

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOUR RIVERS EXCAVATING, LLC)	
_____)	
ALLEGED VIOLATION OF UNDERGROUND)	CASE NO.
FACILITY DAMAGE PREVENTION ACT)	2023-00405

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.)

Four Rivers Excavating, LLC (Four Rivers Excavating) 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 in this case shall take place on January 26, 2024.

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

¹ 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 Four Rivers Excavating 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 Four Rivers Excavating 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. Four Rivers Excavating shall submit to the Commission, via email sent to 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. Four Rivers Excavating shall appear on January 26, 2024, 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 26, 2024 hearing shall be conducted via video conferencing.

4. Four Rivers Excavating 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. Four Rivers Excavating shall notify the Commission at least ten days prior to the hearing if Four Rivers Excavating 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 54287, attached to this Order as Appendix A, is made a part of the record in this case.

9. The January 26, 2024 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
DEC 20 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00405 DATED DEC 20 2023

THIRTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54287 **Investigation** 10400
Incident Date 12/8/2021 11:06:00 AM **Report Submitted** 1/7/2022

Operator Information

Operator Atmos Energy Corporation **Reported By** Bill Stanley
Phone (270) 314-0712 **Email** Bill.Stanley@atmosenergy.com

Incident Location 330 Wexford Ct **Locate Ticket Number** 2111301643
 Paducah KY 42002
 330 Wexford Ct. Paducah
County McCracken

Excavator Information

Excavator Laramie Gaither **Organization ID** 1147534
 Four Rivers Excavating L.L.C.
Phone 270-709-0762 **Email** na
Address 2413 Lowes Rd **Locate Ticket Number** 2111301643
 Cunningham KY 42035

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/Excavator	\$1,117.00	\$1,117.00

The Operator reports that the Excavator damaged a correctly marked ¾-inch gas service with an excavator installing a driveway and building. A Legal Notice of Gas Line Damage dated 07/25/23 was mailed to the Excavator.

The DR & Notice are included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
2111301643	Yes	11/30/21	12/21/21	12/8/2021	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 08/23/23, the Operator, Atmos's Bill Stanley, provided the following documents:

- Leak Found Report, Third Party Damage Form & DR: Outlined in the DR Summary & Attachment 1.
- Eight Photographs: Indicating the damage occurred within the tolerance zone of 18-inches.
- Invoice: indicating the Operator billed the Excavator \$1,116.96 for the damage repair.

Atmos's documents are included as Attachment 3.

On 09/06/23, the Excavator, Four Rivers Excavating's Joseph Gaither, stated that the markings were off, outside the tolerance zone of 18-inches. Staff informed Mr. Gaither of the photographs (See Attachment 3) indicating the damage occurred within 18-inches and Mr. Gaither contended the marks were off. Mr. Gaither stated that research was warranted and he would call back on 08/11/23.

PIPELINE DAMAGE INVESTIGATION REPORT

On 08/29/23, a Past Due Notice was mailed to the Excavator with a due date of 09/28/23. The past due notice was delivered 09/06/23.

The Past Due Notice & Delivery Receipt are included as Attachment 4.

VIOLATIONS¹

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 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	12/08/21	12/09/22

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

Atmos Energy Corporation

Submitted 1/7/2022 Incident ID: 54287

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54287\)](#)

Reported By:

Name: Bill Stanley
Phone: (270) 314-0712
Email: Bill.Stanley@atmosenergy.com

Gas Line Incident Occured:

Date: 12/8/2021
Time: 11:06 AM

Details:

Reported Date: 12/8/2021 3:53 PM

Incident Location Address:

Location: 330 Wexford Ct. Paducah
Address: 33 Wexford Ct
City: Paducah
State: KY
County: McCracken
Zip: 42002
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?

Locate Request Ticket No.: 2111301643

Excavator: Contractor

Excavator Address:

First Name: Laramie

Last Name: Gaither

Organization ID:

Company: Four Rivers Excavation

Phone: 270-709-0762

Email: na

Address: 2413 Lowes Rd

City: Cunningham

State: KY

Zip: 42035

Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident Four Rivers Excavating damaged a 3/4" PE service. No injuries.
Summary Information

Full details such as the cause	While digging with an excavator to install a driveway and building, Four Rivers Excavating damaged a 3/4" PE service. A valid locate request was provided. The damaged service was correctly located. Four Rivers was using mechanized equipment inside the tolerance zone when the service was damaged.
Extent of the damage	Repaired 3/4" PE service. 1 customer off.
Cost of the damage	\$1,117.00
Steps taken to prevent re-occurrence	Four Rivers Excavating was educated on importance of using only non mechanized excavation inside the tolerance zone. Four Rivers Excavating was billed for the repair.
Amount billed to excavator	\$1,117.00



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

July 25, 2023

Laramie Gaither
Four Rivers Excavating L.L.C.
2413 Lowes Rd.
Cunningham, KY 42035

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54287**

LEGAL NOTICE OF GAS LINE DAMAGE

Dear Mr. Gaither:

The Kentucky Public Service Commission (Commission), on January 7, 2022, received the attached Gas Excavation Damage Report (Damage Report) alleging Four Rivers Excavating L.L.C. damaged a natural gas facility owned and/or operated by the Atmos Energy Corporation. The Damage Report alleges that on December 8, 2021, Four Rivers Excavating L.L.C. violated the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917 at 330 Wexford Ct. Paducah, KY 42002, by excavating within the tolerance zone of 18-inches.

Under the Act, 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.

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, 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 upon the allegations contained in the Damage Report and the Commission's records of prior underground facility damage, Commission Staff has determined that:

1. This incident is the first incident of damage to an underground facility involving Four Rivers Excavating L.L.C. within the past 365 days.
2. The statutory provision that Four Rivers Excavating L.L.C. is alleged to have violated is:

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.

3. The civil penalty for this alleged violation is \$1,250.00

RESPONSE REQUIRED FOR RESOLUTION

There are three options you may choose from to resolve this violation. *Please select a method of resolution listed below:*

1. **Dispute the Alleged Violation:** Four Rivers Excavating L.L.C. has the right to dispute the allegations made by Atmos Energy Corporation. If you have additional facts or evidence that you wish to provide to dispute the allegations made in the Damage Report, please contact Eric V. Tout, Division of Inspections at 502-782-2622, or ericv.tout@ky.gov prior to paying the civil penalty.

2. **Penalty Payment:** This incident may be resolved by Four Rivers Excavating L.L.C. paying the full amount of the civil penalty listed above. *Payment of the penalty will not be considered an admission of willfully violating any provision of the Act.*

If Four Rivers Excavating L.L.C. does not wish to dispute the alleged violation, Four Rivers Excavating L.L.C. should submit payment, within 30 days of the date of this letter, in the amount of \$1,250.00.

3. **Training:** If this letter indicates this is Four Rivers Excavating L.L.C.'s first alleged violation of the Act, Four Rivers Excavating L.L.C. should contact Andrea Bramblett, at andrea.bramblett@ky.gov or (502) 782-2656 to arrange to attend a training course that if completed will **reduce the civil penalty amount due to \$250**. *Payment of the reduced penalty will not be considered an admission of willfully violating any provision of the Act.*

If the excavator would like to pay via electronic payment, please contact Andrea Bramblett, at andrea.bramblett@ky.gov or (502) 782-2656 to have a digital invoice issued. If submitting payment by mail, please send a cashier's check or money order, made payable to **Kentucky State Treasurer**, to the address listed below.

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

Please include the Incident Number 54287 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.*

ADMINISTRATIVE PROCEEDING

If Four Rivers Excavating L.L.C. does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or provide the Division of Inspections with additional information that relieves Four Rivers Excavating L.L.C. of responsibility for the damage, the Commission will institute an administrative proceeding against Four Rivers Excavating L.L.C..

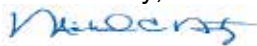
The Administrative Proceeding will include a formal hearing in front of the Commission, during which Four Rivers Excavating L.L.C. will have the opportunity to present evidence, call witnesses, and cross examine witnesses called by the Division of Inspections. Failure to participate in these proceedings may result in a default judgement against Four Rivers Excavating



L.L.C. for the full amount of the proposed civil penalty. Pursuant to Kentucky law, **all business entities, including limited liability companies, must be represented at the administrative proceeding by legal counsel licensed to practice law in Kentucky.**

If you have questions regarding the Administrative Proceeding, please contact the attorney representing Division of Inspections at 502-791-0493 or jnorriganfield@ky.gov.

Sincerely,



Michael Nantz
Division Director

Attachment

Attachment 2

Kentucky 811

Ticket no	2111301643	Type	NORMAL CALL
Request date	11/30/21 02:49 pm		
Start date	12/02/21 03:00 pm		
Expiration date	12/21/21 05:00 pm		

Excavator information

Excavator name	GAITHER QUALITY CONSTRUCTION		
Address	PO BOX 618 CUNNINGHAM, KY 42035		
Company phone	270-709-0762		
Requested by	JOSEPH GAITHER	Phone	270-709-0762
On-site name	JOSEPH GAITHER - CELL	On-site phone	270-709-0762
Contact email	JOE4GQC@YAHOO.COM		

Excavation information

Type of work	INSTALL GARAGE		
Depth (ft)	2	Explosives	N
Area marked	U		
Job name/number			
Work done for	JAMES ARMSTRONG		

Location information

County	MCCRACKEN	City	PADUCAH
Address/street	330 WEXFORD CT		
Nearest intersecting street	S FRIENDSHIP RD		
Location of work	WHEN FACING PROPERTY FROM THE DIG STREET LOCATE THE RIGHT SIDE OF PROPERTY AND REAR OF PROPERTY		

Comments

Map Coord

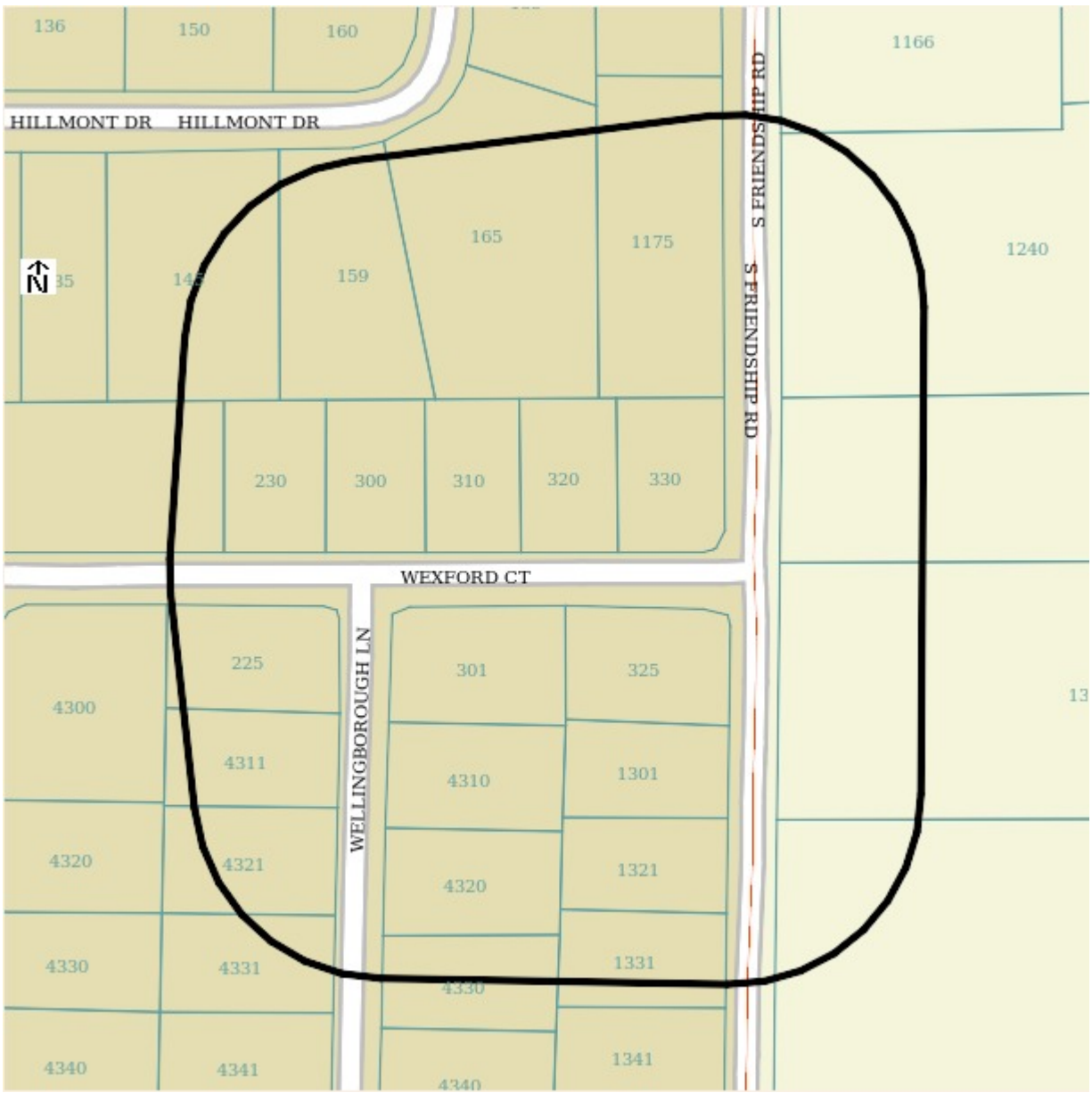
NW Lat 37.0126971	Lon -88.6686529	SE Lat 37.0102032	Lon -88.6659433
--------------------------	------------------------	--------------------------	------------------------

Members notified

Company name	District	Type	Status
PADUCAH POWER	0039	E	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.
PADUCAH WATER	0040	W	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if

COMCAST	0068	TEL,TV,FO	marks are not complete and accurate. Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2021/12/02 14:04 WORKING WITH CONTRACTOR ON DUE TIME GET BY 12/7/21 2:00PM 2021/12/02 14:04 RESCHEDULE APPROVED BY: JOSEPH GAITHER 2021/12/02 15:38 ATT AND CATV MARKED. NO JPE HERE, THIS IS PPS AREA)
ATMOS ENERGY	0135	PIPELINE	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (REQUESTED AREA MARKED)
AT&T DISTRIBUTION	0139	COMMUNICATIONS	
JACKSON PURCHASE ENERGY CORP	0725	E	No Conflict - The KY811 member has no facilities in the area of excavation described. (2021/12/02 14:04 WORKING WITH CONTRACTOR ON DUE TIME GET BY 12/7/21 2:00PM 2021/12/02 14:04 RESCHEDULE APPROVED BY: JOSEPH GAITHER 2021/12/02 15:38 ATT AND CATV MARKED. NO JPE HERE, THIS IS PPS AREA)

Map



Attachment 3

Tout, Eric V (PSC)

From: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Sent: Wednesday, August 23, 2023 12:23 PM
To: Tout, Eric V (PSC)
Subject: Re: 54287, 12/8/2021, 330 Wexford Ct., Paducah, Four Rivers Excavating

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Please use the below link to view the documents requested

Thank you
Bill

<https://ae.watchdox.com/ngdox/viewer/8e731cb7-64b9-43f7-b987-ae4af60347da>

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Monday, August 21, 2023 7:00 AM
To: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Subject: [EXT] 54287, 12/8/2021, 330 Wexford Ct., Paducah, Four Rivers Excavating

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bill,

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



LEAK FOUND REPORT

eAM WO#: 22721162

Construction Order Number: **C** 0630874

Leak Asset #: 710765

Project Number: 050 • 23958

Division: 009

District / Cost Center: 2637

County / Parish: McCarrkens Town: Paducah

State: Ky

Tax District: 92401

ICL OCL Map Sheet #: G11-25B

Address / Location: 330 WEXFORD CT Cross Street: S Friendsk: p

Asset Description: _____ Land Description: _____

GPS Coordinates: Latitude 37.01162491 Longitude -88.66673724 Leak Survey Area: _____

Class Location: 1 2 3 4 Facilities Class: Distribution Transmission Gathering Storage Production

Date Leak Found: 12/08/2021
(MMDD/YYYY)

Time Leak Found: 11:08 AM PM

Time Leak Classified: 11:10 AM PM

Leak Grade: 1 2 (5 day)
 3 2 (30 day)
 4 2 (180 day)

(M15) Leak Graded By: TIM TOOLAY (M1) Surveying Leaks ID#: 18449

Suspected Facility: Main Service Riser Yardline Meter Loop Other Feet to Building: 5 FT

CGI Reading: 100 % Gas _____ % LEL Surface Type: Dirt Brick Concrete Asphalt Rock Liquid Other

Leak Found: Yes No Third Party Damage: Yes (If Yes, complete Third Party Damage Form) No

Leak Located: Above Ground Below Ground Residual Gas: Yes No

Notes: Line marked correctly. 25' from main. Rectangle cut 1/4" x 1/4". Blew for 2 hrs

Reason Not Repaired:
<input type="checkbox"/> Duplicate Order
<input type="checkbox"/> Customer Line
<input type="checkbox"/> Not Natural Gas
<input type="checkbox"/> Other Company
<input type="checkbox"/> No Leak Found

Initial Leak Cause:

- Corrosion Group
 - Corrosion
- Excavation Group
 - Operator Personnel / Contractors Excavating
 - Other Third Party Excavators
 - Locator
 - Vehicle (Auto / Truck / Etc.)
- Natural Forces Group
 - Lightning
 - Washout
 - Ground Movement
 - Ice
 - Static Electricity
- Other Outside Forces Group
 - Vandalism
 - Fire / Explosion First
 - Excessive Strain
- N/A

- Materials & Welds Group
 - Dent
 - Gouge
 - Factory Defect
 - Wrinkle / Bend
 - Weld (Steel)
 - Fusion Defect (Plastic)
- Equipment Group
 - Equipment Malfunction
 - Gasket / O-Ring
 - Packing
- Operations Group
 - Inadequate / Failure to Follow Procedures
 - Stripped Threads
 - Backfill
- Other
 - Not Excavation
 - Other Explanation



THIRD PARTY DAMAGE FORM

eAM WO#: 22721168

Construction Order Number: **C** 0630874

Leak Asset #: 710765

Project Number: 050 • 23958

Rate Division: 009

INCIDENT DETAILS

Date of Damage: 12/08/2021 (MMDD/YYYY) Time of Damage: 11:06 AM PM

Was the Regulatory Commission called? Yes No Incident Number: _____

Address/Location: 330 WEXFORD CT Cross Street: SOUTH FRIENDSHIP

City: Paducah County/Parish: M^CCRACKEN State: KY

- ROW:
- | | | |
|------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Public-City Street | <input type="checkbox"/> Private Business | <input type="checkbox"/> Dedicated Public Utility Easement |
| <input type="checkbox"/> Public-State Hwy | <input checked="" type="checkbox"/> Private-Land Owner | <input type="checkbox"/> Federal Land |
| <input type="checkbox"/> Public-County Road | <input type="checkbox"/> Private-Easement | <input type="checkbox"/> Railroad |
| <input type="checkbox"/> Public-Interstate Hwy | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Unknown/Other |
| <input type="checkbox"/> Public-Other | <input type="checkbox"/> Power/Transmission Line | |

EXCAVATOR DETAILS

Company Name: Four River Excavation

Address: 2413 Lowes Rd

City: Cunningham State: KY Zip: 42035

Contact Name: LARAMIE Gaither Phone: 270-709-0762

- Excavator Type: Contractor County Farmer Municipality Occupant Railroad State Utility Developer
 Home Owner Unknown/Other

Pipeline Damage With:

- | | | | | |
|------------------------------------------------------|-----------------------------------------------|-------------------------------------------|-----------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Auger | <input type="checkbox"/> Drilling | <input type="checkbox"/> Grader/Scraper | <input type="checkbox"/> Probing Device | <input type="checkbox"/> Milling Equipment |
| <input checked="" type="checkbox"/> Backhoe/Trackhoe | <input type="checkbox"/> Directional Drilling | <input type="checkbox"/> Hand Tools | <input type="checkbox"/> Trencher | <input type="checkbox"/> Unknown/Other |
| <input type="checkbox"/> Boring | <input type="checkbox"/> Explosives | <input type="checkbox"/> Vacuum Equipment | <input type="checkbox"/> Farm Equipment | |

Work Performed:

- | | | | |
|-------------------------------------------------------|---------------------------------------------------|-------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Engineering/Survey | <input type="checkbox"/> Road Work | <input type="checkbox"/> Traffic Sign |
| <input checked="" type="checkbox"/> Bldg Construction | <input type="checkbox"/> Fencing | <input type="checkbox"/> Sewer (Sanitary/Storm) | <input type="checkbox"/> Water |
| <input type="checkbox"/> Bldg Demolition | <input type="checkbox"/> Irrigation | <input type="checkbox"/> Site Development | <input type="checkbox"/> Water Improvement |
| <input type="checkbox"/> Cable TV | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Steam | <input type="checkbox"/> Liquid Pipeline |
| <input type="checkbox"/> Curb/Sidewalk | <input type="checkbox"/> Grading | <input type="checkbox"/> Storm Drain/Culvert | <input type="checkbox"/> Milling |
| <input type="checkbox"/> Drainage | <input type="checkbox"/> Pole | <input type="checkbox"/> Street Light | <input type="checkbox"/> Unknown/Other |
| <input type="checkbox"/> Driveway | <input type="checkbox"/> Public Transit Authority | <input type="checkbox"/> Telecommunications | |
| <input type="checkbox"/> Electric | <input type="checkbox"/> Railroad Maintenance | <input type="checkbox"/> Traffic Signal | |

Excavator Incur Downtime: Yes No Unknown How much Downtime? _____ Downtime Cost Incurred? _____

AFFECTED FACILITY DETAILS

Was any Facility Damaged? Yes No Release of Product? Yes No Unknown Location: Above Ground Below Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center? Yes No Unknown

Center Name: _____ Locate Ticket Number: _____

Did Excavator Notify Atmos Energy Directly? Yes No Unknown

Excavator Notified 911? Yes No Unknown Name: LOVE OAK Vol FIRE Dept

Facility Type: Distribution Gathering Service/Stub Transmission Unknown/Other

Pipeline Material: Bare Steel Coated Steel Cast Iron PE PVC Other

Facility Damaged On: Body of Pipe Coating Housing Other Protective Device

Type of Pipeline Damaged: Intrastate Interstate Unknown

Pipeline Status: Active Idle New Pipe (no product) Abandoned (no product)

Damaged Pipe Diameter: _____ inches Depth of Facility: _____ feet _____ 11 inches

Joint Trench: Yes No Unknown

DAMAGE & IMPACT DETAILS

Damaged by: Third Party Operator Operator's Contractor

Caused Service Interruption: Yes No

Requires Regulatory Notification: Yes No

Customer Affected: 1

Death/Hospitalization

Number of Injuries: 0

Property Damage ≥ \$50,000

Type of Injuries: 0

Estimated gas loss ≥ 3 million cubic feet

Number of Fatalities: 0

Outage Hours: UNKNOWN

Restoration Cost: UNKNOWN

DAMAGE & IMPACT DETAILS CONT'D

Root Cause of Damage: No notification made to the OneCall Center Failure to test-hole (pot hole)
 Notification to OneCall Center made, but not sufficient Improper backfilling practices
 Wrong information provided to OneCall Center Failure to maintain clearance
 Facility could not be found or located Other insufficient excavation practices
 Facility marking or location not sufficient OneCall Center error
 Facility was not located or marked Abandoned facility
 Incorrect facility maps Deteriorated facility
 Failure to maintain marks Previous damage
 Failure to support exposed facilities Data not collected
 Failure to use hand tools where required Other

Impact: Fire/Ignition occur Any evacuation (Number of people: _____) Any media coverage Any explosions
 Any street blocked Any other impact Comments: _____

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: Yes No
 Center Name: 811 OneCall Ticket Number: 2111301643
 Date of Notification: 11 / 30 / 2021
 Original Locator: Pipeline Operator Utility Owner Data Not Collected Unknown/Other
 Contract Locator Locator Name: Heath
 Marked by White Lining: Yes No Unknown Marked using Maps: Yes No Unknown
 Atmos Energy Rep Onsite: Yes No Unknown Excavator Gave Proper Notice: Yes No Unknown
 Any Special Instructions: Yes No Unknown Locate Procedures Followed: Yes No Unknown
 Locator met with Excavator: Yes No Unknown
 Facility Gave Positive Response: Yes No Unknown
 Date of Positive: 11 / 30 / 2021 Time of Positive: 02 : 49 AM PM

Excavator made 2nd call to OneCall: Yes No Unknown
 Reason: No positive response to first call Positive response is unclear or incorrect All clear appears questionable Other
 2nd Notice Ticket Number: _____ Date of 2nd Notice: _____ / _____ / _____
 Facility gave positive response to 2nd notice: Yes No Unknown
 Date of Positive: _____ / _____ / _____ Time of Positive: _____ : _____ AM PM

Facility Marks Visible: Yes No Unknown
 Marked by Paint: Yes No Unknown Marked by Flags: Yes No Unknown
 Method used to Locate: Conductive Inductive Unknown Other: _____
 Another type of Marking Use: Yes No Unknown: _____
 Facility Marked Correctly: Yes No Unknown/Other: _____
 Reason Not Marked: Pipeline was not marked Portion of pipeline was not marked Pipeline was not marked accurately
 Improper type of marking Other: _____
 Distance of Inaccurate Marks from Pipeline: _____ feet _____ inches

OTHER INFORMATION

Line Pressure: 60 psig Pipe Damage: (Length) 4 inches (Width) 1 inches
 Leak Duration: 2 hrs minutes Locate Priority: _____ FERC Account: 8740
 Insurance Company: NA Agent Name: N/A Phone #: N/A
 Locate Mark within State Law: Yes No Police Report Number: _____
 Pre-Damage Photos: Yes No Post-Damage Photos: Yes No Billing Required: Yes No

LABOR

Name	Title	Reg Time	Overtime	Drive Time
<u>TIM TOOLEY</u>	<u>SR. SUPERVISOR</u>	<u>2.5</u>		<u>.5</u>
<u>JOSH PATTERSON</u>	<u>CONST. OP 2</u>	<u>2.5</u>		<u>.5</u>
<u>CLAYTON BEAVER</u>	<u>CONST. OP 1</u>	<u>2.5</u>		<u>.5</u>

EQUIPMENT

Quantity	Time	Quantity	Time
<u>2</u>	<u>2.5</u>		
<u>1</u>	<u>2.5</u>	<u>1</u>	<u>2.5</u>

Comments: CONTRACTOR HIT 1" SERVICE LINE WITH BACKHOE IN TOLERANCE
ZONE FAILURE TO HAND EXPOSE
 Completed By: JIMMY W. TOOLEY Date: 12-08-2021

**ATMOS ENERGY CORPORATION
 KENTUCKY / MID-STATES DIVISION
 KENTUCKY OPERATIONS
 3RD PARTY DAMAGE BILLING**

NAME: Four Rivers Excavation - Laramie Gaither
 BILLING ADDRESS: 2413 Lowes Rd
 CITY, STATE, & ZIP CODE: Cunningham, KY 42035
 PHONE #: 270-709-0762
 EMAIL ADDRESS: _____
 INSURANCE PROVIDER: _____
 INSURANCE POLICY #: _____
 ATMOS WORK CENTER: 2637 - Paducah
 DATE OF DAMAGE: December 8, 2021
 DAMAGE LOCATION: 330 Wexford Ct, Paducah, KY 42001
 ASSET #: 710765
 eAM #: 22721168
 SAP INVOICE #: _____

LINE NO.	CHARGE TYPE:			
1	LABOR			\$ 532.05
2	MATERIALS			\$ 201.30
3	EQUIPMENT			\$ 322.50
4	GAS LOSS COSTS	Enter PGA Rate (per MCF)	Volume (MCF)	\$ 61.11
		\$ 6.1110	10	
5	OUTSIDE SERVICES			\$ -
6	MISCELLANEOUS COSTS			\$ -
7	TOTAL 3RD PARTY DAMAGE BILLING			\$ 1,116.96

Pipe Size	1
Material Type	PE
Pressure (PSIG)	60
Duration (Minutes)	120
Distance to Feeder Main or Regulator Station (Feet)	25
Main or Service	Service

- 1) Fill out all Information in Rows 1-6
- 2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
- 3) Click Circular Hole if damage is circular. Enter dimensions
- 4) Click Calculate Gas Loss

Calculator uses IGT Flow Formula

Gas Loss Flow Rate	82	Cubic Feet/Min.
Gas Loss in Cubic Feet	9,890	Cubic Feet
Gas Loss in Pounds	455	Pounds
Gas Loss in CCF	99	CCF
Gas Loss in MCF	10	MCF

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

Submitted- 330 Wexford Ct. Paducah - Excavation Damage Report

Stanley, Bill E <Bill.Stanley@atmosenergy.com>

Fri 1/7/2022 2:18 PM

To: KY Third Party Damage Notification List <ky.tp.dmg.notif@atmosenergy.com>; Mattingly, Pat T <Patrick.Mattingly@atmosenergy.com>; Jones, Sean D <Sean.Jones@atmosenergy.com>

This has been submitted.

Thank you

Bill

[NEW Excavation Damage](#) [List Excavation Damage Reports](#) Atmos Energy Corporation

[View Incidents](#) [View Peak Reports](#)

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 1/7/2022 Incident ID: 54287

Reported By:

Name:

Bill Stanley

Phone:

(270) 314-0712

Email:

Gas Line Incident Occured:

Date:

12/8/2021

Time:

11:06 AM

Details:

Reported Date: 12/8/2021 3:53 PM

Incident Location Address:

Location:

330 Wexford Ct. Paducah

Address:

33 Wexford Ct

City:

Paducah

State:

KY

County:
McCracken

Zip:
42002

Confirm Code:

Address	City	State
---------	------	-------

ZipCode	County	State
---------	--------	-------

Number of Customers out: 1

<p>Was gas or hazardous liquids contained in the underground facility? [X]</p> <p>Was gas or hazardous liquids released into the atmosphere? [X]</p> <p>* 3/2020</p>

Locate Request Ticket No.: 2111301643

Excavator: Contractor

Please use the below button to find full name and address details of the Company.

Copy Paste the details in the below fields



Excavator Address:

First Name:

Laramie

Last Name:

Gaither

Organization ID:

Company:

Four Rivers Excavation

Phone:

270-709-0762

Email:

na

Address:

2413 Lowes Rd

City:
Cunningham

State:
KY

Zip:
42035

Confirm Code:
Y

Address	City	State
ZipCode	County	State

Excavation Damage: Failure to use hand tools where required

Description of Incident Four Rivers Excavating damaged a 3/4" PE service. No injuries.
Summary Information 1/7/2022

Full details such as the cause	While digging with an excavator to install a driveway and building, Four Rivers Excavating damaged a 3/4" PE service. A valid locate request was provided. The damaged service was correctly located. Four Rivers was using mechanized equipment inside the tolerance zone when the service was damaged.
Extent of the damage	Repaired 3/4" PE service. 1 customer off.
Cost of the damage	\$1,117.00
Steps taken to prevent re-occurrence	Four Rivers Excavating was educated on importance of using only non mechanized excavation inside the tolerance zone. Four Rivers Excavating was billed for the repair.
Amount billed to excavator	\$1,117.00

FW: [EXT] Report Submitted Gas Excavation Damage at 12/8/2021 11:06:00 AM involving Atmos Energy Corporation REFERENCE 54287

Stanley, Bill E <Bill.Stanley@atmosenergy.com>

Fri 1/7/2022 2:20 PM

To: Kirkham, Nicole A <Nicole.Kirkham@atmosenergy.com>; Whitney, Lisa S <Lisa.Whitney@atmosenergy.com>

Cc: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>

From: KY Public Service Commission [mailto:pscfilings@ky.gov]**Sent:** Friday, January 7, 2022 2:15 PM**To:** Stanley, Bill E <Bill.Stanley@atmosenergy.com>**Subject:** [EXT] Report Submitted Gas Excavation Damage at 12/8/2021 11:06:00 AM involving Atmos Energy Corporation REFERENCE 54287

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The completed report has been submitted. A gas digIn incident has occurred at approximately: 12/8/2021 11:06:00 AM
Involving Utility: Atmos Energy Corporation

at Location: 330 Wexford Ct. Paducah

Description: Four Rivers Excavating damaged a 3/4" PE service. No injuries.

Customers Affected: 1

Person completing this report: Bill Stanley

Contact filer at: (270) 314-0712 Bill.Stanley@atmosenergy.com

see more: <https://psc.ky.gov/ORS/GasIncident.aspx?IG=54287>

1/7/2022 3:14:58 PM bill.stanley@atmosenergy.com

Utility filers receipt. This email is automatically generated please do not reply to this email address.







INVOICE

FOUR RIVERS EXCAVATION
2413 LOWES RD
CUNNINGHAM KY 42035

Page: 1
Claim Number: 000200057585
Invoice No: 317138
Invoice Date: 10-JAN-22
Customer No: 176387
Credits and Payments: 0.00
Amount Due Remaining: 1,116.96
Amount Due Original: 1,116.96
Sales Rep: Patrick T. Mattingly
Payment Terms: NET10
Due date: 20-JAN-22

For billing questions, please call: 270-247-3312

Total Amount Due 1,116.96 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	201.30	201.30
2	Tools and Equipment	1	Job	322.50	322.50
3	Labor	1	Job	532.05	532.05
4	Gas Loss	10	mcf	6.111	61.11

PAGE TOTAL

1,116.96

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ATMOS ENERGY CORP
P. O. BOX 841425
Dallas TX 75284-1425

ELECTRONIC REMITTANCE TO:

ATMOS ENERGY CORP
Bank of America
ACH Routing# 111000012
Bank Wire Routing# 026009593
Acct# 3756617812
Ref: 317138



Customer No: 176387

Invoice No: 317138

Total Amount Due: 1,116.96 USD

BILL TO:

FOUR RIVERS EXCAVATION
2413 LOWES RD
CUNNINGHAM KY 42035



Third Party Damage Claims Recovery

FOUR RIVERS EXCAVATION
2413 LOWES RD
CUNNINGHAM KY 42035

Date of Loss: 08-DEC-21 Invoice# 317138
Damages: \$1,116.96
Location of Damage: 330 Wexford Ct Paducah Ky
Description of Damage: Contractor Hit 1" Service With Backhoe Working On Building Construction. Failure To Maintain Marks And Use Hand Tools
Claim #: 000200057585

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.**

Sincerely,

Patrick T. Mattingly
Phone :270-247-3312
Fax :270-247-3671
patrick.mattingly@atmosenergy.com
Para informacion en espanol, por favor llamar al 270-247-3312

900 Commonwealth Dr
Mayfield KY 42066



Know what's below.
Call before you dig.

Attachment 4



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

August 29, 2023

Laramie Gaither
Four Rivers Excavating L.L.C.
2413 Lowes Rd.
Cunningham, KY 42035

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54287**.

Past Due Notice

Dear Mr. Gaither:

This is a reminder that your account is now past due in the amount of **\$250.00**. Attached is the Notice of Gas Line Damage and the Damage Report that was previously sent to you for the above incident, which our records indicate as **UNRESOLVED**.

If **Four Rivers Excavating** does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or provide the Division of Inspections with additional information that relieves **Four Rivers Excavating** of responsibility for the damage, the Commission will institute an administrative proceeding against **Four Rivers Excavating**. Please refer to the attached Notice of Gas Line Damage for instructions to schedule training and/or submit payment.

Once a referral to the Commission is made for the Administrative Hearing, 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 demand for remedial measures and penalty assessment, please contact Eric V. Tout, Division of Inspections at ericv.tout@ky.gov or (502) 782-2622.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Nantz".

Michael C. Nantz
Director, Division of Inspections

Attachment



Mailer: Kentucky Public Service Commission

Date Produced: 09/07/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8328 2531 59. Our records indicate that this item was delivered on 09/06/2023 at 10:56 a.m. in CUNNINGHAM, KY 42035. The scanned image of the recipient information is provided below.

Signature of Recipient :

Handwritten signature: Kathleen Gaither

Address of Recipient :

Handwritten address: 2413 Lowes

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

LARAMIE GAITHER
FOUR RIVERS EXCAVATING L L C
2413 LOWES RD
CUNNINGHAM KY 42035-9532

Customer Reference Number: C4427999.26470791

Return Reference Number NOT 54287



Return address:

PUBLIC SERVICE COMMISSION
211 SOWER BLVD.
FRANKFORT KY 40602

Recipient address:

LARAMIE GAITHER
FOUR RIVERS EXCAVATING L L C
2413 LOWES RD
CUNNINGHAM KY 42035-9532

MAILING DATE: 08/29/2023
DELIVERY DATE: 09/06/2023

USPS CERTIFIED MAIL



9214 8901 9403 8328 2531 59

USPS Tracking Label Number: 9214 8901 9403 8328 2531 59

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	08/29/2023 13:26
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	08/29/2023 19:26
PROCESSED THROUGH USPS FACILITY	LEXINGTON KY DISTRIBUTION CENTE 40511	08/29/2023 20:41
PROCESSED THROUGH USPS FACILITY	EVANSVILLE IN DISTRIBUTION CENT 47708	09/01/2023 12:57
ARRIVAL AT UNIT	WEST PADUCAH,KY 42086	09/02/2023 06:34
OUT FOR DELIVERY	CUNNINGHAM,KY 42035	09/02/2023 06:45
NO AUTHORIZED RECIPIENT AVAILABLE	CUNNINGHAM,KY 42035	09/02/2023 11:06
REDELIVERY SCHEDULED	CUNNINGHAM,KY 42035	09/05/2023 13:19
DELIVERED LEFT WITH INDIVIDUAL	CUNNINGHAM,KY 42035	09/06/2023 10:56

CUSTOM 1:

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00405 DATED DEC 20 2023

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/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 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

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00405 DATED DEC 20 2023

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

FOUR RIVERS EXCAVATING, LLC)	
)	
_____)	CASO NO.
)	2023-00405
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

Four Rivers Excavating, LLC (Four Rivers Excavating) 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).² Una audiencia sobre este caso tendrá lugar el January 26, 2024.

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

² 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 Four Rivers Excavating 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 Four Rivers Excavating 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. Four Rivers Excavating 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 con el número de caso de este procedimiento en el asunto del mensaje.

2. Four Rivers Excavating comparecerá el January 26, 2024, 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 26, 2024 se llevará a cabo por videoconferencia.

4. Four Rivers Excavating 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. Four Rivers Excavating notificará a la Comisión, al menos diez días antes de la audiencia, si Four Rivers Excavating 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 54287, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 26, 2024 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. 2023-00405 FECHADO

TREINTA Y TRES PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00405 FECHADO

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 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

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.

*Laramie Gaither
FOUR RIVERS EXCAVATING, LLC
2413 Lowes Rd
Cunningham, KENTUCKY 42035-953