

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALEXANDER AND SON GENERAL)	
CONTRACTING, LLC)	
_____)	CASE NO.
)	2023-00167
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

ORDER

Alexander and Son General Contracting, LLC (Alexander and Son General Contracting) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹ A hearing was scheduled to take place on July 28, 2023.

The Commission, on its own motion, finds good cause to reschedule the hearing previously scheduled for July 28, 2023, at 9 a.m. Eastern Daylight Time. Officials from Columbia Gas of Kentucky were subpoenaed to testify during the hearing but were unable to do so because of technical difficulties. The Commission will hold a hearing in this matter on October 27, 2023.

IT IS THEREFORE ORDERED that:

1. Alexander and Son General Contracting shall appear on October 27, 2023, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Commission's

¹ KRS 367.4901 through KRS 367.4917.

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.

2. The October 27, 2023 hearing shall be conducted via video conferencing.

3. Alexander and Son General Contracting 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.

4. Alexander and Son General Contracting shall notify the Commission at least ten days prior to the hearing if Alexander and Son General Contracting 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 53981, attached to this Order as Appendix A, is made a part of the record in this case.

9. The October 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. 2023-00167 DATED SEP 20 2023

FIFTEEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53981 **Investigation** 9406
Incident Date 8/17/2021 10:12:00 AM **Report Submitted** 9/8/2021

Operator Information

Operator Columbia Gas of Kentucky, Inc.
Phone (859) 537-2123 **Reported By** James Rice
Email JamesRice@NiSource.com

Incident Location 2450 Union City Rd
Richmond KY 40475 **Locate Ticket Number** n/a

County Madison

Excavator Information

Excavator Luke Alexander
Alexander & Son General Contracting Limited Liability Company
Organization ID 1081597
Phone 859-314-6042 **Email**
Address 298 Arthur Jackson Ln
Berea KY 40403 **Locate Ticket Number** n/a

Damage Report Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No Call-KY Contact Center (811)		Yes	Mechanized/Not Specified	\$500.00	\$500.00

The Operator reports that the Excavator damaged a one-inch gas service with mechanize equipment and failed to contact 811.

The DR is included as Attachment 1.

INVESTIGATION

On 01/18/23, an attempt to contact the Excavator at 859-314-6042 resulted in the answering individual stating he receives calls requesting to speak to a representative of Alexander and Son General Contracting and stated he had no idea who they were. An Accurrent search provided, William Luke Alexander as the registered agent, 859-314-3730, with the address listed above. An attempt to contact Mr. Alexander at 859-314-3730 resulted in a message stating the number has been disconnected/no longer in service.

On 01/24/23, the Operator, Columbia's James Rice, provided the following documents:

- PSC Gas Excavation Damage Report: Outlined in the DR Summary and Attachment 1.
- Photographs - 2: Depicting the damage.
- Invoice & Letter: Indicating the Operator billed the Excavator \$1,334.92 for the damage repair.

On 01/25/22 a search for Loacte Tickles (LT) for the above noted incident address and Excavator resulted in none found.

PIPELINE DAMAGE INVESTIGATION REPORT

Due to the inability to make contact with the Excavator a Demand Letter imposing the reduced penalty of \$250.00 and requiring a representative to attend the Damage Prevention Course will be mailed.

VIOLATIONS¹

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.

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	08/17/21	08/18/22

¹ 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

Columbia Gas of Kentucky, Inc.

Submitted 9/8/2021 Incident ID: 53981

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53981\)](#)

Reported By:

Name: James Rice
Phone: (859) 537-2123
Email: JamesRice@NiSource.com

Gas Line Incident Occured:

Date: 8/17/2021
Time: 10:12 AM

Details:

Reported Date: 9/8/2021 8:35 AM

Incident Location Address:

Location:
Address: 2450 Union City Rd
City: Richmond
State: KY
County: Madison
Zip: 40475
Confirm Code: D

Number of Customers out: 0

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: n/a

Excavator: Contractor

Excavator Address:

First Name: Luke

Last Name: Alexander

Organization ID:

Company: Alexander and Son General Contracting

Phone: 859-314-6042

Email:

Address: 298 Arthur Jackson Ln

City: Berea

State: KY

Zip: 40403

Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident Alexander and Son General Contracting struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

9/8/2021

Full details such as the cause	Alexander and Son General Contracting was excavating without a locate ticket. While using mechanized equipment to install a sewer line, Alexander and Son General Contracting struck and damaged a plastic one inch natural gas service line.
Extent of the damage	A plastic one inch natural gas service line was punctured, and the service line was repaired.
Cost of the damage	\$500.00
Steps taken to prevent re-occurrence	CKY employees advised Alexander and Son General Contracting to always call 811 prior to any excavating activities.
Amount billed to excavator	\$500.00

Attachment 2

Tout, Eric V (PSC)

From: Rice \ James \ D <jamesrice@nisource.com>
Sent: Tuesday, January 24, 2023 2:10 PM
To: Tout, Eric V (PSC)
Subject: RE: 53981, 8/17/2021, 2450 Union City Rd., Richmond, Alexander & Son General Contracting
Attachments: KY21-1124 Claim invoice.pdf; KY21-1124 Claim letter.pdf; 2450 Union City Rd - Rich - No notification made to 811.pdf; 53981 Pics.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Good afternoon Eric,

Please see attached.

-james

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, January 18, 2023 9:56 AM
To: Rice \ James \ D <jamesrice@nisource.com>
Subject: 53981, 8/17/2021, 2450 Union City Rd., Richmond, Alexander & Son General Contracting

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Hello James,

Please send repots, photos pre & post, 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



PSC Gas Excavation Damage Report

Excavation Damage Occurred

Date: 08/17/2021

Time: 10:12 AM

JO #: 21-9334068-00

Incident Location

Address: 2450 Union City Rd

City: Richmond

County: Madison

Zip: 40475

Cust. Lost: 0

Was gas released into the atmosphere? Y

Locate Request Ticket Number: N/A

Excavator Information

Excavator Type: Contractor

First Name: Luke

Last Name: Alexander

Company: Alexander and Son General Contracting

Phone: 859-314-6042

Email: Unknown

Address: 298 Arthur Jackson Ln

City: Berea

State: KY

Zip: 40403



Incident Details

KY PSC - Cause of Damage: No notification made to the One Call Center

Columbia DIMP Root Cause: Failed To Notify One Call/Failure to call one call center

Description of Incident: Alexander and Son General Contracting struck a plastic one inch natural gas service line with mechanized equipment.

Full details such as the cause: Alexander and Son General Contracting was excavating without a locate ticket. While using mechanized equipment to install a sewer line, Alexander and Son General Contracting struck and damaged a plastic one inch natural gas service line.

Extent of the damage: A plastic one inch natural gas service line was punctured, and the service line was repaired.

Cost of the damage: \$500

Steps taken to prevent re-occurrence: CKY employees advised Alexander and Son General Contracting to always call 811 prior to any excavating activities.

Amount billed to excavator: \$500





Kubota

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DO NOT
ENTER

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1124

JOB ORDER NO.: 21-9334068-00

DATE: October 25, 2021

MRA ACCOUNT NUMBER: 21088787-000-001-5

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Alexander & Son General Contracting Limited Liability Company Columbia Gas / NiSource
298 Authur Jackson Ln
Berea, Kentucky 40403

3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE

\$1,334.92

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 08/17/2021 in the vicinity of 2450 Union City Rd Bldg, Richmond, Kentucky 40475.

ITEMS	AMOUNT
Labor	\$649.28
Materials	\$93.85
Equipment	\$580.49
Gas Loss	\$5.67
Contracted Fees	\$0.00
Taxes	\$5.63
TOTAL EXPENSE	\$1,334.92

Notes:

**If you have any questions regarding this bill, please contact Nicole Gillette,
Facility Damage Coordinator, at (440)420-2717.**

Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY21-1124

JOB ORDER NO.: 21-9334068-00

DATE: October 25, 2021

Columbia Gas of Kentucky, Inc.
Damage Prevention Support

3101 N Ridge Road E
Lorain, Ohio 44055

10/25/2021

(440)420-2717

Alexander & Son General Contracting Limited Liability Company
298 Authur Jackson Ln
Berea, Kentucky 40403

Re: Our Claim: KY21-1124

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$1,334.92, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 2450 Union City Rd Bldg, Richmond, Kentucky 40475. Our reports indicate that our facilities were damaged on 08/17/2021, due to failure to request a utility locate .

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Nicole Gillette
Facility Damage Coordinator
ngillette@nisource.com

Enclosure

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00167 DATED SEP 20 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 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/Oj1q_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 3rd gen or newer

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

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

William Luke Alexander
1872 Gravel Lick Branch Rd
Berea, KENTUCKY 40403-8218

Alexander and Son General Contracting, LLC
298 Arthur Jackson Ln
Berea, KENTUCKY 40403