

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FAST FLOW PLUMBING, LLC	)	
	)	
_____	)	CASE NO.
	)	2024-00046
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

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

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

Fast Flow Plumbing, LLC (Fast Flow Plumbing) 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 April 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

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

the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Staff cites Fast Flow Plumbing 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 Fast Flow Plumbing 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. Fast Flow Plumbing shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto:PSCED@ky.gov) with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. Fast Flow Plumbing shall appear on April 26, 2024, 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 April 26, 2024 hearing shall be conducted via video conferencing.
4. Fast Flow Plumbing 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. Fast Flow Plumbing shall notify the Commission at least ten days prior to the hearing if Fast Flow Plumbing 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 55007, attached to this Order as Appendix A, is made a part of the record in this case.
9. The April 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



ATTEST:

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

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2024-00046 DATED MAR 04 2024

TWENTY PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 55007 **Investigation** 10490  
**Incident Date** 8/26/2022 11:18:00 AM **Report Submitted** 8/31/2022

## Operator Information

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

**Incident Location** 4990 Hartland Py  
Lexington KY 40515 **Locate Ticket Number** 2208251361

**County** Fayette

## Excavator Information

**Excavator** Mitch Estes **Organization ID**  
Fast Flow Plumbing  
**Phone** 859-756-3508 **Email**  
**Address** 1095 Majaun Rd, Suite A **Locate Ticket Number** 2208251361  
Lexington KY 40511

## Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Backhoe	\$5,000.00	\$5,000.00

The DR is included as Attachment 1.

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2208251361	Yes	08/25/22	09/15/22	8/26/2022	N/A	Yes

The LT is included as Attachment 2.

## SUPPORTING DOCUMENTS

On 08/01/23, the Operator, Columbia's James Rice, provided supporting documents.  
**Columbia's supporting documents are included as Attachment 3.**

## VIOLATIONS<sup>1</sup>

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

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<sup>1</sup> A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

# PIPELINE DAMAGE INVESTIGATION REPORT

## **# of Offences Within 365 Days**

(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
2 <sup>nd</sup>	55007	08/26/22	08/27/23
1 <sup>st</sup>	54638	05/05/22	05/06/23
Resolved Incidents			
1 <sup>st</sup>	53541	04/27/21	04/28/22

# Attachment 1



# Gas Excavation Damage Report

## Columbia Gas of Kentucky, Inc.

Submitted 8/31/2022 Incident ID: 55007

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=55007\)](#)

### Reported By:

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

### Gas Line Incident Occured:

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**Date:** 8/26/2022  
**Time:** 11:18 AM

### Details:

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**Reported Date:** 8/31/2022 3:46 PM

#### Incident Location Address:

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**Location:**  
**Address:** 4990 Hartland Py  
**City:** Lexington  
**State:** KY  
**County:** Fayette  
**Zip:** 40515  
**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.:** 2208251361

**Excavator:** Contractor

## Excavator Address:

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**First Name:** Mitch

**Last Name:** Estes

**Organization ID:**

**Company:** Fast Flow Plumbing

**Phone:** 859-756-3508

**Email:**

**Address:** 1095 Majaun Rd, Suite A

**City:** Lexington

**State:** KY

**Zip:** 40511

**Confirm Code:**

**Excavation Damage:** Other insufficient excavation practices

**Description of Incident** Fast Flow Plumbing struck a plastic one inch natural gas service line with mechanized equipment.

## Summary Information

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8/31/2022

<b>Full details such as the cause</b>	Fast Flow Plumbing was working in an area with a locate ticket. While installing a water line, Fast Flow Plumbing struck a plastic one inch natural gas service line with mechanized equipment (backhoe) causing damage to the accurately marked service line.
<b>Extent of the damage</b>	A plastic one inch natural gas service line was severed, and the service line was repaired.
<b>Cost of the damage</b>	\$5,000.00
<b>Steps taken to prevent re-occurrence</b>	CKY employees advised Fast Flow Plumbing of the KY 811 Dig Law, and to use caution within the tolerance zone of a marked facility.
<b>Amount billed to excavator</b>	\$5,000.00

# Attachment 2

## Kentucky 811

<b>Ticket no</b>	2208251361	<b>Type</b>	EMERGENCY CALL
<b>Request date</b>	08/25/22 12:55 pm		
<b>Start date</b>	08/25/22 03:02 pm		
<b>Expiration date</b>	09/15/22 11:59 pm		

### Excavator information

<b>Excavator name</b>	FAST FLOW PLUMBING		
<b>Address</b>	1095 MAJAUN RD LEXINGTON, KY 40511		
<b>Company phone</b>	859-583-3226		
<b>Requested by</b>	AUSTIN MORRIS	<b>Phone</b>	859-583-3226
<b>On-site name</b>	AUSTIN MORRIS - CELL	<b>On-site phone</b>	859-583-3226
<b>Contact email</b>	<a href="mailto:FASTFLOWKY@GMAIL.COM">FASTFLOWKY@GMAIL.COM</a>		

### Excavation information

<b>Type of work</b>	REPAIR WATER LINE		
<b>Depth (ft)</b>	4	<b>Explosives</b>	N
<b>Area marked</b>	U		
<b>Job name/number</b>			
<b>Work done for</b>	JASON WILLIAMS		

### Location information

<b>County</b>	FAYETTE	<b>City</b>	LEXINGTON
<b>Address/street</b>	4990 HARTLAND PKWY		
<b>Nearest intersecting street</b>	TATES CREEK RD		
<b>Location of work</b>	LOCATE ENTIRE FRONT YARD OF PROPERTY		
<b>Comments</b>	CREW EN ROUTE		
<b>Map Coord</b>			
<b>NW Lat</b> 37.9519039	<b>Lon</b> -84.4866892	<b>SE Lat</b> 37.9496682	<b>Lon</b> -84.4826912

### Members notified

<b>Company name</b>	<b>District</b>	<b>Type</b>	<b>Status</b>
LEXINGTON URBAN CNTY GOV	0200	S	No Conflict - The KY811 member has no facilities in the area of excavation described.
INSIGHT COMMUNICATIONS	0237	TV	No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/08/25 14:47 UPON ARRIVAL CHECKED PRINTS AND VERIFIED WITH A 360

KENTUCKY UTILITIES	0326	E	<p>THAT ALL LINES ARE RUNNING OUTSIDE THE SCOPE OF THE TICKET EXCEPT THE STREET LIGHTS THAT RUN DAISY CHAIN ACROSS THE FRONT EASMENT)</p>
KENTUCKY AMERICAN WATER CO	0370	W	<p>Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/08/25 14:47 UPON ARRIVAL CHECKED PRINTS AND VERIFIED WITH A 360 THAT ALL LINES ARE RUNNING OUTSIDE THE SCOPE OF THE TICKET EXCEPT THE STREET LIGHTS THAT RUN DAISY CHAIN ACROSS THE FRONT EASMENT)</p> <p>No Conflict - The KY811 member has no facilities in the area of excavation described. (SPOKE WITH CONTACT, DIGGING IS ON THE HOUSE SIDE OF METER BOX. MAIN IS ACROSSTHE STREET.)</p>
METRONET FIBER NETWORK	0700	COMMUNICATIONS	<p>No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/08/25 14:47 UPON ARRIVAL CHECKED PRINTS AND VERIFIED WITH A 360 THAT ALL LINES ARE RUNNING OUTSIDE THE SCOPE OF THE TICKET EXCEPT THE STREET LIGHTS THAT RUN DAISY CHAIN ACROSS THE FRONT EASMENT)</p>
COLUMBIA GAS	2621	PIPELINE	<p>Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if</p>

WINDSTREAM KENTUCKY INC

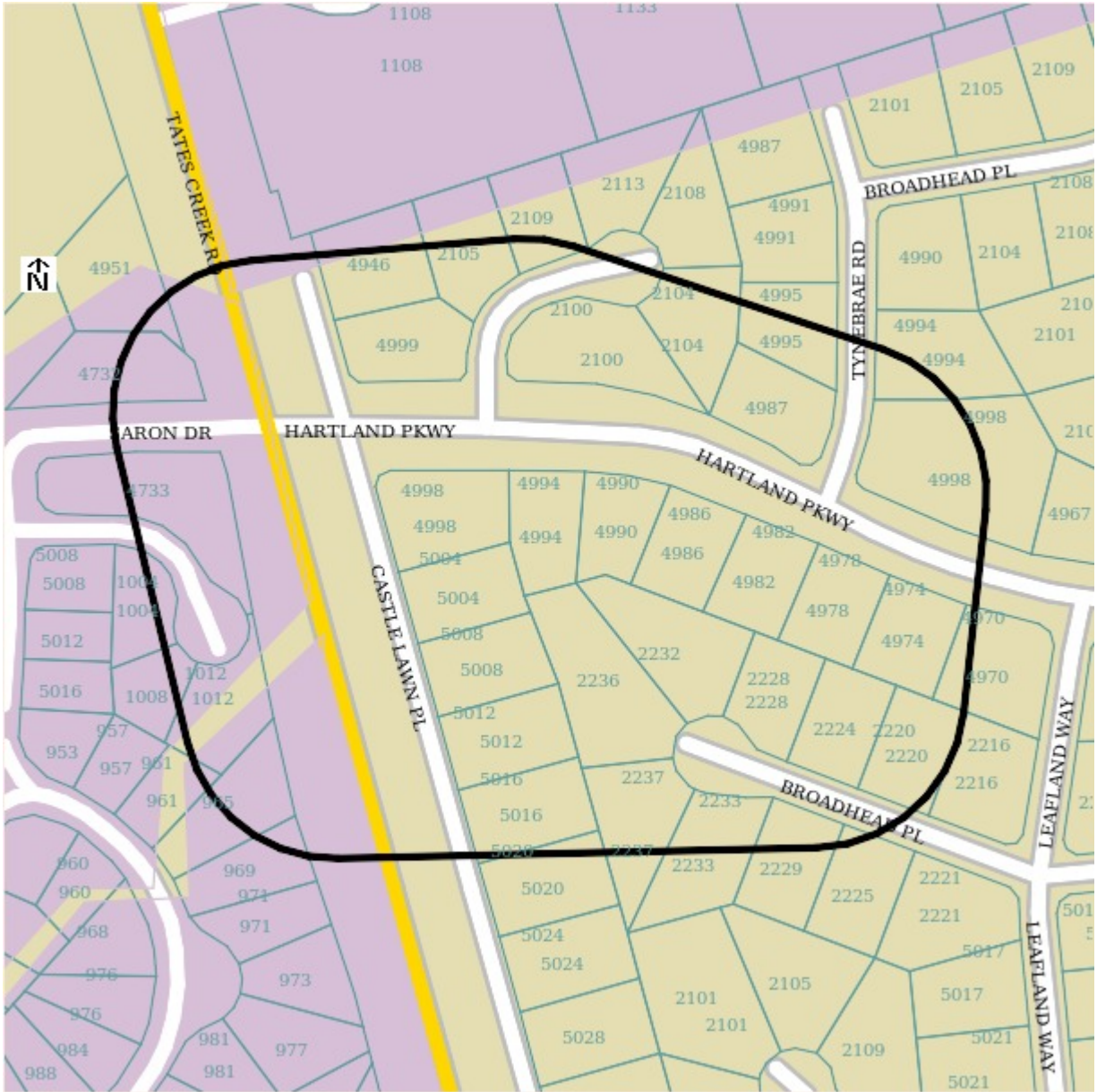
WINKY

TEL

marks are not complete and accurate.

No Conflict - The KY811 member has no facilities in the area of excavation described.

Map



# Attachment 3



## Tout, Eric V (PSC)

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**From:** Rice \ James \ D <jamesrice@nisource.com>  
**Sent:** Tuesday, August 1, 2023 4:38 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 55007, 8/26/2022, 4990 Hartland Py., Lexington, Fast Flow Plumbing  
**Attachments:** KY22-1113 Claim itemization.pdf; KY22-1113 Claim letter.pdf; 4990 Hartland Pk - Lex - Other insufficient excav pract.pdf; 4990 Hartland Pk - Pics.pdf; KY22-1113 Claim invoice.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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### This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hi Eric,

See attached.

-james

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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Tuesday, August 1, 2023 6:59 AM  
**To:** Rice \ James \ D <jamesrice@nisource.com>  
**Subject:** 55007, 8/26/2022, 4990 Hartland Py., Lexington, Fast Flow Plumbing

**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](mailto: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:** 08/26/2022

**Time:** 11:18 AM

**JO #:** 22-1270610-00

### **Incident Location**

**Address:** 4990 Hartland Py

**City:** Lexington

**County:** Fayette

**Zip:** 40515

**# Cust. Lost:** 1

**Was gas released into the atmosphere?** Y

**Locate Request Ticket Number:** 2208251361

### **Excavator Information**

**Excavator Type:** Contractor

**First Name:** Mitch

**Last Name:** Estes

**Company:** Fast Flow Plumbing

**Phone:** 859-756-3508

**Email:**

**Address:** 1095 Majaun Rd, Suite A

**City:** Lexington

**State:** KY

**Zip:** 40511



## **Incident Details**

**KY PSC - Cause of Damage:** Other insufficient excavation practices

**Columbia DIMP Root Cause:** Excavator Error/Exercise reasonable care

**Description of Incident:** Fast Flow Plumbing struck a plastic one inch natural gas service line with mechanized equipment.

**Full details such as the cause:** Fast Flow Plumbing was working in an area with a locate ticket. While installing a water line, Fast Flow Plumbing struck a plastic one inch natural gas service line with mechanized equipment (backhoe) causing damage to the accurately marked service line.

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

**Cost of the damage:** \$5,000

**Steps taken to prevent re-occurrence:** CKY employees advised Fast Flow Plumbing of the KY 811 Dig Law, and to use caution within the tolerance zone of a marked facility.

**Amount billed to excavator:** \$5,000





MARK

MARK  
↓

DAMAGE  
↓

6 1 18 2 30 3

# Columbia Gas/NiSource

## INVOICE

**CLAIM NO.:** KY22-1113

**JOB ORDER NO.:** 22-1270610-00

**DATE:** November 07, 2022

**MRA ACCOUNT NUMBER:** 21300525-000-001-0

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

Fast Flow Plumbing, LLC  
1095 Majaun Rd Ste A  
Lexington, Kentucky 40511

Columbia Gas / NiSource  
3101 N. Ridge Rd. E.  
Lorain, Ohio 44055  
ATTN: Damage Prevention Support

AMOUNT DUE

\$5,855.05

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 08/26/2022 in the vicinity of 4990 Hartland Py, Lexington, Kentucky 40515.

ITEMS	AMOUNT
Labor	\$3,232.10
Materials	\$267.93
Equipment	\$2,162.78
Gas Loss	\$176.16
Contracted Fees	\$0.00
Taxes	\$16.08
<b>TOTAL EXPENSE</b>	<b>\$5,855.05</b>

Notes:

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



Know what's below.  
Call before you dig.

# Columbia Gas/NiSource

## INVOICE

**CLAIM NO.:** KY22-1113

**JOB ORDER NO.:** 22-1270610-00

**DATE:** November 07, 2022



**Columbia Gas of Kentucky, Inc.  
Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

11/07/2022

(440)420-2717

Fast Flow Plumbing, LLC  
1095 Majaun Rd Ste A  
Lexington, Kentucky 40511

Re: Our Claim: KY22-1113

Fast Flow Plumbing, LLC,

Enclosed is the break down of the labor, material and equipment you requested for the above mentioned facility damage claim.

LABOR: 7 employees = 17 hours & 33 minutes @ regular time; 21 hours & 01 minutes @ time and a half

MATERIAL: (1) reducer, (1) sf coupling, (1) wall bracket, (1) curb box, 55 feet plastic pipe, (1) curb valve, (1) flex riser, (1) meter set

EQUIPMENT: Truck time = 36 hours & 19 minutes  
General Equipment time = 11 hours & 38 minutes  
Damage Processing fee = \$315.00

GAS LOST: Figured using the Spitzglass formula = Gas blowing on a medium pressure line for 1 hour & 22 minutes = 24.4 MCF lost

We trust the information contained herein is sufficient to expedite your payment immediately.

Thank you,

Nicole Gillette  
Facility Damage Coordinator  
ngillette@nisource.com





**Columbia Gas of Kentucky, Inc.  
Damage Prevention Support**

3101 N Ridge Road E  
Lorain, Ohio 44055

11/07/2022

(440)420-2717

Fast Flow Plumbing, LLC  
1095 Majaun Rd Ste A  
Lexington, Kentucky 40511

Re: Our Claim: KY22-1113

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$5,855.05, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 4990 Hartland Py, Lexington, Kentucky 40515. Our reports indicate that our facilities were damaged on 08/26/2022, due to failure to exercise reasonable care

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. 2024-00046 DATED MAR 04 2024

### **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. 2024-00046 DATED MAR 04 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

FAST FLOW PLUMBING, LLC	)	
	)	
_____	)	
PRESUNTA INFRACCIÓN DE LA LEY DE	)	CASO NO.
PREVENCIÓN DE DAÑOS EN INSTALACIONES	)	2024-00046
SUBTERRÁNEAS	)	

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

Fast Flow Plumbing, LLC 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>2</sup> Una audiencia sobre este caso tendrá lugar el 26 de abril de 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 de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

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<sup>2</sup> KRS 367.4901 a KRS 367.4917.

por la primera infracción, no más de 1,000 dólares por la segunda infracción en el plazo de un año, y no más de 3,000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1,000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Fast Flow Plumbing 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 Fast Flow Plumbing 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. Fast Flow Plumbing 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. Fast Flow Plumbing comparecerá el 26 de abril de 2024, a las 9 a.m., hora estándar del este, 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 26 de abril de 2024 se llevará a cabo por videoconferencia.

4. Fast Flow Plumbing 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. Fast Flow Plumbing notificará a la Comisión, al menos diez días antes de la audiencia, si Fast Flow Plumbing 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 55007, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 26 de abril de 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

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Presidente

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Vicepresidente

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Comisionado/a

HACE CONSTAR:

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Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00046 FECHADO

VEINTE PÁGINAS A SEGUIR

## APÉNDICE B

### APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00046 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](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.

\*FAST FLOW PLUMBING, LLC  
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Lexington, KENTUCKY 40509