

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

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

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

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

Responsible Party: Lewen Line Construction

Responsible Party Comments: Kurt Unger(812-820-0818) was supervisor on-site during the damage  
investigation from Lewen Line.

Date of Investigation: 08/12/21 Investigation Time (Hours): \_\_\_\_\_

Site Investigator's Name: Steve Delap Phone: 5029911135

Site Investigator's Signature: Steve Delap Date: 08/13/2021

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

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





**NOTE:** Only 12 most recent photos shown. To view all 101 attachments, please view the ticket within DigTix.



# Incident Field Investigation Report — Gas

IS 1,664.00



Damage report # 2021081807  
 Is this related to a capital project?  Yes  No  
 G# 001035051

Project/task OTPD419 / maint  
 Resp. ctr. \_\_\_\_\_

**Damage to company facilities**

Date of incident 8/12/21 Time \_\_\_\_\_  a.m.  p.m. Police report # \_\_\_\_\_  
 Address/location of damage 10600 Meeting St ZIP code 40059  
 Subdivision name Norton Commons  
 Time dispatched 12:00  a.m.  p.m. Time of completion \_\_\_\_\_  a.m.  p.m.  
 Who caused damage? Lewen Line Construction  
(Name of contractor, utility, individual, etc.)  
 Address of party causing damage 2820 Sable Mill Rd Jeffersonville IN 47130  
(Street) (City) (State) (ZIP)  
 Phone number of party causing damage (812) 704-6459  
(Area code) (Number)  
 Was party causing damage still on the job?  Yes  No If yes, who was in charge? Kurt Unger  
 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? boring F/O for spectrum  
 Party's explanation for damage contractor stated they did not see yellow marks.  
 What repairs were made? \_\_\_\_\_  
 Any additional work to be performed?  Yes  No If yes, by whom? \_\_\_\_\_ Number of customers out \_\_\_\_\_

**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 210 802-1717  
 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) \*excavator disputes SVC marked the full scope of the ticket  
 Was line locating contractor on the job?  Yes  No URG

8-12-21 (Date of report) [Signature] (Signature of employee) E029135 (Employee number)  
 Approved [Signature] Date 8-13-21  
 Put any additional comments on back

Comments *Service Bored into. Made repairs w/ 2ft coil pipe one permasert one electrofusion coupling*

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Dustin H. Hlyse	E028315		2		8372	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Eugene Fey	E030160	2			8372	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
John Marlett	F029135	3 1/2	1/2		4923	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Jack Emberton	E029133	3 1/2	1/2			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Mike Payne	E026107	3 1/2	1/2			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Taylor Douthitt	29001	3 1/2	1/2		4955	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Jordan Watson	29681	3 1/2	1/2			<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

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

Material Used		
Qty.	Material	IIN#
	ft. Pipe PE 2406: 1/2" IPS	1170051
2	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
1	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)	
1 ea	Electrofusion 1" CTS Coupling	





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2021-06-12 13:01:42  
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2021-08-12 13:03:23  
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2021-08-12 13:10:00  
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2021-08-12 13:10:59  
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0318 2239050

**WM**  
WASTE MANAGEMENT

0318 2221596

**WM**  
WASTE MANAGEMENT





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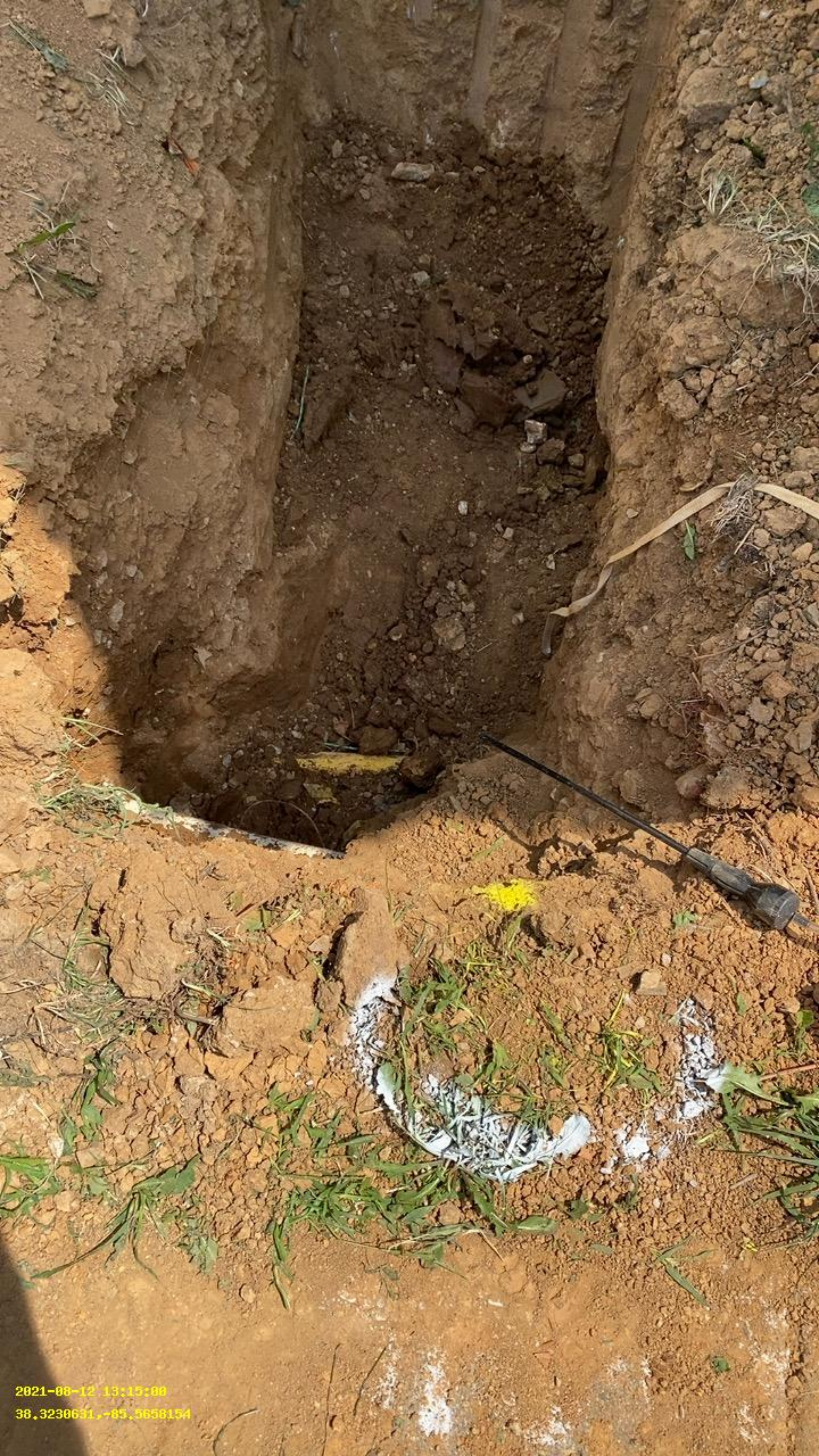
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0318 2239050

**WM**  
WASTE MANAGEMENT





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ALL PRICE  
IN US DOLLARS

MARK  
↓

DAMAGE  
↓

































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98.3231321,-85.5659869





2021-08-12 13:17:55  
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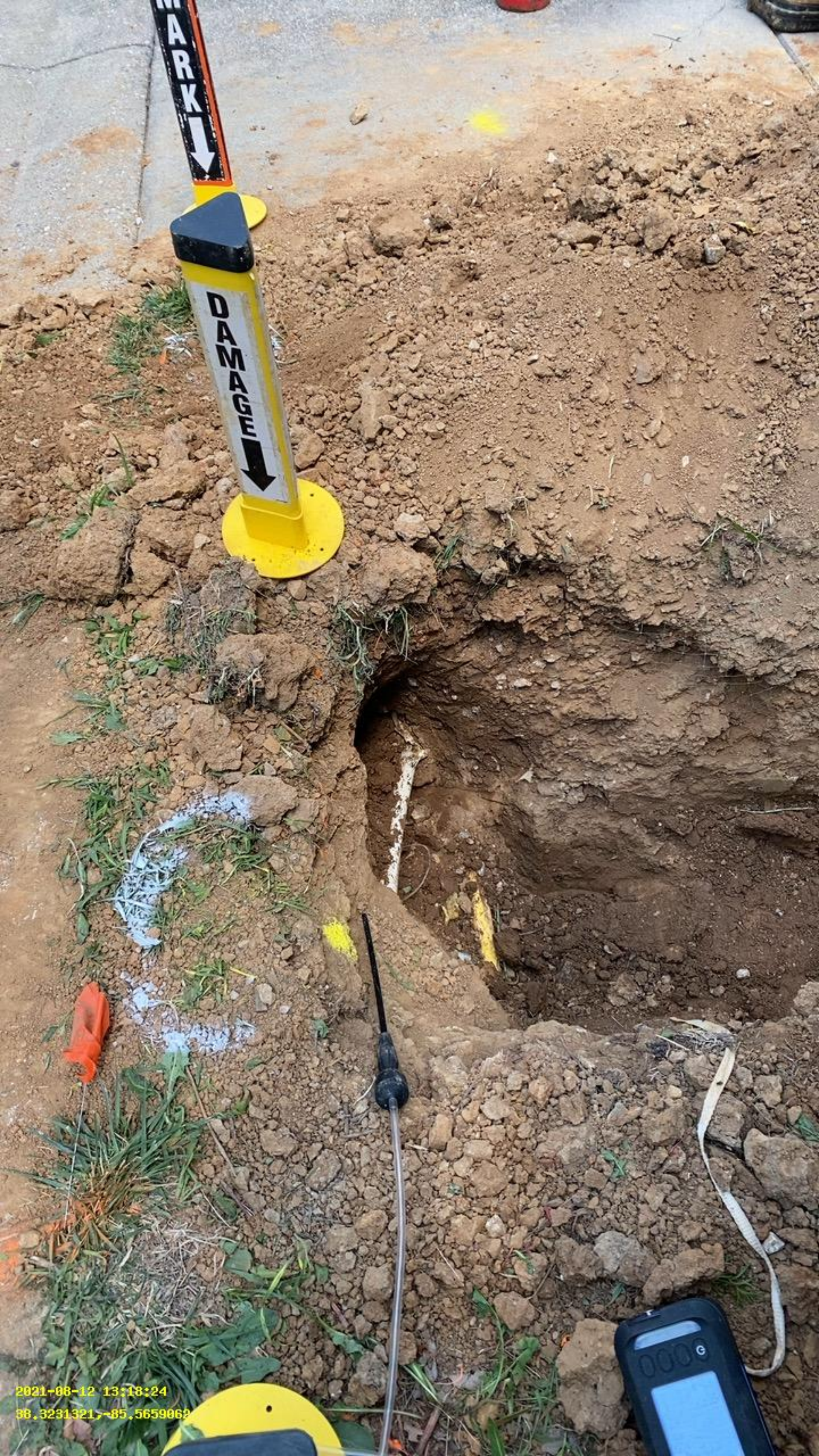
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↑  
DAMAGE  
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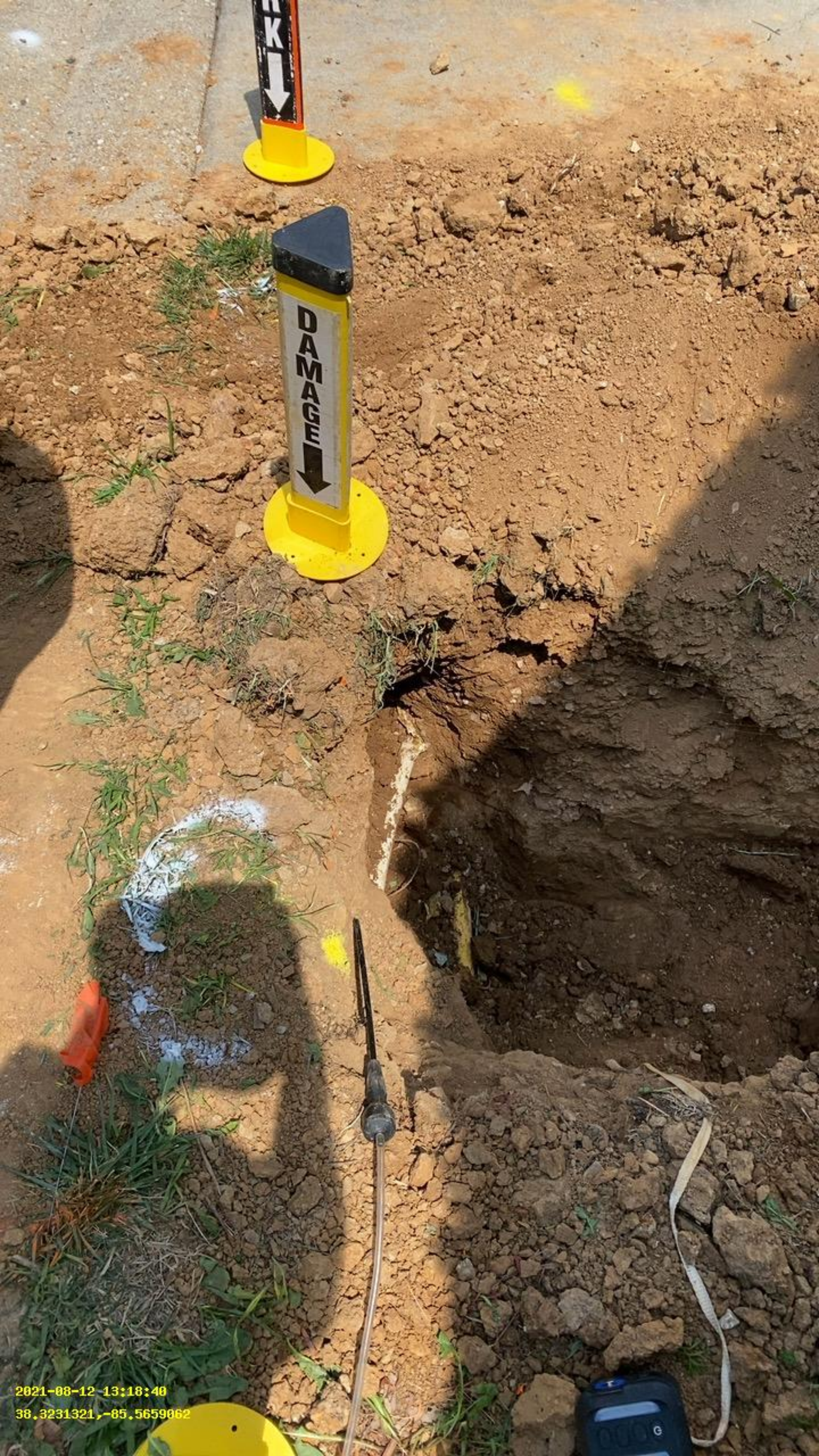
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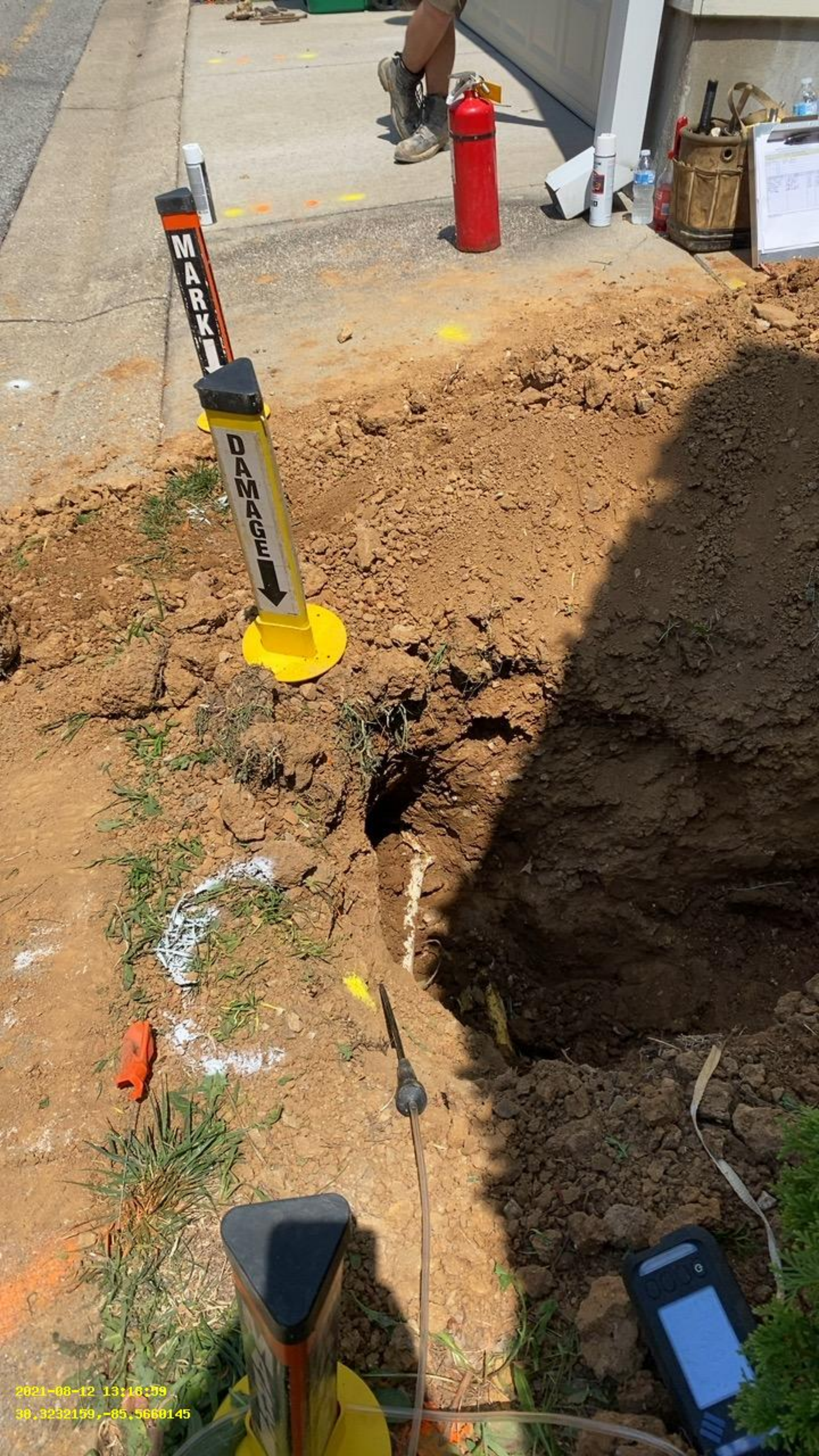
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21  
30  
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Primo





2021-08-12 13:19:45  
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MARK  
↓

DAMAGE





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2021-06-12 13:20:42  
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Invoice  
**Louisville Gas and Electric Company**  
 820 West Broadway  
 Louisville, KY 40202  
 Attn: Remittance and Collection  
 800-928-1340

INVOICE DATE: 08/30/2021

REFERENCE: OTPD419  
 NO.:  
 DTS INVOICE: 2021081807  
 NO.:

AMOUNT DUE: **\$1,664.00**  
 DUE DATE: **09/29/2021**

LEWEN LINE CONSTRUCTION  
 2820 SABLE MILL ROAD  
 JEFFERSONVILLE IN 47130

**PLEASE RETURN TOP PORTION WITH YOUR PAYMENT  
 PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES**

COST TO REPAIR: Damaged Customer Gas Service DAMAGE DATE: 08/12/2021 DAMAGE LOCATION: 10600 Meeting St Prospect, KY 40059		
LABOR HOURS:	24.00	
LABOR COST:		\$1,522.08
MATERIAL COST:		\$21.18
TRANSPORTATION/EQUIPMENT COST:		\$120.74
CONTRACTOR COST:		\$0.00
OTHER DAMAGE COSTS:		\$0.00
<b>TOTAL DUE:</b>		<b>\$1,664.00</b>



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00166 DATED JUN 05 2023

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. 2023-00166 DATED JUN 05 2023

NINE PAGES TO FOLLOW



ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

LEWEN LINE CONSTRUCTION, INC	)	
	)	
_____	)	CASO NO.
	)	2023-00166
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

Lewen Line Construction, Inc (Lewen Line Construction) 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 July 28, 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

---

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



de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares 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 Lewen Line Construction 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 Lewen Line Construction 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. Lewen Line Construction 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. Lewen Line Construction comparecerá el July 28, 2023, a las 9 a.m. Eastern Daylight 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 July 28, 2023 se llevará a cabo por videoconferencia.

4. Lewen Line Construction 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. Lewen Line Construction notificará a la Comisión, al menos diez días antes de la audiencia, si Lewen Line Construction 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 53986, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.



9. La audiencia July 28, 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

---

Presidente

---

Vicepresidente

---

Comisionado/a

HACE CONSTAR:

---

Director/a Ejecutivo/a



APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00166 FECHADO

CIENTO VIENTECUATRO PÁGINA(S) A SEGUIR



APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00166 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.



Lewen Line Construction, Inc.  
2820 Sable Mill Lane  
Jefferson, INDIANA 47130